



MALTA

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

**MAGISTRATE DR.
JACQUELINE PADOVANI**

Sitting of the 16th August, 2006

Number. 823/2005

POLICE
INSPECTOR MICHAEL MALLIA
INSPECTOR KEVIN BORG
VS
BENJAMIN SAYGBE
YAYA TRAORE
YACOU DOUKOURE

The Court,

Having seen the charges brought against the accused Benjamin Saygbe, 39 years, son of Jonah and Mary nee' Paylee, born in the United States of America on the 30th October 1966, and temporarily residing at Room 319, Corinthia Palace Hotel, Balzan, and holder of Dutch Passport bearing number NJ6999634, issued on the 19th July 2005; Yaya Traore, 31 years, son of Seko and Maw nee' Samaoro, born in Ivory Coast on the 17th March 1974, and residing in Monaro, 13, Bekamo Street,

London, UK and temporarily residing at Room 319, Corinthia Palace Hotel, Balzan and holder of Ivory Coast passport bearing number 04LD96875, issued on the 10th February 2005; and Yacou Doukoure, 29 years, son of Abdullah and Mariane nee' Diomande, born in Ivory Coast on the 7th August 1976, and residing in Lancaster Court, Flat 6, J.Quintanos Street, Qawra, and holder of Spanish passport bearing number AC797043, issued on the 13th June 2005; and charge them with:

(A) having, jointly and/or severally, on these Islands, on the 14th September 2005 and in the preceding months, in various parts of Malta and outside Malta, by means of several acts committed by them, even if at different times, which acts constitute violations of the same provisions of the law:

(1) for having, promoted, constituted, organized or financed an organization of two or more persons with a view to commit criminal offences liable to the punishment of imprisonment for a term of four years or more, and this in breach of Sections 18 and 83A(1), (4) and (5) of Chapter 9 of the Laws of Malta;

(2) for having, make part or belonged to an organization referred to in Subarticle (1) of Article 83A of Chapter 9 of the Laws of Malta, and this in breach of Sections 18 and 83A(2), (4) and (5) of Chapter 9 of the Laws of Malta;

(3) for having, in Malta conspired with one or more persons in Malta or outside Malta for the purpose of committing any crime in Malta liable to the punishment of imprisonment, not being a crime in Malta under the Press Act, and this in breach of Sections 18 and 48A of Chapter 9 of the Laws of Malta;

(B) Furthermore, they are charged with having, jointly and/or severally, on these Islands, on the 14th September 2005 and in the preceding months, in Malta, by means of several acts committed by them, even if at different times, which acts constitute violations of the same provisions of the law:

(1) for having, by means of any unlawful practice, or by the use of any fictitious name, or the assumption of any false designation, or by means of any

other deceit, device or pretence calculated to lead to the belief in the existence of any fictitious enterprise or of any imaginary power, influence or credit, or to create the expectation or apprehension of any chimerical event, made a gain of more than Lm10,000 to the detriment of Anton Camilleri and other persons, and this in breach of Sections 18, 308, 309 and 310 of Chapter 9 of the Laws of Malta;

(2) with having, verbally threatened Anton Camilleri with the commission of a crime, which threats contained an order, or an imposed condition, and this in breach of Section 18 and 249 of Chapter 9 of the Laws of Malta;

The Court was hereby kindly requested to apply mutatis mutandis the provisions of Article 5 of the Money Laundering Act, Chapter 373 of the Laws of Malta, as per Section 23A(2) of Chapter 9 of the Laws of Malta;

The Court was also hereby kindly requested that in case of a finding of guilt of the accused, apart from inflicting the punishment prescribed at Law, also orders the forfeiture of all the objects exhibited in these proceedings;

The Court was also hereby kindly requested that, in pronouncing judgment or in any subsequent order, sentence the person/s convicted, jointly or severally, to the payment, wholly or in part, to the Registrar, of the costs incurred in connection with the employment in the proceedings of any expert or referee, within such period and in such amount as shall be determined in the judgment or order, as per Section 533 of Chapter 9 of the Laws of Malta;

Having heard the evidence tendered on oath;

Having seen the record of the proceedings;

Having seen the articles of law (at page 514) upon which this Court may pronounce guilt;

Having seen the note in the records of the proceedings (at page 480) wherein the accused registered no objection in being adjudicated by the Court of Magistrates;

Having heard the oral submissions of the parties including the note of submissions presented by the Prosecution;

Considers:-

According to the evidence produced by the Prosecution, Prosecuting Officer Inspector Michael Mallia, at page 23 et seq, testified that on the 10th September, Anthony Camilleri reported to the CID and Economic Crime Unit, that certain Tom, a foreign national of refugee status and an ex employee of his, accompanied with another unknown person, had met him in St Paul's Bay, and had asked him to keep a closed and a locked luggage containing valuable items of the person accompanying Tom. Anthony Camilleri agreed, and Tom further requested Anthony Camilleri for a loan of a thousand pounds (Lm1000), to which Anthony Camilleri had agreed, and a private writing was drawn up to this effect.

