



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

**MAGISTRATE DR.  
GABRIELLA VELLA**

Sitting of the 23<sup>rd</sup> February, 2011

Number 341/2011

**The Police  
(Insp. Geoffrey Azzopardi)**

**Vs**

**Akilu Abdel Rauf**

**The Court,**

After having seen the charges brought against Akilu Abdel Rauf, twenty five (25) years of age, son of Abdel Rauf and Zeinab, born in Sudan on the 1<sup>st</sup> January 1986 and residing at No.1, Triq il-Mastrudaxxa, Santa Venera, holder of Passport Number 9006327, of having on the 18<sup>th</sup> February 2011 and in the preceding weeks in Malta:

1. 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 contrary to the law on entry, residence and exit of that State, in violation of Article 32 (1) (a) of Chapter 217 of the Laws of Malta;

2. transferred to another person a passport, that is, an Alien's passport no 9006327, issued to him by a competent authority, in violation Article 3(a) of Chapter 61 of the Laws of Malta; and

3. moreover of having on the 19<sup>th</sup> February 2011 in Malta knowingly made a false declaration or statement, or given false information, in any document intended for any public authority, in order to gain any advantage or benefit for himself or others, in violation of Article 188 of Chapter 9 of the Laws of Malta.

After having examined all documents submitted and forming part of the proceedings, including the conviction sheet of the accused, a statement submitted by the accused, the consent by the Attorney General for these proceedings to be dealt with summarily and the passport of the accused;

After having considered that the Prosecuting Officer Inspector Geoffrey Azzopardi withdrew the first charge brought against the accused;

After having heard the accused plead guilty to the second and third charges brought against him notwithstanding the fact that the Court in terms of Section 453(1) of Chapter 9 of the Laws of Malta, warned him in the most solemn manner of the legal consequences of his guilty plea after having given him sufficient time within which to reconsider and withdraw his guilty plea;

In the light of the withdrawal by the Prosecution of the first charge brought against the accused the Court shall not consider any further said charge but in the light of the guilty plea submitted by the accused with regards to the second and third charges brought against him, the Court has no alternative but to find the accused guilty of said second and third charges brought against him;

With regards to the punishment the Court heard submissions by the Prosecuting Officer and Defense Counsel and took into consideration the seriousness of the offences with which the accused is being charged, the fact that the accused abused the trust laid in him by the Maltese State with the issue of a passport in his name and the fact that the accused filed a false report, but it also took into consideration the fact that the accused has a clean conviction sheet and that his actions were not dictated by an intention to ignore and disrespect the Laws of Malta but he acted out of a sense of friendship towards the person to whom he gave his passport and it also took into account the fact that the accused submitted an early guilty plea;

Therefore whilst not considering the first charge brought against the accused since the same has been withdrawn by the Prosecution, after having seen and considered Section 3(a) of Chapter 61 of the Laws of Malta and Section 188 of Chapter 9 of the Laws of Malta, the Court finds the accused guilty of the second and third charges brought against him and condemns him to eighteen (18) months imprisonment however, since the Court is of the opinion that there are sufficient reasons which warrant that the said term of imprisonment be suspended, in terms of Section 28A of Chapter 9 of the Laws of Malta, suspends the said term of eighteen (18) months imprisonment for a period of four (4) years from date of this judgment;

In terms of Section 28A(4) of Chapter 9 of the Laws of Malta the Court has explained to the accused in plain language his liability under Section 28B of Chapter 9 of the Laws of Malta if during the operational period he commits an offence punishable with imprisonment.

**< Final Judgement >**

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