



Criminal Court

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

Bill of Indictment Nr. 5/2012

The Republic of Malta

Vs

Ferdinand Onovo

Today the 30th March, 2017,

The Court,

Having seen the charges brought against accused Ferdinand Onovo, holder of Nigerian Passport Nr. A1424410, by means of Bill of Indictment Nr. 5 of the year 2012 whereby the Attorney General in the First Count premised:

On the night between the second (2nd) and third (3rd) day of February of the year two thousand and eight (2008) and during the previous days, weeks and months, **FERDINAND ONOVO**, (henceforth referred to as the “accused”) decided to start dealing in drugs illegally into the Maltese Islands in agreement with others.

During the period of time abovementioned, **the accused conspired and agreed with other persons**, namely a certain Chukwudu Samuel Onyeabor (also known as “Nokia” and who lived in the Netherlands), Aulis Zopp (who lives in Estonia), and others, to illegally deal in and export from African countries (Benin and Libya) to the Maltese Islands a quantity of **drugs**.

The accused met Chukwudu Samuel Onyeabor (hereinafter referred to as “Nokia”) in Malta in December of 2007 at the Luxol Grounds in St. Andrews and there they discussed about dealing in drugs. The accused and Nokia agreed to deal in drugs such that drugs were to be imported into Malta from a country in Africa (which later resulted to be Benin to Libya and then through to Malta). They also agreed that apart from dealing in drugs in Malta, they were also to export the drugs from Malta

to Norway. The accused and Nokia agreed that said Nokia was to contact the accused via his mobile phone on the day that this drug deal had to take place.

In execution of these pre-concerted plans, on the second (2nd) of February of the year two thousand and eight (2008) Nokia called on the accused and instructed him to meet a foreign white male (who was going to be lodging in room 712 of the Fortina Hotel) in Sliema. Nokia informed the accused that he was to receive a bag containing drugs from this white male person. The accused agreed with Nokia that he was to keep the said bag with the drugs in it for Nokia. Nokia would then call for it when he would travel back to Malta from the Netherlands. The accused and Nokia agreed that in consideration for the services rendered by him, the accused was to receive two thousand euro (€2000) as compensation from Nokia following the successful delivery of the said bag containing drugs to Nokia. This drug would then be dealt with in Malta and in Norway.

In fact, the accused, after being contacted telephonically by Nokia, set out to the Fortina Hotel in Sliema. The accused rode as a passenger in a car Kia Avella bearing registration number BBQ635 and was driven to the Fortina Hotel in Sliema by a certain Chima Dosie. The accused received from Nokia the details of the white male person from whom he was to receive the bag containing the drugs. While driving close to this hotel, the accused and Chima Dosie drove several times past the white male person. Subsequently, the accused made contact with this white male. The accused asked this white male to open the back door of the car, put the drugs on the back seat then get into the car. The white male opened the back door of the car, put the bag on the back seat of the car and sought to get into the car. At this stage, the accused, Chima Dosie and this white male were arrested by the Police who were investigating and monitoring the progress of this operation well before it took place.

This white male resulted to be Aulis Zopp. Aulis Zopp is an Estonian national who, on the 1st February 2010, together with Janno Aon, was travelling to Malta on board KM 697 from Tripoli, Libya, and both were carrying bags containing the drug cocaine. These two bags, one Polo and one Armani brands, contained, (what later was determined by Court appointed experts to be) a total of circa five thousand seven hundred sixty one grams (5761 grams) of the drug cocaine the purity of which was calculated by the said experts at 53%, which drug could fetch between €403,305 and €593,434 on the open market at the time (hereinafter referred to as the "drug consignment").

Following their apprehension by the Maltese Customs and Police authorities, both Aulis Zopp and Janno Aon decided to collaborate with the Police in order for the Police to be able to manage to apprehend the person/s who were to receive the said drugs from Zopp and Aon. After that the Police obtained the necessary orders and

instructions from a Magistrate in terms of law, Aulis Zopp agreed to proceed with a “controlled delivery” of the alleged case containing the drugs. Zopp continued to remain in touch with a person in Estonia (a certain Jannick) and another person (he referred to as Chris) from whom he received the instructions as to where to meet the person who was to collect the bag full of the drug cocaine from him. Indeed Aulis Zopp was given telephonic instructions from Jannick and Chris to make contact and meet the accused and to deliver to him the said bag with the drugs contained in it. This contact took place on the night between the second (2nd) and third (3rd) February 2008 and the controlled delivery of the decoy bag prepared by the police as part of the controlled delivery operation was carried out as explained above. The accused **was not aware** at that stage that Aulis Zopp was taking part in a controlled delivery operation.

Following his apprehension by the Police, the accused decided to collaborate with the Police authorities and also agreed to take part in a further controlled delivery operation in order to help the Police to arrive at the final consignee of the said drug consignment, who was Chukwudu Samuel Onyeabor (known as Nokia for the accused). Indeed after that the Police obtained the necessary orders and instructions from a Magistrate in terms of law, the accused agreed to proceed with a “controlled delivery” of the alleged case containing the drugs to Nokia.