Prosecuting Officer Mallia informed the Court that this initial meeting between Tom, the unnamed person and Anton Camilleri took place between the 22nd and 28th of August 2005. After a few days, Tom contacted Anton Camilleri again, and they met at St Paul's Bay near the Gillieru Restaurant, in the company of the same unnamed man, and Tom asked Anton Camilleri whether he could lend him a further sum of twelve thousand pounds (Lm12,000). This money was going to be used to buy a special liquid to remove the security of cash that was contained in the luggage. The complainant agreed to lend him this sum of money against two separate receipts, one to the sum of ten thousand pounds (Lm10,000) and another sum of two thousand pounds (Lm2000). The two receipts were issued in the presence of Anthony Camilleri's wife.

A few days later, Tom again met Anton Camilleri and handed him a wrapped object, which seemed to be a

bottle containing liquid, and asked Anton Camilleri to keep it in a safe place, together with the luggage. The bottle contained the liquid, which supposedly remove the security off the money that was contained in the luggage. Two or three days after this, the complainant Anton Camilleri started to receive threatening phone calls regarding the luggage that was being kept in his house, and a further two hundred thousand Euros (200,000 Euros) was being demanded. Anthony Camilleri's life and his family's life were being threatened and he therefore, filed a Police report about the whole matter.

Police investigations revealed that the person referred to as Tom was actually Kaba Konate, an immigrant who was given refugee status here in Malta. The same Kaba Konate, as already known to the Police, was found to be residing at Lancaster Flats, Flat number 6, Triq J. Quintanos, Qawra, where he was living with three other refugees Alex Pedro, George Brown and Ibrahim Koroma. On the 12th of September 2005, the Police lead by Inspector Mallia effected a search in the above mentioned flat, and found George Brown, Ibrahim Koroma and Alex Pedro, together with Emilia Chetcuti living in the flat. Kaba Konate was not found in the flat. An intensive search was effected in the flat. In the only room that was not being used by the other four persons, the Police found, a wrapped object similar to the one that the complainant Anton Camilleri had handed over to the Police, together with the luggage that Tom had given him.

Inspector Mallia stated that this luggage which was handed over to the Police by Anton Camilleri was opened by the Forensic experts during the inquiry headed by Magistrate Dr Apap Bologna. In that luggage, black papers the size of currency notes were found. During the search effected in Lancaster Flat, in flat number 6 referred to above, similar objects were found in one of the rooms, that is, black papers similar to the ones found in the luggage previously held by complainant Camilleri. All four persons found in the flat were arrested by the Police for further investigations.

On the 13th September 2005, George Brown was questioned by the Police. He stated that he had arrived in Malta on the 16th of October 2002 and in April 2004, he was released from detention and put on temporary protection. He stated that he knew Kaba Konate, and that Konate had brought an unknown person to the flat, who allegedly had come from Spain. This person remains unidentified. Brown further stated that another person was brought by Konate to the same flat, and introduced to him (Brown), and this person was Yaya Traore who was identified as one of the accused in these proceedings. **One week after Yaya arrived in Malta**, Kaba Konate left the flat, allowing Yaya to live in the flat in the room which he (Kaba) used to occupy. The accused Yaya subsequently invited another person into the flat, that is, the accused Benjamin Saygbe in these proceedings. Brown told the Police that Yaya and Benjamin cleaned the flat (even though they were not sleeping there), because they were frequenting the flat as they still had the key that was given to them by Kaba Konate.

