

# CRIMINAL COURT

## JUDGE

**Hon. Dr. Antonio Mizzi LL.D., Mag. Juris (Eu Law)**

Bill of Indictment no. 05/2015

**The Republic of Malta**  
**Vs**  
**Chukwudi Samuel Onyeabor**

Today 28<sup>th</sup> April, 2017.

The Court,

Having seen the bill of indictment no. 05/2015 against the accused Chukwudi Samuel Onyeabor wherein he was charged with:

That the accused Chukwudi Samuel Onyeabor, hailing from Nigeria, decided to search for better prospects elsewhere, so in the year Two Thousand and One (2001) he migrated from Nigeria to the Netherlands. Having unsuccessfully tried to establish legitimate business in the Netherlands, including in the productions / entertainment industry, the accused Chukwudi Samuel Onyeabor decided to venture into a much more profitable but illegal business – dealing in drugs on an international level. Over the years, he came in contact with people involved in the drugs industry and made a few ‘friends’ in the trade, with whom he could conspire and agree to undertake drug deals.

That in December of the year Two Thousand and Seven (2007), the accused Chukwudi Samuel Onyeabor was in Malta, where he had a meeting with a certain Ferdinand Onovo, who, like him, hailed from Nigeria, at the Luxol Grounds, in St. Andrews, with a view to start importing the dangerous drug Cocaine to Malta. The accused Chukwudi Samuel Onyeabor, who presented himself under the nick-name ‘Nokia’, and Ferdinand Onovo, not only agreed to start importing Cocaine to Malta, but also discussed, planned, and agreed on the logistics involved: the drugs were to be picked up from Benin, in Africa, over to Libya, then finally

over to Malta. The accused Chukwudi Samuel Onyeabor ('Nokia') and Ferdinand Onovo agreed that said Chukwudi Samuel Onyeabor ('Nokia') was to contact Onovo via his mobile phone on the day that this drug deal had to take place.

That this plan was fine-tuned in the weeks prior to the Second (2<sup>nd</sup>) day of February of the year Two Thousand and Eight (2008), where the accused Chukwudi Samuel Onyeabor conspired and agreed with other persons, namely Ferdinand Onovo (a Nigerian national who lived in Malta), Aulis Zopp (who lived in Estonia), and others, to illegally deal in and export from African countries (Benin and Libya) to the Maltese Islands a quantity of the dangerous drug Cocaine.

That in execution of these pre-concerted plans, on the Second (2<sup>nd</sup>) day of February of the year Two Thousand and Eight (2008) the accused Chukwudi Samuel Onyeabor ('Nokia') called on Ferdinand Onovo and instructed him to meet a foreign white male (who was going to be lodging in room 712 of the Fortina Hotel) in Sliema. The accused Chukwudi Samuel Onyeabor ('Nokia') informed Ferdinand Onovo that he was to receive a bag containing drugs from this white male person. The accused Chukwudi Samuel Onyeabor instructed Ferdinand Onovo to keep the said bag with the drugs in it for him. The accused Chukwudi Samuel Onyeabor would then call for it when he would travel back to Malta from the Netherlands. The accused Chukwudi Samuel Onyeabor and Ferdinand Onovo agreed that in consideration for the services rendered by him, Onovo was to receive two thousand Euros (€2,000) as compensation from the accused Chukwudi Samuel Onyeabor following the successful delivery of the said bag containing drugs to the accused. This drug would then be dealt with in Malta.

That after being so instructed by phone by the accused Chukwudi Samuel Onyeabor, on the Second (2<sup>nd</sup>) day of February of the year Two Thousand and Eight (2008), Ferdinand Onovo set out to the Fortina Hotel in Sliema. Onovo rode as a passenger in a car Kia Avella bearing registration number BBQ-635, and was driven to the Fortina Hotel in Sliema by a certain Chima Dosie. The accused Chukwudi Samuel Onyeabor furnished Onovo with the details of the white male person from whom he was to receive the bag containing the drugs. Onovo saw the white male that fitted the description supplied by the accused Chukwudi Samuel Onyeabor, asked this white male to open the back door of the car that Onovo and Chima Dosie were in (the Kia Avella bearing registration number BBQ-635), and put the drugs on

the back seat, then get into the car. This white male followed the instructions given to him by Onovo (who, in turn, was previously receiving instructions over the phone from the accused Chukwudi Samuel Onyeabor). At this stage, however, Ferdinand Onovo, 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.

That this white male resulted to be Aulis Zopp. Aulis Zopp is an Estonian national who, on the First (1<sup>st</sup>) day of February of the year Two Thousand and Eight (2008), together with Janno Aon, was travelling to Malta on board flight KM 697 from Tripoli, Libya, and both were carrying bags containing the dangerous drug Cocaine to be eventually handed over to Ferdinand Onovo, who, in turn, was to hand it over to the accused Chukwudi Samuel Onyeabor and receive two thousand Euros (€2,000) as compensation, as explained above.

