

IN THE COURT OF MAGISTRATES (MALTA)

AS A COURT OF CRIMINAL JUDICATURE

MAGISTRATE

DR. ANTHONY J. VELLA BA., LL.D., MA

TODAY 21st January 2016

Police Inspector Joseph Mercieca & Spiridione Zammit

VS

Abubakar Ibrahim Jabril

The Court;

After seeing the charges brought against Abubakar Ibrahim Jabril, 29 years, son of Jabril and fatih nee' Yacoub, born in Niger in the 11th February, 1985, and residing atno. 87, Flat G, Triq il-Palazz l-Antik tal-Gvernatur, Birgu, holder of Maltese id. Card no. 83283A;

With having on the 25th May, 2014 at about 8 p.m., as well as before and after the given time, in these islands:

- 1) With intent to harm any person/s, accused such person/s before a competent authority with an offence of which he knew such person/s to be innocent, which false accusation carried a punishment which exceeded a term of two years imprisonment and which crime was

committed with intent to extort money to the detriment of Salvatore Caschetto;

- 2) Fraudulently caused any fact or circumstances to exist, or to appear to exist, in order that such fact or circumstance may afterwards be proved in evidence against another person/s with intent to procure such other person/s to be unjustly charged with, or convicted of, any offence;
- 3) Laid before the Executive Police an information regarding an offence knowing that such offence has not been committed, or falsely deviced the traces of an offence in such manner that criminal proceedings may have been instituted in order to ascertain such an offence.

Considers;

The facts of the case are, briefly, the following. The accused had filed a report with the police that on the day in question he had been attacked by a person of Italian nationality. This person had requested that the accused pay him a sum of money, and brandished a weapon against him, insisting that the money be paid. The Police carried out their investigations and uncovered the identity of the Italian national, whose name was Salvatore Caschetto. This man was questioned by the Police, and while he admitted confronting the accused and asking for a sum of money he had lent him some time earlier, he denied having in his

possession a firearm of any sort. The Police went back to the accused to see which version of events was correct, and after having interrogated him, arraigned him under arrest and charged him with filing a false report against Caschetto.

The Court heard all the evidence brought before it, and finds that the Prosecution proved their case against the accused beyond reasonable doubt. Jabril chose not to testify in Court, and submitted no evidence in his defense. All there is in the acts of the proceedings is the statement released by him on the 26 May 2014, the day after he filed the report against Caschetto. He confirmed having been attacked by the Italian and having a gun waved at him. However, his version of events was not corroborated by anyone. The eyewitnesses who saw the event occur did not confirm this story. On the contrary, the Niger national who was with Jabril testified that he saw no gun or other weapon being waved in his friend's face. Moreover he did not recognize Caschetto as the man who assailed him. No other witness saw any firearm in the whole incident.

Salvatore Caschetto testified in Court and stated that he had known the accused for some time. A few weeks before the incident, he had lent Jabril a sum of money, but never got it back, even after having requested it several times from him. It was for this reason that he went with his brother Giorgio and found Jabril with another Niger national and demanded the money back. Caschetto denied ever having a gun or pistol or any other weapon, but admitted he was angry at the accused and demanded his money back rather forcefully, without, however, committing any offence against Jabril.

It appears very clear to the Court that the persons who approached Jabril and asked for a sum of money to be paid had no firearms or weapons on them. All the evidence submitted before this Court points to a false report lodged by Jabril, presumably to try and take advantage of the fact that he had borrowed some money from Caschetto some weeks earlier and did not repay it. For these reasons the Court is finding the accused guilty as charged.

After having seen Articles 101(1)(a) and (2), 108, 109, 110(1) and (2) of Chapter 9 of the Laws of Malta;

After having heard the evidence and the documents exhibited;

The Court finds the said accused guilty and acquits him under the condition that he doesn't commit any offences within three years from today in terms of Article 22 of Chapter 446 of the Laws of Malta.

The Court explained in clear words the terms of the judgement to the accused.

DR. ANTHONY G. VELLA BA., LL.D., MA
MAGISTRATE