



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

**MAGISTRATE DR.
JACQUELINE PADOVANI**

Sitting of the 9 th December, 2010

Number 1309/10

POLICE
INSPECTOR EDEL MARY CAMILLERI
VS
SUAN KETA
BENJAMIN KWASI
FANE OBAKASRE`

The Court,

Having seen the charges brought against the **accused Suan Keta and Fane Obakasre` only:**

Suan Keta of 22 years son of Suan and Dispasoko born on the 1/1/1988 in Mali, holder of police number 09F-12, Residing at Hal Far Open Centre, Hal Far Malta.

Benjamin Kwasi of 31 years son of Johnson and Jostina Flores born on the 1/01/1979 in Ghana, holder of police number 08TTT-80, Residing at Hal Far Open Centre, Hal Far Malta.

Fane Obakasre` of 18 years son of Fana Mohammad and Kadjan born on the 01/1/1992 in Ivory Coast, holder of police number 08CCC-013, Residing at Hal Far Open Centre, Hal Far, Malta.

And charge them all for having:

On the 8th December, 2010 and the months previous, while in 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, and this in violation of Article 32(1c) of Chapter 217 of the Laws of Malta.

And also charge Suan Keta and Benjamin Kwasi for having:

Under the same circumstances, they have committed any other kind of forgery, or knowingly made use of any other forged document, and this in violation of Articles 183, 184 and 189 of chapter 9 of the Laws of Malta.

And also charge Fane Obakasre` for having:

On the 8th December, 2010 and the months previous, having been in possession of a passport issued to another person and also received a passport transferred to him by any other person and this in violation of Article 3 of Chapter 61 of the Laws of Malta.

Therefore, requested that this case be dealt with according to the law.

Having seen the request of the Prosecution and the decree of this Court for judgment of the accused Keta and Obakasre' to be given separately;

Having heard the evidence tendered on oath;

Having seen the record of the proceedings;

Informal Copy of Judgement

Having heard the plea of guilt registered by the accused Keta and Obakasre’;

Having heard the confirmation of the plea of guilt, after that the Court accorded a reasonable time for reconsideration.

Having heard the oral submissions

Deliberates:

On the strength of the registration of a guilty plea by both accused, the Court finds the accused Suan Keta and Fane Obaskasre` guilty as charged and after having seen article 3(b), 4 of Chapter 31 of the Laws of Malta, Article 183, 184, 189 and 28 A of Chapter 9 of the laws of Malta and Article 32 (1)(c) of Chapter 217 of the Laws of Malta condemns the accused Keta and Obakasre’ to 9 months imprisonment suspended for two years.

The Court explained the consequences of a suspended Sentence to the accused in a manner to ensure that he fully understood the repercussions thereof.

This punishment was awarded after the Court took in to consideration the fact that the accused was a first offender, that they registered a guilty plea in the early stages of the proceeding and in view of all the circumstances of the case. In these circumstances the Maltese Courts do not ordinarily inflict imprisonment as the punishment due, but rather award an alternative punishment. Punishment of incarceration in this case, in the light of all the circumstances, may be interpreted as discriminatory on the basis of status, race and colour of the accused, discrimination which may in no way be inflicted by a Court of Law.

< Final Judgement >

-----END-----