



## **Criminal Court**

**Hon. Madame Justice Dr. Edwina Grima LL.D.**

Bill of Indictment Nr. 21/2012

The Republic of Malta

Vs

Mamadi Keita

Today the 6th April, 2016

The Court,

Having seen the bill of indictment number 12 of the year 2012, brought against Mamadi Keita, holder of Maltese Identity Card Number: 54627A, whereby in the first count the Attorney General premised:

That on the 19<sup>th</sup> October 2011, the accused Mamadi Keita came to Malta from Sicily with the Virtue Ferry. At the Seaport he was stopped by the Police to clear his passport but after a couple of questions the accused ran away carrying with him a blue suitcase and a bag pack. A pursue begun which ended up in the arrest of accused by the Police a few minutes later in Spencer Hill Marsa. In the chase, the accused managed to get rid of the suitcase but it was retrieved the day after that is, on the 20<sup>th</sup> October 2011 by the Police when patrolling the same area.

That in this blue suitcase the Police found two sealed bags suspected to be containing cannabis grass. This suspicion was later on confirmed by a court expert. In fact, when this substance was scientifically analyzed it resulted to be crashed cannabis plants, the total weight of which was 879 grams. The purity of the tetrahydrocannabinol found in the cannabis plant was 9.3% and its retail price amounted to 11,427 Euro.

Confronted with these facts, the accused Mamadi Keita decided to collaborate with the Police.

Mamadi Keita admitted that while he was waiting in Pozzallo's terminal he was approached by a male person (which probably in the opinion of the accused was a Maltese national) who invited him to import drugs in Malta. Such person told him that the drugs were hidden in a blue suitcase and if he accepted to carry such suitcase to Malta he was willing to pay him 300 Euro. The accused Mamadi Keita told him that he was interested to carry the drugs but due to the risk involved he wanted 500 Euro. This person agreed to pay such sum as soon as the accused Mamadi Keita returned back the suitcase when both were safe in Malta. Having agreed on the sum of money and the manner in which the accused had to deliver back the suitcase, the accused took the blue suitcase and embarked the Catamaran to come to Malta.

Fortunately the Police disrupted this plan when they stopped the accused at the Sea Terminal.

By committing the abovementioned acts with criminal intent, the accused Mamadi Keita, rendered himself guilty of conspiracy for the purpose of selling or dealing in a drug in these Islands in breach of the provisions of the Dangerous Drugs Ordinance or for having promoted, constituted, organized or financed the conspiracy.

Wherefore, the Attorney General, in the name of the Republic of Malta, on the basis of the facts and circumstances narrated above, accuses Mamadi Keita of being guilty of having, on the 19<sup>th</sup> October 2011, with criminal intent, with another one or more persons in Malta, or outside Malta, conspired for the purpose of selling or dealing in

a drug (cannabis) in the Maltese Islands against the provisions of the Dangerous Drugs Ordinance (Chapter 101 of the Laws of Malta) or by promoting, constituting, organizing or financing such conspiracy; and demands that the accused be proceeded against according to law, and that he is sentenced to the punishment of imprisonment for life and to a fine of not less than two thousand and three hundred and twenty-nine euro and thirty-seven cents (€2,329.37) but not exceeding one hundred and sixteen thousand and four hundred and sixty-eight euro and sixty-seven cents (€116,468.67) and the forfeiture in favour of the Government of Malta of the entire immovable and movable property in which the offence took place as described in the bill of indictment as is stipulated and laid down in articles 2, 7, 8(a),(b),(d),(e), 12, 15A(1),(2), 20, 22(1)(a),(f),(1A),(1B),(2)(a)(i),(3A)(a)(b)(c)(d),(7), 22A and 26 of the Dangerous Drugs Ordinance and of articles 17, 23, 23A, 23B, 23C and 533 of the Criminal Code or to any other punishment applicable according to law to the declaration of guilty of the accused.

In the second count the Attorney General premised:

That under the circumstances indicated in the first count of this Bill of Indictment that is, after having agreed with this unknown male person to import drugs in Malta, the accused **Mamadi Keita** arrived in Malta on the 19<sup>th</sup> October 2011 from Sicily with the Virtue Ferry. In side a blue suitcase the accused Mamadi Keita carried two sealed bags filled with crashed cannabis plants.

That the total weight of the cannabis grass was 879 grams. The purity of the tetrahydrocannabinol found in the cannabis plant was 9.3% and its retail price amounted to 11, 427 Euro.

The cannabis plant is a dangerous drug specified and controlled under the provisions of Part I and the First Schedule of the Dangerous Drugs Ordinance.

By committing the abovementioned acts with criminal intent, the accused Mamadi Keita rendered himself guilty of importing or cause to be imported or to take any steps preparatory to importing any dangerous drug (cannabis) into Malta in breach

of the provisions of the Dangerous Drugs Ordinance, Chapter 101 of the Laws of Malta.

