

Criminal Court

Judge

The Hon. Vincent De Gaetano LL.D.

Bill of Indictment 23/2000

The Republic of Malta

v.

Ahmed Ben Taher

To day 16th January, 2001

The Court:

Having seen Bill of Indictment 23/2000;

Having heard the accused Ahmed Ben Taher plead guilty to the charges brought against him in the said Bill of Indictment, in which plea he persisted even after the Court warned him in the most solemn manner of the consequences of such a plea and allowed him a short time to retract it, as provided in Section 453 of the Criminal Code;

Declares the said Ahmed Ben Taher guilty of conspiring with another one or more persons in Malta or outside Malta for the purposes of selling or dealing in a drug in these Islands against the provisions of the Dangerous Drugs Ordinance, and of having promoted, constituted, organised or financed the conspiracy, and this according to the first count of the Bill of Indictment; declares him guilty of importing into Malta the drug heroin in breach of the law, according to the second count of the same said Indictment; and declares him also guilty of being in possession of the drug heroin in breach of the law under such circumstances which show that the said possession was not for his exclusive use, and this according to the third count of the Bill of Indictment;

Having seen the record of the proceedings; having considered all the circumstances of the case, including the nature and the amount of the drug involved, the period that the accused has spent in preventive custody in connection with this case, the fact that he has registered a plea of guilty in the very early stages of the proceedings before this court, the fact also that he co-operated fully with the police as stated on oath by Inspector Norbert Ciappara; having taken also into account the declaration by prosecuting counsel that in this case Section 29 of Chapter 101 is applicable; having also considered the principles laid down in its judgement of the 27 February, 1997 in the case *Ir-Repubblika ta' Malta v. Nicholas Azzopardi*;

Having seen sections 2, 9, 10(1), 12, 15(a), 22(1)(a)(f)(1A)(1B)(2)(a)(i) and 29 of Cap. 101, the Dangerous Drugs (Internal Control) Rules, 1939, and sections 11, 17(h), 22 and 533 of the Criminal Code;

Sentences the said Ahmed Ben Taher to imprisonment for nine (9) years (from which period is to be deducted the time he has already spent up to to-day in preventive custody), and to a fine (*multa*) of twelve thousand liri (Lm12,000), convertible into an additional one year imprisonment if it is not paid according to law; and further orders him to pay to the registrar, within three months from to-day, the sum of two hundred and forty five liri and twenty five cents (Lm245.25c) representing court experts' fees incurred in these proceedings;

Finally the court orders the destruction of the drug exhibited under its authority in these proceedings unless the Attorney General, by a note to be filed not later than a week from to-day, declares that such drug is required in connection with some other proceedings; the destruction of the said drug is to be effected by chemist Mario Mifsud, who is being appointed for the purpose; the said Mr. Mifsud is to file a proces-verbal in the record of these proceedings detailing the said destruction, and such proces-verbal is to be filed not later than a month from to-day.

(ft) Paul Miruzzi
Deputy Registrar