Brown told the Police that the week prior to the Police's raid in their flat, another person Yacou came to the flat together with Yaya and Benjamin, and one of them was wrapping an empty green bottle. Brown told the Police that the following Monday, he had arrived back to the flat earlier than usual, and found one of the three above indicated men in the flat, **'he was wrapping something on the floor which seemed to be like black paper.'** Thereupon, Brown became suspicious and went to his room for his digital camera and took three photographs, because he suspected that the man was doing something wrong. Brown started to argue and asked them to leave the flat. The man whose photo was taken (by Brown) immediately called the two other persons on his cell phone, who eventually arrived. This was Benjamin Saygbe who packed the black paper into a green zipper bag and went out of the flat. Brown handed over his digital camera to the Police, and the Police developed the photos CSU4, CSU5 and CSU6.

After this, the Police deployed two plain clothes Police to survey the area and on the 13th September 2005, at eleven in the afternoon (11pm), the three persons arrived at the flat, one of which was the person seen in the photograph that the Police had in their possession, and all three persons were detained by the Police for further investigations. Indeed, it transpired that the person shown in the photographs CSU4-5, was the person of Yacou Doukoure, holder of passport number AC797043, and the other two persons accompanying him were Yaya Traore, with passport number O4ND96875, and Benjamin Saygbe, holder of passport number NJ6999634. All three were identified individually as the accused in these proceedings.

The Police established that the accused Benjamin and Yaya were staying at the Corinthia Hotel in Attard, whilst the accused Doukoure was staying in English Residence Hotel in Imsida. On the 14th September, Anton Camilleri was summoned to the Police Headquarters, and confirmed the identity of Yacou Doukoure as the person who was accompanying Kaba Konate who had represented himself as the owner of the luggage that was being given to Anton Camilleri in trust. Furthermore, Brown further identified Benjamin Saygbe and Yaya Traore as the persons who were staying at the flat whom he has referred to as having come from England. Brown confirmed that Yacou Doukoure was the same person that he had taken pictures of in the flat, whilst Doukoure was wrapping the black paper.

The Police further investigated Ibrahim Koroma, holder of identity card number 28745A, and Alex Pedro, holder of identity card 51225122D, who confirmed Brown's version of the events. The Police also investigated Emilia Chetcuti, who stated that she had only seen Kaba Konate twice, and she denied that she knew Yaya Traore, Yacou Doukoure or Benjamin Saygbe.

The Police continued the investigations regarding the three suspects, and therefore affected a search in Room 319 at the Corinthia Hotel in Balzan, where they found a

particular document, which illustrated and gave step by step instructions as to how to blacken money. During the search, Benjamin Saygbe grabbed one of the papers displaying the instructions, put it in his mouth, chewed it and tried to swallow it. However, he was prevented from doing so by the Police's immediate intervention. This paper in fact was retrieved and later dried and was subsequently exhibited in the proceedings as document MMC at page 42.

Benjamin Saygbe was questioned about this action, stated that he had tried to destroy this paper because it contained personal information about his bi-sexual orientation. When he was shown the crunched up piece of paper, Benjamin Saygbe said that he had mistaken the paper. Police in fact, found no paper containing any details about Benjamin Saygbe's personal life.

Yacou Doukoure was also questioned by the Police, and he stated that it was the first time that he had traveled to Malta, and he denied that he knew Kaba Konate or Anthony Camilleri, and on being shown the photographs taken by Brown, that is CSU4, 5 and 6, admitted that the person shown in the photographs was in fact himself. Doukoure explained that **'he was doing an African ritual practice'**, and that **'strips of papers'** were meant to be **'healing bandages'**, however **'he later admitted that this black carbonized paper shown on the photographs were meant to make people believe that they were money'** after undergoing a specific process. This process involved displaying to the prospective buyer, how to make real money. In fact, real currency notes were put on top of this black paper, in order to make the person believe that the whole bundle of notes were in fact money notes. Questioned as to who was going to receive these papers, Yacou answered that he had not found anybody yet, but was looking for somebody to sell to. He explained that after the sale of these papers, he would then explain to the victim, that he would have to buy a certain expensive liquid, which would de-carbonise the paper and turn it into real currency. Yacou Doukoure stated that this idea originated in Africa, and stated that Alex Pedro,

Ibrahim Koroma and George Brown had seen him wrapping these black papers in the room of the flat, but that they had no idea what was in fact going on. In fact, they were questioning him and an argument broke out and this is the reason why one of them had taken photographs. **Yacou Doukoure confirmed that the other two accused Yaya and Benjamin knew what he was doing, and that it was in fact Yaya who called him and agreed with him to come to Malta in order to do the whole scheme.**