Wherefore, the Attorney General, in the name of the Republic of Malta, on the basis of the facts and circumstances narrated above, accuses Mamadi Keita of being guilty of having, on the 19<sup>th</sup> October 2011, with criminal intent, imported or caused to be imported or taken any steps preparatory to importing any dangerous drug (cannabis) into Malta in breach of the provisions of the Dangerous Drugs Ordinance, Chapter 101 of the Laws of Malta and demands that the accused be proceeded against according to law, and that he be sentenced to the punishment of imprisonment for life and to a fine of not less than two thousand and three hundred and twenty-nine euro and thirty-seven cents (€2,329.37) but not exceeding one hundred and sixteen thousand and four hundred and sixty-eight euro and sixty-seven cents (€116,468.67) and the forfeiture in favour of the Government of Malta of the entire immovable and movable property in which the offence took place as described in the bill of indictment, as is stipulated and laid down in articles 2, 7, 8(a),(b),(e), 10(1), 12, 14(1),(5), 15, 15A, 20, 22(1)(a),(1B),(2)(a)(i),(3A)(a)(b)(c)(d)(7), 22A, 24A, and 26 of the Dangerous Drugs Ordinance and of articles 17, 23, 23A, 23B, 23C and 533 of the Criminal Code or to any other punishment applicable according to law to the declaration of guilty of the accused.

In the third count the Attorney General premised:

That under the circumstances indicated in the first count of the Bill of Indictment and specifically on the 19<sup>th</sup> October 2011, the accused Mamadi Keita landed in Malta in possession of two sealed bags containing crashed cannabis plants. The total weight of this cannabis grass was 879 grams. The purity of the tetrahydrocannabinol found in the cannabis plant was 9.3% and its retail price amounted to 11, 427 Euro. Furthermore, the cannabis grass was not intended for his personal use but to be passed on to another person in Malta.

That the cannabis plant is a dangerous drug specified and controlled under the provisions of Part I and the First Schedule, of the Dangerous Drugs Ordinance and

the accused was not authorized to be in possession of such dangerous drugs in terms of Law.

Consequently by committing the abovementioned acts with criminal intent, the accused Mamadi Keita rendered himself guilty of being in possession of a dangerous drug (cannabis) as specified in the First Schedule of the Dangerous Drugs Ordinance, Chapter 101 of the Laws of Malta when he was not in possession of an import authorization issued by the Chief Government Medical Officer in pursuance of the provisions of part III of the Ordinance, and when he was not licensed or otherwise authorized to manufacture or supply the mentioned drugs, and was not otherwise licensed by the President of Malta or authorized by the Internal Control of Dangerous Drugs Regulations (G.N. 292/1939) to be in possession of the mentioned drugs, and failed to prove that the mentioned drugs were supplied to him for his personal use, according to a medical prescription as provided in the said regulations and this in breach of the 1939 Regulations of the Internal Control of Dangerous Drugs (G.N. 292/1939) as subsequently amended by the Dangerous Drugs Ordinance, Chapter 101 of the Laws of Malta and which drug was found under circumstances denoting that it was not intended for his personal use.

Wherefore, the Attorney General, in the name of the Republic of Malta, on the basis of the facts and circumstances narrated above, accuses Mamadi Keita guilty of having, on the 19<sup>th</sup> October 2011 been in possession of a dangerous drug (cannabis) with criminal intent, as specified in the First Schedule of the Dangerous Drugs Ordinance, Chapter 101 of the Laws of Malta when he was not in possession of an import or an export authorization issued by the Chief Government Medical Officer in pursuance of the provisions of part III of the Ordinance, and when he was not licensed or otherwise authorized to manufacture or supply the mentioned drugs, and was not otherwise licensed by the President of Malta or authorized by the Internal Control of Dangerous Drugs Regulations (G.N. 292/1939) to be in possession of the mentioned drugs, and failed to prove that the mentioned drugs were supplied to him for his personal use, according to a medical prescription as provided in the said regulations and this in breach of the 1939 Regulations on the

Internal Control of Dangerous Drugs (G.N. 292/1939) as subsequently amended by the Dangerous Drugs Ordinance, Chapter 101 of the Laws of Malta and which drug was found under circumstances denoting that it was not intended for his personal use; demands that the accused be proceeded against according to law, and that he be sentenced to the punishment of imprisonment for life and to a fine of not less than two thousand and three hundred and twenty-nine euro and thirty-seven cents (€2,329.37) but not exceeding one hundred and sixteen thousand and four hundred and sixty-eight euro and sixty-seven cents (€116,468.67) and the forfeiture in favour of the Government of Malta of the entire immovable and movable property in which the offence took place as described in the bill of indictment, as is stipulated and laid down in articles 2, 7, 8(a),(b),(d), 10(1), 12, 14, 20, 22(1)(a),(2)(a)(i),(3A)(a)(b)(c)(d),(7), 22(A), and 26 of the Dangerous Drugs Ordinance, Chapter 101 of the Laws of Malta and of regulations 2, 8, 9 and 16 of the 1939 Regulations on the Internal Control of Dangerous Drugs (G.N. 292/1939) and of articles 17, 23, 23A, 23B, 23C and 533 of the Criminal Code or to any other punishment applicable according to law to the declaration of guilty of the accused.

