



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

**MAGISTRATE DR.
SAVIOUR DEMICOLI**

Sitting of the 13 th November, 2007

Number 1361/2007

**The Police
(Inspector Ian Joseph Abdilla)**

vs

MADEH BEJAOU

The Court,

Seen the charges brought against Madeh Bejaoui (22 years, daughter of Salem and Khadija nee' Bouchiba, born in Belfort on the 7th May 1985 and residing at Number 24, Ryhope Road, London. Holder of French Passport bearing number 05RR55432, issued on the 20th May 2005 charged:

A. with having, on these Islands, on the 4th of November 2007 and in the preceding weeks, in various parts of Malta and outside Malta, by means of several acts committed by the accused, even if at different times, which acts constitute violations of the same provisions of the law;

1. for having, promoted, constituted, organized or financed an organisation of two or more persons with a view to commit criminal offences liable to the punishment of imprisonment for a term of four years or more;

(This in breach of Sections 18 and 83A (1), (4) and (5) of Chapter 9 of the Laws of Malta)

2. for having, made part or belonged to an organisation referred to in Subarticle (1) of Article 83A of Chapter 9 of the Laws of Malta;

(This in breach of Sections 18 and 83A (2), (4) and (5) of Chapter 9 of the Laws of Malta)

3. for having, in Malta conspired with one or more persons in Malta or outside Malta for the purpose of committing any crime in Malta liable to the punishment of imprisonment, not being a crime in Malta under the Press Act;

(This in breach of Sections 18 and 48A of Chapter 9 of the Laws of Malta)

B. furthermore, the accused is being charged with having, on these Islands, on the 4th of November 2007 and in the preceding weeks, in Malta, by means of several acts committed by the accused, even if at different times, which acts constitute violations of the same provisions of the law;

1. with having, by means of any unlawful practice, or by the use of any fictitious name, or the assumption of any false designation, or by means of any other deceit, device or pretence calculated to lead to the belief in the existence of any fictitious enterprise or of any imaginary power, influence or credit, or to create the expectation or apprehension of any chimerical event, made a gain of more than LM1,000.00 to the detriment of HSBC Bank Malta plc. and Bank of Valletta Limited;

(This in breach of Sections 18, 308, 309, 310 of Chapter 9 of the Laws of Malta);

2. with having, knowingly made use of any of the false acts, writings, instruments or documents mentioned in Article 184 of Chapter 9 of the Laws of Malta;

(This in breach of Sections 18 and 184 of Chapter 9 of the Laws of Malta)

3. with having committed any other kind of forgery, or knowingly made use of any other forged document;

(This in breach of Sections 18 and 189 of Chapter 9 of the Laws of Malta)

The Court has been kindly requested to apply mutatis mutandis the provisions of Article 5 of the Money Laundering Act, Chapter 373 of the Laws of Malta, as per Section 23A (2) of Chapter 9 of the Laws of Malta.

The Court has also been kindly requested that in case of a finding of guilt of the accused, apart from inflicting the punishment prescribed at Law, also orders the forfeiture of all the objects exhibited in these proceedings.

The Court has also been kindly requested that, in pronouncing judgement or in any subsequent order, sentence the person/s convicted, jointly or severally, to the payment, wholly or in part, to the Registrar, of the costs incurred in connection with the employment in the proceedings of any expert or referee, within such period and in such amount as shall be determined in the judgement or order, as per Section 533 of Chapter 9 of the Laws of Malta.

Heard evidence.

Seen the acts of the Case and the exhibited documents.

Noted that in today's Sitting Prosecuting Officer declared that charge A. 1. has been given as an alternative charge to charge A. 2. and consequently requested the Court to abstain from taking further cognizance of charge A. 1. Moreover same Prosecuting Officer declared that charge B. 3. has been given as an alternative charge to charge B. 2. and consequently requested the Court to abstain from taking further cognizance of charge B. 3. Furthermore

same Prosecuting Officer declared that the Prosecution is withdrawing its request in the Citation made in terms of the provisions of Article 5 of the Money Laundering Act, Chapter 373 of the Laws of Malta, as per Section 23A(2) of Chapter 9 of the Laws of Malta.

Also noted that in today's Sitting accused in the presence of her lawyer declared that she is pleading guilty to charges A. 2., A. 3., B. 1. and B. 2. brought against her.

The Court warned the accused, in the presence of her lawyer, in the most solemn manner as to the consequences of her admission of guilt and gave her some time to decide whether to confirm her admission of guilt or not, and having been asked, in the presence of her lawyer, whether she confirms her admission of guilt or not, the accused, in the presence of her lawyer, confirmed that she is pleading guilty to charges A.2., A. 3., B. 1. and B. 2. brought against her.

Noted that in today's Sitting Prosecuting Officer declared that accused co-operated fully with the Police. Same Prosecuting Officer declared that since the Prosecution has not exhibited any objects which are subject to forfeiture by the Court, the Court should abstain from taking further cognizance of this request made by the Prosecution in the Charge. Furthermore same Prosecuting Officer declared that since no expenses were incurred in terms of Section 533 of Chapter 9 of the Laws of Malta, the Court should abstain from taking further cognizance of this request made by the Prosecution in the Charge.

Heard submissions on punishment made by the Prosecution and Defence.

Seen articles 17, 18, 31, 83A(2), (4) and (5), 48A, 308, 309, 310 and 184 of Chapter 9 of the Laws of Malta.

Taking into consideration that accused Madeh Bejaoui pleaded guilty to charges A.2., A.3., B.1. and B.2. brought against her, the Court has no alternative but to find said

accused guilty of the said charges brought against her and having considered all the circumstances of the case including on the one side that in today's Sitting Prosecuting Officer declared that accused co-operated fully with the Police and the fact that accused pleaded guilty to the said charges at an early stage of the Case, and on the other side considering the gravity of the charges brought against accused, to which she pleaded guilty, condemns accused Madeh Bejaoui to a period of fifteen (15) months imprisonment.

With reference to charges A.1. and B.3. brought against accused, considering what has been stated and requested by the Prosecuting Officer in today's Sitting (Vide supra in this Judgement) as regards to these two charges, the Court abstains from taking further cognizance of said charges A.1. and B.3.

Furthermore considering what has been stated and requested by the Prosecuting Officer in today's Sitting as regards the request made by the Prosecution in the charge for the Court to order the forfeiture of all the objects exhibited in these proceedings, and also as regards the request made by the Prosecution in the Charge in terms of Sections 533 of Chapter 9 of the Laws of Malta (Vide supra in this Judgement), the Court abstains from taking further cognizance of these two requests relating to the forfeiture of all the objects exhibited in these proceedings and of giving an order in terms of Section 533 of Chapter 9 of the Laws of Malta.

The Court in virtue of Section 392A(2) of Chapter 9 of the Laws of Malta, orders that a copy of this Judgement and all the acts of this Case be transmitted to the Attorney General within the time prescribed by Law.

< Final Judgement >

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