Yaya Traore, on the other hand, stated that he had come to Malta on holiday on the 1st September 2005, and got to know Kaba Konate when he had arrived in Malta. Yaya stated that he did not know Anton Camilleri, and that he was at the flat at the time the Police effected the raid, because they were going out to eat together. **On being shown photos CSU4, 5 and 6, Yaya Traore stated that he believed that the black papers were Yacou's medicines.**

Benjamin Saygbe stated that the black paper were used by Yacou for voodoo purposes. He admitted that the black luggage found in the flat during the first surprised raid was his property. With reference to the contents of this luggage, Benjamin Saygbe stated that he did not know who they belonged to, and that the luggage was used by Yaya who was also staying with him

Further Police investigations showed that Anton Camilleri's mobile phone number was in fact used by Yaya Traore. Police also found papers indicating Yaya's name and telephone number in the luggage belonging to Benjamin Saygbe. The Police investigation showed that the mobile phone used by Traore, in fact had contacted the complainant Anthony Camilleri as will be shown later on by the service provider. Another call was made from a landline pertaining to the Bugibba flat to the same complainant Camilleri. Police called during the same time period when the complainant had informed the Police that he was being threatened. Document MM, the paper found in Benjamin Saygbe's luggage, and document MM1

shows a number pertaining to Kaba Konate. This was also found in Benjamin Saygbe's briefcase. Document MM2 is a paper showing a name "Yaya" and a mobile number, and this document was found in room 319 at the Corinthia Hotel in Attard.

Police Inspector Michael Mallia exhibited document MM2, statement released by Benjamin Saygbe under caution, which was taken in the presence of PS 90 Jeffrey Gerada, MM3 the statement released by Yaya Traore, and MM4 the statement released by Yacou Doukoure. Inspector Mallia, at page 39, stated that **Anton Camilleri had actually received an anonymous threatening phone call whilst he was talking to the Police and lodging his complaint**, and that **Inspector Mallia could see for himself the terrified state he was in**. Inspector Mallia stated that he could hear someone speaking in English, in a foreign tonality, but did not in fact himself hear the threats. Inspector Mallia stated that Anton Camilleri had been told that the luggage belonged to the mafia, and that he had to do as he was told, otherwise he would be eliminated.

In cross examination, Inspector Mallia denied that Yaya Traore and Benjamin Saygbe were recognized by the complainant, but affirmed that Ibrahim, Alex and Emilia Chetcuti recognized all three accused. Inspector Mallia confirmed that he was not in a position to confirm who had made the threatening phone call since he did not actually hear the telephone conversation himself.

Anton Camilleri, at page 54 et seq, stated at fol 99A, that three weeks earlier, an ex employee had phoned him and told him that he needed to talk to him. This ex employee came the next day together with another person. Anton Camilleri stated that this ex employee told him that he (Camilleri) had always been a good man and had always helped him, asked him for a favour on behalf of his friend, whose father had been killed during the war. Therefore asked him for a loan of a thousand pounds (Lm1000). Furthermore, he asked Anton Camilleri to keep in his safekeeping, a suitcase, which contained his family's

wealth. Two days later, he phoned him again asking for a further one thousand pounds (Lm1000). Anton Camilleri stated that this further one thousand pounds (Lm1000) was given to his ex employee (Tom), and that it was Tom who signed the receipt. **Anton Camilleri stated that the person accompanying Tom was in fact Yacou Doukoure, identified as one of the accused in these proceedings.**

After a few days, Anton Camilleri stated that Tom and Yacou Doukoure again contacted him and asked him for a further twelve thousand pounds (Lm12,000):

'He told me that his money was secured, so that his money, so that he could go to the American Embassy and bring a certain chemical. I asked him what this chemical was, and he told me that this chemical was used in his country, the Americans use it, and he showed me a kind of 'pass' carrying the American flag, which had a black number on it. He said that his father was a renowned person, a stable person and that is why they had access to the American Embassy to bring this chemical. After a lot of pressure from his part, I refused to pay the sum of twelve thousand pounds (Lm12,000) and I told them that I won't give them this sum of money, and after two days I received an anonymous telephone call.' (vide page 102A).

Anton Camilleri said that he could not recognize this man's voice, he threatened that if Anton Camilleri did not pay twelve thousand pounds (Lm12,000), he would kidnap Anton Camilleri's wife and children and that Anton Camilleri's life would be in danger. The person who was effecting the telephone call gave Anton Camilleri a telephone number on which Camilleri could contact him. Anton Camilleri stated that the person threatening him gave him significant information about his two young children, and that he became very worried, so much so that his wife realized that there was something wrong with him and he had to tell her the whole story. Anton Camilleri stated that his wife asked him to pay the moneys asked for the sake of the children.