Having seen the joint application of the Attorney General and accused Mamadi Keita, presented in the registry of this Court on the 29th March, 2016, whereby the applicants, while declaring that they have reached an agreement in terms of article 453A(1) of the Criminal Code, humbly requested this Court that in the event that Mamadi Keita admits all the charges proffered against him in the bill of indictment, the punishment to be awarded by this same honourable Court will consist of a term of imprisonment of six (6) years and the imposition of a fine of fourteen thousand Euros (€14,000) together with the other sanctions and consequences that are mandatory prescribed by Law upon conviction in terms of the provisions of the Dangerous Drugs Ordinance, Chapter 101 of the Laws of Malta, including the confiscation of any monies and other movable and immovable property of the accused in accordance to law.

Having seen all the records of the case, including those of the compilation of evidence before the Court of Magistrates (Malta) as a Court of Criminal Inquiry;

Having seen that in today's sitting the accused Mamadi Keita, in reply to the question as to whether he was guilty or not guilty of the charges preferred against him under the three counts of the Bill of Indictment, stated that he was pleading guilty thereto;

Having seen that this Court then warned the accused in the most solemn manner of the legal consequences of such statement and allowed him ample time to retract it, according to Section 453 of Chapter 9 of the Laws of Malta;

Having seen that the accused, after being granted such a time, persisted in his statement of admission of guilt;

Declares Mamadi Keita guilty of all three counts in the Bill of Indictment, namely that:-

1. **On the 19<sup>th</sup> October 2011, with another one or more persons in Malta, or outside Malta, conspired for the purpose of selling or dealing in a drug (cannabis) in the Maltese Islands against the provisions of the Dangerous Drugs Ordinance (Chapter 101 of the Laws of Malta) or by promoting, constituting, organizing or financing such conspiracy;**
2. **On the 19<sup>th</sup> October 2011, imported or caused to be imported or taken any steps preparatory to importing any dangerous drug (cannabis) into Malta in breach of the provisions of the Dangerous Drugs Ordinance, Chapter 101 of the Laws of Malta;**
3. **On the 19<sup>th</sup> October 2011 was in possession of a dangerous drug (cannabis), as specified in the First Schedule of the Dangerous Drugs Ordinance, Chapter 101 of the Laws of Malta when he was not in possession of an import or an export authorization issued by the Chief Government Medical Officer in pursuance of the provisions of part III of the Ordinance, and when he was not licensed or otherwise authorized to manufacture or supply the mentioned drugs, and was not otherwise licensed by the President of Malta or authorized by the Internal Control of Dangerous Drugs Regulations (G.N. 292/1939) to be in possession of the mentioned**

**drugs, and failed to prove that the mentioned drugs were supplied to him for his personal use, according to a medical prescription as provided in the said regulations and this in breach of the 1939 Regulations on the Internal Control of Dangerous Drugs (G.N. 292/1939) as subsequently amended by the Dangerous Drugs Ordinance, Chapter 101 of the Laws of Malta and which drug was found under circumstances denoting that it was not intended for his personal use**

Having seen articles:

2, 7, 8(a),(b),(e), 10(1), 12, 14,(5), 15, 15A, 20, 22(1)(a),(1B),(2)(a)(i),(3A)(a)(b)(c)(d)(7), 22A, 24A, and 26 of the Dangerous Drugs Ordinance (Chapter 101 of the Laws of Malta), regulations 2, 8, 9 and 16 of the 1939 Regulations on the Internal Control of Dangerous Drugs (G.N. 292/1939) and of articles 17, 23, 23A, 23B, 23C and 533 of the Criminal Code.

The Court feels that in this case it should adhere to the Attorney General and the accused's application and therefore condemns the said Mamadi Keita to a term of imprisonment of six (6) years and the imposition of a fine of fourteen thousand Euros (€14,000), which fine (multa) shall be converted into a further term of imprisonment of one year according to Law, in default of payment;

Furthermore condemns him to pay the sum of one thousand, five hundred and five euros and sixty seven cents (€1505.67) being the sum total of the expenses incurred in the appointment of court experts in this case in terms of Section 533 of Chapter 9 of the Laws of Malta;

Moreover, orders the forfeiture in favour of the Government of Malta of all the property involved in the said crimes of which he has been found guilty and other moveable and immovable property belonging to the said Mamadi Keita.

Finally, orders the destruction of all the objects exhibited in Court, consisting of the dangerous drugs or objects related to the abuse of drugs, which destruction shall be



carried out by the Assistant Registrar of the Criminal Court, under the direct supervision of the Deputy Registrar of this Court who shall be bound to report in writing to this Court when such destruction has been completed, unless the Attorney General files a note within fifteen days declaring that said drugs are required in evidence against third parties.

Edwina Grima

Judge