That upon their arrival from Libya, Aulis Zopp and Janno Aon were stopped by the Maltese Customs and Police authorities, where in the two bags they were carrying, branded *Polo* and *Armani* respectively, the authorities found a large quantity of substance suspected to be Cocaine. Analysis on this substance by the Court-appointed expert proved that this substance was in fact the dangerous drug Cocaine. The amount of this drug was a staggering *circa* five thousand seven hundred and sixty one grams (5,761 grams) with an unusually-high purity of fifty-three per cent (53%). This drug could fetch between €403,305 and €593,434 on the open market at the time.

That 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 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. This controlled delivery took place on the Second (2<sup>nd</sup>) day of February of the year Two Thousand and Eight (2008), where, as explained above, Aulis Zopp set off to meet Ferdinand Onovo near the Fortina Hotel in Sliema, shadowed by under-cover Police Officers. Ferdinand Onovo was obviously unaware that Aulis Zopp was taking part in a controlled delivery operation, as was the accused Chukwudi Samuel Onyeabor, who was giving instructions to Onovo over the phone from the Netherlands.

That following his apprehension by the Police as described above, Ferdinand Onovo decided that he too collaborates 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 - the accused Chukwudi Samuel Onyeabor (known by Onovo as 'Nokia'). Indeed after that the Police obtained the necessary orders and instructions from a Magistrate in terms of law, Ferdinand Onovo agreed to proceed with a "controlled delivery" of the alleged case containing the drugs to the accused Chukwudi Samuel Onyeabor.

That on the Fourth (4<sup>th</sup>) day of February of the year Two Thousand and Eight (2008), Ferdinand Onovo contacted the accused Chukwudi Samuel Onyeabor (known by Onovo as 'Nokia') by phone and urged him to come to Malta to collect the bag containing drugs from him, as per their prior agreement, as described above. The accused Chukwudi Samuel Onyeabor 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, the accused Chukwudi Samuel Onyeabor made contact with Ferdinand Onovo 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, Ferdinand Onovo proceeded to deliver to the accused Chukwudi Samuel Onyeabor a decoy packet that was prepared beforehand by the Police. The accused Chukwudi Samuel Onyeabor was not aware of this controlled delivery operation in which Onovo was taking part. When Ferdinand Onovo, who was being shadowed by under-cover Police Officers, delivered the decoy parcel to the accused Chukwudi Samuel Onyeabor in the said room, the Police entered the room where they found Onovo sitting on an armchair, and next to him the accused Chukwudi Samuel Onyeabor was sitting on another armchair holding the said decoy parcel close to his legs, which parcel he believed to be his consignment of Cocaine afore-described.

The accused Chukwudi Samuel Onyeabor was not authorized to be in possession of dangerous drugs in terms of Law. Furthermore, the dangerous drug Cocaine is scheduled as *per* Part 1 of the First Schedule of the Dangerous Drugs Ordinance, Chapter 101 of the Laws of Malta.

By committing the above-mentioned acts with criminal intent, the accused Chukwudi Samuel Onyeabor rendered himself guilty of illegally conspiring for the purposes of selling or dealing

in a dangerous drug (Cocaine) in these Islands in breach of the provisions of the Dangerous Drugs Ordinance, (Chp. 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 Chukwudi Samuel Onyeabor of being guilty of, between the Second (2<sup>nd</sup>) and the Fourth (4<sup>th</sup>) days of February of the year Two Thousand and Eight (2008) and during the previous weeks, having, with criminal intent, with another one or more persons in Malta or outside Malta, conspired for the purposes of selling or dealing in a drug in these Islands (Cocaine) against the provisions of the Dangerous Drugs Ordinance, (Chp. 101 of the Laws of Malta), or having promoted, constituted, organised, or financed such conspiracy;

Wherefore, the Attorney General, in the name of the Republic of Malta, demands that the accused Chukwudi Samuel Onyeabor 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 respect of which the offence was committed and 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.

Having seen the verdict of today the 28<sup>th</sup> April, 2017, whereby the jury for:

The First Count.

By (7) counts in favour and (2) against found the accused not guilty of the charge brought against Chukwudi Samuel Onyeabor in the first count of the bill of indictment.

After seeing article 487 of the Criminal Code declares Chukwudi Samuel Onyeabor not guilty of the First Count preferred against him.

The Court is acquitting him and ordering that he be set at liberty.

(ft) Antonio Mizzi  
Judge

Brian Avellino  
Deputy Registrar