



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

**MAGISTRATE DR.
JACQUELINE PADOVANI**

Sitting of the 15 th April, 2011

Number 511/2011

**POLICE
INSPECTOR GEOFFREY AZZOPARDI
VS
AHMED ABDI JAMA**

The Court,

Having seen the charges brought against the accused Ahmed Abdi Jama, 27 years, son of Abdi Jama and Haweya Bile Mohammed, born in Somalia on the 1st January 1984 and residing at Hal Far Tent Village, Hal Far, holder of Police number 09H-026.

Charged with having on the 14th April 2011 and in the prior months, embarked from Malta without being in possession of a passport and without furnishing the Principal Immigration Officer the prescribed information and such other information as the Principal Immigration

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Officer might have deemed proper to require, in terms of Art 28 of Chapter 217 of the Laws of Malta.

Having heard the evidence tendered on oath;

Having heard the guilty plea registered by the accused;

Having heard the confirmation of the said guilty plea by the accused after the Court accorded the accused a reasonable time for reconsideration;

Having seen the record of the proceedings;

Having heard the oral submissions of the parties;

Deliberates:

On the strength of his own guilty plea, the Court finds the accused **Ahmed Abdi Jama** guilty as charged and after having seen article 28 of Chapter 217 of the Laws of Malta, Article 28 A of Chapter 9 of the laws of Malta condemns the accused **Ahmed Abdi Jama** to six (6) 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

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the accused, discrimination which may in no way be inflicted by a Court of Law.

< Final Judgement >

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