



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

**MAGISTRATE DR.
JACQUELINE PADOVANI**

Sitting of the 31 st December, 2010

Number 1454/2010

**POLICE
INSPECTOR MARIO HABER
VS
MAMADI SAKINE**

The Court,

Having seen the charges brought against the accused Mamadi Sakine, Mali National born in Bamako, in 1983, son of Bambu and Musu, holder of Police Number 08JJ-042;

And charge him with having in a date not known before 29th December 2010, as a person landing or embarking in or from Malta, failed to be in possession of a passport and failed to provide the Principal Immigration Officer the prescribed information and such other information that the Principal Immigration Officer may deem proper to require (Chap.217, Sec.28 of the Laws of Malta);

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Having heard the evidence tendered on oath;

Having seen the consent of the Attorney General and that of the accused for summary proceedings;

Having seen the record of the proceedings;

Having heard the plea of guilt registered by the accused;

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 the accused, the Court finds the accused Mamadi Sakine guilty as charged and after having seen Article 28 of Chapter 217 of the Laws of Malta and Article 28 A of Chapter 9 of the Laws of Malta condemns the accused Sakine to six (6) months imprisonment suspended for one (1) year.

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.

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< Final Judgement >

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