Anton Camilleri stated that in fact, the following day he received a telephone call from Tom about the money, and Anton Camilleri informed him that he was willing to pay. Anton Camilleri collected the money from the Bank, he withdrew ten thousand pounds (Lm10,000) from the account, he tried getting away with paying ten thousand pounds (Lm10,000) and in fact, handed over ten thousand pounds (Lm10,000) in cash to Tom and Doukoure. However, on the following day, Tom phoned up again requesting the remaining two thousand pounds (Lm2000), Anton Camilleri responded that he had difficulty turning up with the money, however Tom insisted that Camilleri paid the balance, and therefore, he paid the last two thousand pounds (Lm2000). Camilleri stated that he issued two receipts for the amounts. These were marked and exhibited as document AC1 and AC2. Anton Camilleri stated that the dates on the receipt were wrong, and that in fact he withdrew the money on the 30th August.

At page 105A and 106A, Anton Camilleri informed the Court about the types of threats that he was receiving on the phone. Anton Camilleri stated that the telephone number used to deliver the threatening phone calls was a number emanating from Spain. Anton Camilleri stated that at one point in time, he decided to have a holiday with his wife and children, and went to Prague and whilst he was there, he also received threatening phone calls. Anton Camilleri stated that he had requested the person to come and pick up his luggage, but that he received instructions to travel to Italy or Germany to meet the person making the threatening phone calls. The person making the threatening phone calls used to address himself as Tom's friend, that is, Yacou Doukoure (see page 108A and 109A).

'One day he told me angrily that he is going to pass on the telephone call to his boss, and I didn't know who his boss was. I realized that the voice was different. He shouted at me and told me to remember that I had two young children, that I had a young woman, that he would take them away from me if I did

not give him the money he was asking for. He told me that I had to prepare the sum of two hundred thousand Euros (200,000 Euros) which had to be made available in two days. I told him that I was abroad, and he asked where I could be found. I did not give him any details. I had to tell everything to my wife.’ (vide page 109A and 110A).

Anton Camilleri stated that he was constrained to cut short his holiday, contacted the Commissioner of Police, and requested protection for his entire family. This was to start of the investigation by the Police, who took the suitcase together with a wrapped packet with an American flag on it, which Tom had delivered at a later date and which Anton Camilleri had to keep together with the suitcase (see page 110A and 111A).

Anton Camilleri stated that whilst he was making the report to the Police, he had received another threatening phone call and then the Police asked him to phone back and to tell the person making the threatening phone calls that he had only manage to collect a sixty thousand Euros (60,000 Euros). Anton Camilleri stated, at page 114A and 115A, that the person making the threatening phone calls informed him that he did not trust his own people in Malta and asked Anton Camilleri to send him the air fair tickets to enable him to travel and collect the money himself. Anton Camilleri refused to do this, whereupon the person making the threatening phone calls instructed him to deposit three thousand Euros (3000 Euros) in a Western Union account, but this again was refused by Mr Anton Camilleri.

At page 115A, the complainant Anthony Camilleri stated that in all, he had paid over thirteen thousand pounds (Lm13,000). Anton Camilleri, at page 118A, stated that the telephone number used by Tom was 79905724, whilst his own telephone number (Anton Camilleri’s) was 79498547. At page 119A, the complainant confirmed that he only saw the other two accused at the Police Headquarters. At page 132A, Anton Camilleri stated that the voice of the person making the last threats was not

the voice of the person making the earlier ones. At page 123A, Anton Camilleri stated that the last person's voice was the voice of a woman and she spoke to him in Maltese. Anton Camilleri further stated that he was a property negotiator and developer and that Tom had been working for him for the period of six months. He confirmed that he lent Tom one thousand pounds (Lm1000), and that he had helped him on several occasions prior to this, both by giving him money and clothes. He confirmed that Tom in fact signed as Kaba Konate, and Anton Camilleri stated that this was indicated in an identity card which Tom had been given by the Police.

