



**MALTA**

**COURT OF MAGISTRATES (MALTA)  
AS A COURT OF CRIMINAL JUDICATURE**

**MAGISTRATE DR IAN FARRUGIA LL. D**

**Today 1<sup>st</sup> May 2019**

**The Police  
(Inspector Kevin Pulis)  
(Inspector Mark Anthony Mercieca)**

**Vs**

**Elton Gregory Dsane  
Usamah Sufyaan Hajjaj**

**The Court;**

Having seen the charges brought against **Elton Gregory Dsane**, holder of British Passport 522939340 and **Usamah Sufyaan Hajjaj**, holder of British Passport 508199233, wherein they were accused with having on the 30th April 2019, and/or the previous days on these islands;

1. Associated and / or conspired with other persons, in Malta and outside Malta, for the purpose of selling, importing, or to deal in any way in the drugs **(MDMA)** in these Islands, in breach of the provisions of Art 120A of the Medical and Kindred Ordinance Chapter 31 of the Laws of Malta and the Regulations for the Control of Medicines, L.N. 22/1985 as amended, or promoted, constituted, organised or financed such association

2. Imported or caused to be imported the psychotropic and restricted drug **(MDMA)** without due authorization, in breach of the Medical and Kindred Professions Ordinance, Chapter 31 of the Laws of Malta and the Regulations for the Control of Medicines, L.N. 22/1985 as amended
3. Had in their possession the psychotropic and restricted drug **(MDMA)** without a special authorisation in writing by the superintendent of Public Health, in breach of the provisions of the Medical and Kindred Professions Ordinance Chap 31 laws of Malta and the Drugs (Control) Regulations, Legal Notice 22 of 1985 as amended, **which drug was found under circumstances denoting that it was not intended for their personal use**
4. Associated and / or conspired with other persons, in Malta and outside Malta, for the purpose of selling, importing, or to deal in any way in the drugs **(Ketamine)** in these Islands, in breach of the provisions of Art 120A of the Medical and Kindred Ordinance Chapter 31 of the Laws of Malta and the Regulations for the Control of Medicines, L.N. 22/1985 as amended, or promoted, constituted, organised or financed such association
5. Imported or caused to be imported the psychotropic and restricted drug **(Ketamine)** without due authorization, in breach of the Medical and Kindred Professions Ordinance, Chapter 31 of the Laws of Malta and the Regulations for the Control of Medicines, L.N. 22/1985 as amended
6. Had in their possession the psychotropic and restricted drug **(Ketamine)** without a special authorisation in writing by the superintendent of Public Health, in breach of the provisions of the Medical and Kindred Professions Ordinance Chap 31 laws of Malta and the Drugs (Control) Regulations, Legal Notice 22 of 1985 as amended, **which drug was found under circumstances denoting that it was not intended for their personal use**
7. Rendered themselves as an accomplice with by inciting or strengthened the determination of another to commit a crime, or promised to give assistance, aided or rewarded after the fact, in the importation, or caused to be imported,

or took any steps preparatory to import any dangerous drug **(Cocaine)** into Malta in breach of section 15A of Chapter 101 and sec 42 (e) Chapter 9 of the Laws of Malta

8. Together with another one or more persons in Malta or outside Malta, conspired, promoted, constituted, organised or financed the conspiracy with other person/s to import, sell or deal in drugs **(Cocaine)**, in these Islands, against the provisions of The Dangerous Drugs Ordinance, Chapter 101 of the Laws of Malta, or promoted, constituted, organised or financed the conspiracy
9. Imported, or caused to be imported, or took any steps preparatory to import any dangerous drug **(cocaine)** into Malta in breach of section 15A of Chapter 101 of the Laws of Malta
10. Had in their possession the drugs **(cocaine)** specified in the First Schedule of the Dangerous Drug Ordinance, Chapter 101 of the Laws of Malta, when they were not in possession of an import or an export authorisation issued by the Chief Government Medical Officer in pursuance of the provisions of paragraphs 4 and 6 of the Ordinance, and when they were not licensed or otherwise authorised to manufacture or supply the mentioned drugs, and were not otherwise licensed by the President of Malta or authorised 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 them for their 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 **which drug was found under circumstances denoting that it was not intended for their personal use**

The Court is also requested to apply Section 533(1) of Chapter 9 of the Laws of Malta, as regards to the expenses incurred by the Court appointed Experts.

Having seen the Attorney General's orders in terms of Article 22(2) of Chapter 101 of the Laws of Malta (Dangerous Drugs Ordinance) and in terms of Article 120A (2) of Chapter 31 of the Laws of Malta (Medical and Kindred Professions Ordinance), wherein the said Attorney General ordered that both accused be charged before the Court of Magistrates (Malta) as a Court of Criminal Judicature.

Having heard prosecuting officer on oath;

Having seen all the documents exhibited in the acts of these proceedings;

Having heard both accused plead guilty to the charges brought against them during today's arraignment and their insistence on such guilty plea after being given time according to law to reconsider;

Having considered both accused declaration as minuted in today's sitting, following their guilty plea, that they had enough time to think and reconsider such guilty plea, that they clearly understood the nature of the charges brought against them, and that they understood clearly that their guilty plea, as pointed out by this Court, was to lead to serious consequences in terms of punishment;

Having heard submissions by the prosecution and the defence in terms of punishment;

Having considered the declaration as minuted in today's sitting by the prosecution and the defence, wherein they informed the Court that they had the opportunity, granted in terms of law, to discuss the terms of punishment in case the accused pleaded guilty at this early stage of the proceedings, and, while keeping in mind the nature of the charges proffered, in this particular context, prosecution and defence declared that, while final judgment remains the sole prerogative of the court, they have reached the objective conclusion that a just punishment would be that of imprisonment of four (4) years together with a fine of one thousand euros (€1,000) each.

**Considers;**

That in view of both accused guilty plea to all charges proffered against them, and since there is no reason emanating from these proceedings why this Court should not accept such plea, it is the duty of this Court to proceed with judgement and declare both accused guilty as charged.

In terms of punishment, this Court is taking into particular consideration the fact, on the one hand, that both accused pleaded guilty at the earliest possible opportunity in these proceedings and on the other, the serious nature of the charges proffered against them. The Court cannot ignore the serious consequences of any possession of illegal substances, particularly when such possession is actually in circumstances denoting the intention to distribute. The Court points out that in total, the amount of illegal substance found in possession of both accused, together, was in the region of 100grams. The Court further notes that by virtue of the applicable laws, the punishment of imprisonment is that of not less than six (6) months but not exceeding ten (10) years; The pecuniary punishment is that of a fine not less than €465.87 but not exceeding €11,646.87.

### **Conclusion;**

THEREFORE, THE COURT, having seen Articles 17, 31 and 42(e) of Chapter 9 of the Laws of Malta and Part IV and Part VI, Articles 15A, 22 and 22(2)(b)(i), and the First Schedule of Chapter 101 of the Laws of Malta and Regulations 4 and 9 of Legal Notice 292/1939, and Article 120A of Chapter 31 of the Laws of Malta and the Regulations for the Control of Medicines, Legal Notice 22/1985, finds and declares offenders **Elton Gregory Dsane and Usamah Sufyaan Hajjaj** guilty as charged and condemns them each to a term of imprisonment of four (4) years and each to the payment of a fine of one thousand Euros (€1,000).

Dr Ian Farrugia LL. D  
Magistrate

Marica Mifsud  
Deputy Registrar