



## **COURT OF CRIMINAL APPEAL**

**His Honour Chief Justice Silvio Camilleri – President  
Hon. Madam Justice Abigail Lofaro  
Hon. Mr. Justice Joseph Zammit McKeon**

**Today Monday 9<sup>th</sup> April 2018**

**Bill of Indictment No. 1/2017**

**The Republic of Malta**

**v.**

**Ikechukwu Stephen Egbo**

**The Court :**

**1.** Having seen the application filed by the said Ikechukwu Stephen Egbo on the 8th February 2018 whereby he requested that pending the hearing and determination of his appeal, he be granted bail under those terms and conditions which this Court may deem fit and proper.

2. Having seen the reply of the Attorney General of the 9th February 2018 whereby the request for bail was opposed.

3. Having seen its decree - as presently composed - of the 3rd April 2018 whereby the application was set for hearing for today.

4. Having heard submissions.

**Considers :**

5. That by means of a verdict delivered by a panel of jurors on the 22nd July 2017, applicant was found by seven (7) votes in favour and two (2) against guilty of the charges brought against him in the first and only count of the bill of indictment namely of having on the 27th November 2010 and during the preceding 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 (cocaine) 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.

6. That the Criminal Court condemned appellant to a term of imprisonment of thirteen (13) years and to the payment of a multa of thirty thousand Euro (€30,000).

7. That in his application, appellant does not put forward any valid reason at law to sustain his request for the granting of bail. He cited as his sole ground against his continued imprisonment the fact that he submitted a lengthy appeal from the judgement of the Criminal Court. In the course of the hearing on his application, appellant was not in a position to present any of the guarantees required by article 575 of Chapter 9 for the granting of bail, foremost amongst which a guarantee as to his ties to these Islands, applicant being a third party national, with no family residing with him in Malta, no fixed abode and no current employment.

8. That this Court must take into account the fact that appellant, pending trial, had absconded from Malta to Hungary and was returned to face trial in Malta on the strength of a European Arrest Warrant of the 21st March 2016, as results from the acts of the compilation of evidence, thereby posing serious doubts on his willingness to adhere to bail conditions should bail be granted.

9. This Court refers to the judgement re Mikalauskas v. Malta (App. No. 4458/2010) of the 23rd July 2013 where the European Court of Human Rights stated that :

*“where the only remaining reasons for continued detention is the fear that the accused will abscond and thereby subsequently avoid appearing for trial, his release pending trial must be ordered if its possible to obtain from him guarantees that will ensure such appearance.”*

10. In the case of appellant, these guarantees do not exist.

11. Therefore, after having examined the circumstances of the case limitedly for the purposes of this application, including the fact that applicant is a third country national, the serious nature of the crimes of which he was convicted, the danger of appellant absconding once against from these Islands, the lack of guarantees resulting from article 575 of Chapter 9, and the fact that he is at this stage considered to be at law a convicted person who is serving a punishment of thirteen (13) years imprisonment meted out by the Criminal Court, this Court deems it inopportune to grant bail.

**For these reasons the application is dismissed.**

**(sgn) Judges**

**(sgn) Deputy Registrar**