With reference to document AC1 and AC2, Anton Camilleri confirmed that the date was incorrect, and that his wife had mistakenly written the month of July whereas it should have been the month of August. Anton Camilleri stated that he did not know how to read and write properly, and that he simply copied the receipt which had been written by his wife the previous day, and therefore, both receipts carry erroneously the month of July, whereas in fact, the month should read August. Anton Camilleri, at page 130A, stated that he received the suitcase on the same day that he paid the initial one thousand pounds (Lm1000) (that is the 27th August 2005).

Anton Camilleri confirmed that the receipts AC1 and AC2 were signed by Tom in his presence. Anton Camilleri stated that he was afraid of approaching the Police the first time that he was threatened, that he had approached his wife and then they decided to hand over the money because of the threats on the children. At page 137A, Anton Camilleri stated that the persons who used to phone him and make the threatening phone calls would identify themselves as Tom's friend, or Tom's friend's brother, whereas another one would pretend to be the boss (see also page 138A). Anton Camilleri, at page 140A, stated that Tom had told him that he was living with his girlfriend in Qawra. Anton Camilleri, at page 142A, stated that he did not know how to read and write but he could speak some English, though his English was not

perfect. He also stated that the threats used to always be in the English language.

Anton Camilleri, at page 144A, stated that he had been particularly frightened of the fact that he was informed that half of the contents of the suitcase in his safekeeping belonged to the mafia, and the other half belonged to another group of persons. Anton Camilleri stated that he only accepted the suitcase because he had trusted Tom and believed that he had been a good person.

At page 99, PS 90 Jeffrey Gerada, stated that he was involved in the searches that took place in a block of flats, number 6, Quintanos Street, Qawra, during which search the Police found a black luggage, a pouch containing cotton wool and a container, that is, a bottle wrapped in brown paper. He also stated that the Police found a packet containing small pieces of black paper the size of currency notes. This was found behind a bed in one of the bedrooms of the flat, which bedroom was used by Kaba Konate.

On the 14th September 2005, PC 1337 and PS 90 Gerada accompanied Yaya Traore and Benjamin Saygbe to the Corinthia Hotel, and conducted a search in room 319. Before the search commenced, PS Gerada asked Benjamin Saygbe and Yaya Traore whether they had anything illegal in the room to which both replied in the negative. When the search commenced, Benjamin Saygbe opened a small luggage, that is a brief case, and Benjamin Saygbe tried to take something from the briefcase, that is, exhibit G. PS Gerada identified Benjamin Saygbe and Yaya Traore, and stated that the contents of exhibit G was a vitamin that Benjamin Saygbe needed for his health. PS Gerada confirmed that Benjamin Saygbe again opened the briefcase, took a paper which he crumpled and put in his mouth. The Police intervened and the paper was retrieved from Benjamin Saygbe's mouth. Saygbe informed the Police that he was bi-sexual and he believed that the paper contained particulars regarding his sexual preferences. When the Police opened the relevant paper, they found that it

contained step- by-step instructions as to how one makes dollars. This was handed over to Inspector Mallia.

Regarding a small bottle, containing a substance similar to ink, PS Gerada stated that he asked both Yaya and Benjamin as to its contents, however, they said they knew nothing about it. PS Gerada stated that they found two documents, one with the name of Yaya Traore on it, these documents were marked as G10 and G11. PS Gerada stated that he also found a Vodafone pack from a pack. He confirmed the statement released by Benjamin Saygbe marked as document MM2.

George Brown, at page 112, stated that he lived in Flat 6, Lancaster Court, J Quintanos Street, Qawra, and that on the 16th September, the Police arrived at the flat. The Police asked him to lead them to his room and that was what he did, and a search was effected in his room. George Brown also stated that the Police were looking for Kaba, who was not present. George Brown stated that on that night, the Police arrived at the flat, there were three other persons besides himself in the flat, that is Alex Pedro, Alex's girlfriend and Ibrahim. George Brown stated that in the first room, the Police found black painted paper and a bottle which was wrapped up. He stated that the black painted money consisted of bunches of paper, each bunch containing hundreds of notes. The bottle was wrapped in brown tape and was the size of a wine bottle. All these objects were found in the room which Kaba used.

At page 117, George Brown stated that some time before the Police came, Kaba had come into the flat together with another person, whom he introduced as a friend of his from Africa but who was then living in Spain. This person did not want to stay in a hotel because of the costs, and so Kaba had decided to assist the man by allowing him to stay in the flat. **George Brown stated that he did not know the name of this person.** George Brown stated that after some time, the African living in Spain had actually invited a second person into the flat

who lived in England. George Brown identified this second person as the accused Yaya Traore.

