



**QORTI TAL-MAGISTRATI (MALTA)
BHALA QORTI TA' GUDIKATURA KRIMINALI**

**MAGISTRAT DR.
MARSEANN FARRUGIA**

Seduta tal-21 ta' Jannar, 2013

Numru 61/2013

**The Police
(Insp Mario Haber)**

vs.

Hassan Mohammed

The Court,

Having seen the charges brought against Hassan Mohammed, 21 years of age, Somali national, born in Mogadishu Somalia on the 4th June 1991, son of Hassa and Duniyu, known with police number 12G-059.

And

Ahmed Malil Nour, 22 years of age, Somali national born in Mogadishu Somalia on the 22nd December 1990, son of Malil and Mariam, known with Police number 12E-035.

Charged with having on the 20th January 2013 and in the previous days in Malta while having in their possession Passports issued by a competent authority, that is a Maltese Alien's Passport and an Italian Alien's Passport in the names of Abdulahi Jiinow Adow bearing number 600400 and Abdimujid Osman Mahamud bearing number 9010461 respectively, had transferred these documents to another person or received these documents which were transferred to them by another person (Cap 61, Sect 3 of the Laws of Malta)

And charged also with having on the same date, time and circumstances made use or attempted to make use of Passports, issued to another person, that is the mentioned document (Cap 61, Sec 4 of the Laws of Malta)

And charged also with having on the same date, time and circumstances made false returns, false returns, false statements or false representations to the Principal Immigration Officer (Cap 217, Sec 32 (1c) of the Laws of Malta).

After having heard the accused plead guilty to the charges at an early stage of the proceedings, which admission was confirmed by the same accused even after the Court, in terms of Section 453(1) of Chapter 9 of the Laws of Malta, warned him of the legal consequences of that admission, and allowed him sufficient time to re-consider his reply, and to change it;

After having heard the oral submissions on the punishment;

Considered that:

From the evidence brought forward and from the guilty plea filed by the accused himself, the Court concludes that the accused is guilty of the charges laid against him.

As regards the punishment, the Court took into consideration the fact that the accused admitted to the charges at a very early stage of the proceedings and the fact that they co-operated with the police.

Kopja Informali ta' Sentenza

As the Court of Criminal Appeal held in the case 'The Police vs David Abekunde et' decided on the 9th June 2009, *"The Court must make it absolutely clear at the outset that it considers border security to be a very important and a very serious matter, and that any attempt to bypass, breach or otherwise circumvent such security by means which are illegal must consequently be regarded as a very serious offence..... This Court is of the view that as a general rule, such cases should be met with a prison sentence with immediate effect..."*

The Court, after seeing Sections 3 and 4 of Chapter 61, and Section 32(1)(c) of Chapter 217 of the Laws of Malta, finds the accused guilty as charged, and condemns them to six (6) months effective imprisonment.

< Sentenza Finali >

-----TMIEM-----