On the fourth (4th) February 2008 the accused contacted Nokia and urged him to come to Malta to collect the bag containing drugs from him. Nokia informed the accused that he was going to travel to Malta from Brussels, Belgium on that same date in the evening. After his arrival in Malta, Nokia made contact with the accused and informed him that he was lodging at the Fortina Spa Resort in Sliema and that his room number was 234. As part of the controlled delivery operation, the accused proceeded to deliver to Nokia a decoy packet that was prepared beforehand by the Police. Nokia was not aware of this controlled delivery operation in which the accused was taking part. After that the accused delivered the decoy parcel to Nokia in the said room, the accused informed the Police by means of an “sms” that he had effected the delivery. The Police entered the room where they found the accused sitting on an armchair and next to him Chukwudu Samuel Onyeabor sitting on another armchair holding the said decoy parcel close to his legs.

The accused was not authorized to be in possession of dangerous drugs in terms of Law. Furthermore, the drug cocaine is scheduled as per Part 1 of the First Schedule of the Dangerous Drugs Ordinance;

By committing the abovementioned acts with criminal intent, **FERDINAND ONOVO** rendered himself guilty of conspiracy to trafficking in dangerous drugs 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 **FERDINAND ONOVO** of being guilty of having, on the night between the second (2nd) and third (3rd) day of February of the year two thousand and eight (2008) and during the previous days, weeks and months, 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 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 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, 8, 9, 10(1), 12, 13, 14, 15, 15A, 16, 17, 18, 22(1)(a)(f)(1A)(1B)(2)(a)(i)(3A)(a)(b)(c)(d)(7), 22(A), 24A, and 26 of the Dangerous Drugs Ordinance and of Regulations 2 and 9 of the Government Notice 292 of 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.

In the Second Count the Attorney General premised:

That during the period of time mentioned in the first count of this bill of indictment, and within the same circumstantial context **FERDINAND ONOVO**, together with others, decided to start illegal dealing in drugs in the Maltese Islands, including by participating in the act of illegal exportation of dangerous drugs from Malta by aiding, abetting, counselling or procuring the commission in any place outside Malta of any offence punishable under the provisions of any corresponding law in force in that place, or who with another one or more persons conspires in Malta for the purpose of committing such an offence, or does any act preparatory to, or in furtherance of, any act which if committed in Malta would constitute an offence against this Ordinance;

On the night between the second (2nd) and third (3rd) day of February of the year two thousand and eight (2008) and during the previous days, weeks and months, **FERDINAND ONOVO**, (henceforth referred to as the “accused”) **conspired and agreed** with a certain Chukwudu Samuel Onyeabor (also known as “Nokia” and

who lived in the Netherlands) to illegally deal in and export from African countries (Benin through to Libya and through to Malta) to the Maltese Islands a quantity of **drugs**. The accused met Chukwudu Samuel Onyeabor (hereinafter referred to as "Nokia") in Malta in December of 2007 at the Luxol Grounds in St. Andrews and there they discussed about dealing in drugs. The accused and Nokia agreed about dealing in drugs by importing drugs into Malta from a country in Africa (which later resulted to be Benin to Libya and then through to Malta). They also agreed that apart from dealing in drugs in Malta, they were also to export drugs from Malta to Norway. The accused and Nokia agreed that said Nokia was to contact the accused via his mobile phone on the day that this drug deal had to take place.

In execution of these pre-concerted plans, on the second (2nd) of February of the year two thousand and eight (2008) Nokia called on the accused to meet a foreign white male (who was going to be lodging in room 712 of the Fortina Hotel) in Sliema. Nokia informed the accused that he was to receive a bag containing drugs from this white male person. The accused agreed with Nokia that he was to keep the said bag with the drugs in it for Nokia. Nokia would then call for it when he would travel back to Malta from the Netherlands. The accused and Nokia agreed that in consideration for the services rendered by him, the accused was to receive two thousand euro (€2000) as compensation from Nokia following the successful delivery of the said bag containing drugs to Nokia. This drug would then be dealt with in Malta and in Norway.

In fact in execution of these pre-concerted plans, the accused, after being contacted telephonically by Nokia, set out to the Fortina Hotel in Sliema. The accused was driven as a passenger in a Kia Avella bearing registration number BBQ635 to this place by a certain Chima Dosie. The accused received from Nokia the details of the white male person from whom he was to receive the bag containing the drugs. While driving close to this hotel, the accused and Chima Dosie drove several times past the white male person. Subsequently, the accused made contact with this white male. The accused asked this white male to open the back door of the car, put the drugs on the back seat then get into the car. The white male opened the back door of the car, put the bag on the back seat of the car and sought to get into the car. At this stage, the accused, Chima Dosie and this white male were arrested by the Police who were investigating this case beforehand.

