



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

**MAGISTRAT DR.  
MARSEANN FARRUGIA**

Seduta tat-28 ta' Jannar, 2013

Numru 78/2013

**The Police  
(Insp Jeanne Farrugia)**

**vs.**

**Bishar Farah Hagar  
Abdirizak Yussuf Ahmed  
Adnan Ahmed Abdalla  
Mohamed Qadar Mohamud Abdulle  
Saido Osman Ali**

Thr Court,

Having seen the charges laid against

Bishar Farah Hagar, 21 years, son of Farah and Abdia Omar, born in Somalia on the 10th January 1992, who resides at Marsa Open Centre, holder of identity card number 83249(A) and Police number 12J-086.

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And

Abdirizak Yussuf Ahmed, 23 years, son of Yussuf and Fatuma Shikh Shablo, born in Somalia on the 1st January 1990, who resides at Marsa Open Centre, holder of identity card number 83255(A) and Police number 12J-079.

And

Adnan Ahmed Abdalla, 22 years, son of Ahmed and Milgo Awil, born in Somalia on the 1st March 1990, who resides at Hangar Open Centre, Hal Far, holder of identity card number 83375(A) and Police number 12Q-065.

And

Mohamed Qadar Mohamud Abdulle, 19 years, son of Mohamud and Sadia Ali, born in Somalia on the 17th February 1993, who resides at Hangar Open Centre, Hal Far, holder of identity card number 82366(A) Police number 12H-071.

And

Saido Osman Ali, 22 years, daughter of Osman and Faduma Abuker, born in Somalia on the 1st January 1991, who resides at Hal Far Tent Village, Hal Far, holder of identity card number 81079(A) and Police number 12L-037

Charged with having on the 27th January 2013 in Malta, made use or attempted to make use of passports issued to other persons in violation of Article 4 of Chapter 61 of the laws of Malta.

Charged also with having on the same date, time and circumstances made a false return, a false statement or a false representation to the Principle Immigration Officer in violation of Article 32(1) (c) of Chapter 217 of the Laws of Malta.

After having heard the evidence and seen all the records of the case and documents submitted including the consent of the Attorney General so that this case is dealt with summarily, and after having heard the accused declare that they have no objection that the case is so dealt with.

After having heard the accused plead guilty to the charge 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 them of the legal consequences of that admission, and allowed them sufficient time to re-consider their 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 themselves, the Court concludes that the accused are guilty of the charges laid against them.

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.

As the Court of Criminal Appeal held in the case 'The Police vs David Abekunde et' decided on the 9<sup>th</sup> 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..."*

However in the case of Saido Osman Ali, the Court is also going to take into consideration the fact that she is pregnant.

The Court, after seeing Section 4 of Chapter 61 of the Laws of Malta and Article 32(1)(c) of Chapter 217 of the Laws of Malta finds the accused guilty as charged, and condemns Bishar Farah Hager, Abdirizak Yussuf Ahmed,

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Adnan Ahmed Abdalla and Mohamed Qadar Mohamud Abdulle to six (6) months effective imprisonment.

In the case of Saido Osman Ali, the Court is condemning her to 6 months imprisonment suspended for two years in terms of Section 28A(1) of Chapter 9 of the Laws of Malta.

In terms of Section 28A(4) of Chapter 9, the Court explained to Saido Osman Ali in simple terms the consequences if she commits another offence during the operative period of this suspended sentence.

**< Sentenza Finali >**

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