This white male resulted to be Aulis Zopp. Aulis Zopp is an Estonian national who, on the 1st February 2010, together with Janno Aon, was travelling to Malta on board KM 697 from Tripoli, Libya, and both were carrying bags containing drugs cocaine. These two bags, one Polo and one Armani brands, contained, (what later was determined by Court appointed experts to be) a total of circa five thousand seven hundred sixty one grams (5761 grams) of the drug cocaine the purity of which was

calculated by the said experts at 53%, which drug could fetch between €403,305 and €593,434 on the open market at the time (hereinafter referred to as the “drug consignment”).

The drug cocaine is scheduled as per Part 1 of the First Schedule of the Dangerous Drugs Ordinance and furthermore, the drug cocaine is scheduled as per Part 1 of the First Schedule of the Dangerous Drugs Ordinance;

By committing the abovementioned acts with criminal intent, **FERDINAND ONOVO** rendered himself guilty of participating in the act of aiding, abetting, counselling or procuring the commission in any place outside Malta of any offence punishable under the provisions of any corresponding law in force in that place, or who with another one or more persons conspires in Malta for the purpose of committing such an offence, or does any act preparatory to, or in furtherance of, any act which if committed in Malta (illegal dealing in and exportation of dangerous drugs to a foreign country) would constitute an offence 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 **FERDINAND ONOVO** of being guilty of having, on the night between the second (2nd) and third (3rd) day of February of the year two thousand and eight (2008) and during the previous days, weeks and months, with criminal intent, rendered himself guilty of participating in the act of aiding, abetting, counselling or procuring the commission in any place outside Malta of any offence punishable under the provisions of any corresponding law in force in that place, or who with another one or more persons conspires in Malta for the purpose of committing such an offence, or does any act preparatory to, or in furtherance of, any act which if committed in Malta (illegal dealing in and exportation of dangerous drugs to a foreign country) would constitute an offence 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 a term of not less than twelve months but not exceeding ten years and to a fine (*multa*) of not less than four hundred and sixty-five euro and eighty-seven cents (465.87) but not exceeding twenty-three thousand and two hundred and ninety-three euro and seventy-three cents (23,293.73) 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, 8, 9, 10(1), 12, 13, 14, 15, 15A, 16, 17, 18, 22(1)(a)(d)(1A)(1B)(2)(a)(ii)(3A)(a)(b)(c)(d)(7), 24A, and 26 of the Dangerous Drugs Ordinance, of Regulations 2 and 9 of the Government Notice 292 of 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, presented in the registry of this Court on the 28th March, 2017, whereby, the applicants, whilst making reference to Section 453A(1) of the Criminal Code (Chapter IX of the Laws of Malta), jointly agree and hereby request this Honorable Court that in the eventuality of a guilty plea being registered by the accused to both counts proffered against him in the bill of indictment, the sanction and/or measure to be applied and meted out upon the accused Ferdinand Onovo should be a term of effective imprisonment for ten (10) years and a fine of twenty-five thousand Euros (€25,000).

This without prejudice to any other sanction, measure and/or consequence at law applicable ex lege in terms of the provisions of Chapters 9 and 101 of the Laws of Malta to the accused upon conviction, including the forfeiture in favor of the Government of Malta of all moneys and moveable and immovable property and assets belonging to the convicted accused.

Finally, the parties informed this Honorable Court that in their considerations with regards to the punishment hereby being proposed, they have factored-in the provisions of Section 29 of Chapter 101 of the Laws of Malta, applicable by one (1) degree.

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 Ferdinand Onovo, in reply to the question as to whether he was guilty or not guilty of the charges preferred against him under the two 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 Ferdiand Onovo guilty of both counts in the Bill of Indictment, namely that:-

1. On the night between the second (2nd) and third (3rd) day of February of the year two thousand and eight (2008) and during the previous days, weeks and months, 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 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 night between the second (2nd) and third (3rd) day of February of the year two thousand and eight (2008) and during the previous days, weeks and months, with criminal intent, rendered himself guilty of participating in the act of aiding, abetting, counselling or procuring the commission in any place outside Malta of any offence punishable under the provisions of any corresponding law in force in that place, or who with another one or more persons conspires in Malta for the purpose of committing such an offence, or does any act preparatory to, or in furtherance of, any act which if committed in Malta (illegal dealing in and exportation of dangerous drugs to a foreign country) would constitute an offence in breach of the provisions of the Dangerous Drugs Ordinance, Chapter 101 of the Laws of Malta;

Having seen articles:

2, 8, 9, 10(1), 12, 13, 14, 15, 15A, 16, 17, 18, 22(1)(a)(d)(f)(1A)(1B)(2)(a)(i)(ii) (3A)(a)(b)(c)(d)(7), 22(A), 24A, 26 and 29 of the Dangerous Drugs Ordinance and of Regulations 2 and 9 of the Government Notice 292 of 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 Ferdinand Onovo to a term of imprisonment of ten (10) years and the imposition of a fine of twenty-five thousand Euros (€25,000), 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 three thousand three hundred and nintey seven Euros and thirteen cents (€3397.13) 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 Ferdinand Onovo.

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.

(ft) Edwina Grima

Judge

True Copy

Franklin Calleja

Deputy Registrar