After Kaba left however, Yaya Traore still remained in the flat, and therefore, George Brown stated that he started to get worried. After a short while, Yaya Traore invited another friend of his over to the flat, identified as the accused Benjamin Saygbe (vide page 119). George Brown stated that he talked to Ibrahim and Alex and it was decided that Alex would tell Traore and Saygbe to leave the flat. This was done. George Brown stated that Saygbe in fact had said that he never wanted to stay in the flat, and that he had intended to stay in the hotel, and it was agreed that they would allow them to spend the first night at the flat, and that the following day they had to stay in the hotel. George Brown stated (at page 120), that Traore however, still kept the key to the flat. George Brown stated that the next time that they came to the flat, another person had joined them. George Brown identified this person as as Yacou Doukoure. George Brown stated that he became suspicious because he had seen Yaya Traore and Yacou Doukoure wrapping a bottle and he was afraid they were doing something illegal.

At page 122, George Brown said that one day he came back earlier from work, and when he opened the door, he saw Yacou Doukoure wrapping the black papers, like the ones he had seen on the night the Police came. George Brown stated that he also saw a black plastic bag with similar contents, and all the paper on the floor. George Brown stated that he was frightened because he had never seen anything like that before, and believed that it was something illegal and that he might be implicated on it, so he took out his camera, and took some shots of the scenario. On being shown the photos at page 9, 10 and 11 of the record of the proceedings, he confirmed that these were the photos that he had taken.

George Brown stated, at page 125, that when Doukoure found out that he had taken photos of him, he was angry and became aggressive, and called his friends on the phone. In a couple of minutes, the other two accused

came round to the flat, and **'they were very angry, they wanted to fight me, one of them said they wanted to fight me, and after I told them that they were asking me why did I take the photos and I told them I didn't take any photos.'** (see page 126).

Benjamin Saygbe, thereupon, took some of the black paper in a bag, a greenish luggage, and left the premises. In the evening, the Police arrived. George Brown stated that Ibrahim was his close friend and that though Kaba had lived in the flat with them, he hardly knew anything about him (see page 129). George Brown stated that he had seen the accused wrapping the bottle in the sitting room, and he had seen the bottle later on, when the Police came to make the searches in the flat. George Brown stated that he had seen the black plastic bag before the Police had arrived and then he saw the luggage when Saygbe brought it with him and took it away with him. The green luggage that George Brown was referring to was different from the luggage found by the Police, which was black in colour. Brown said that the black paper laid on the floor, but only a few had been left on the floor by the time the Police arrived. George Brown said that Kaba had told him that he was working with a fishing company in Malta, and that Kaba sometimes did not return to the flat for three consecutive days.

At page 134, George Brown stated that Alex, Ibrahim and Kaba, each had a key to the flat. George Brown stated that Yaya Traore also had a key to the flat because Traore had in fact opened the front door with the key. George Brown stated that he came to the conclusion that Kaba had given Traore the key of the flat because he had recognized the same key.

At page 143, Inspector Michael Mallia exhibited the luggage that was seized by the Police in the raid on the 14th September 2005 in Lancaster Flats, Flat 6, J.Quintanos Street, Qawra, as exhibit MM5, together with MM6, an air ticket received in the name of Yaya Traore dated 31st August 2005.

Ibrahim Koroma, at page 145 et seq, testified that he had been living in Flat number 6, in J.Quintanos Street, Qawra since the 12th February 2005 together with Alex, Alex's girlfriend and Brown. Koroma stated in his evidence, that he knew the three accused because he had seen them in his flat. Koroma stated at page 148 that Kaba had returned with Yaya Traore, the accused, at the flat, around August/September 2005. Ibrahim Koroma stated, at page 150, that whilst he was in the flat, the accused had showed him a considerable number of black paper and had asked him whether he had ever seen anything of the sort in his life. This black paper was kept in Kaba's room in the flat. At page 152, Ibrahim Koroma stated that after Kaba left, Yaya Traore was sleeping in Kaba's room. Koroma stated that he was not present when Brown took the photos that the Police had showed him (photos that appear at page 9, 10 and 11 of the record of the proceedings). Ibrahim Koroma stated that he knew the other two accused through Yaya who had brought them to the flat. Ibrahim stated that he knew the complainant Anthony Camilleri because he used to work for him together with Kaba.

In cross-examination, Ibrahim Koroma stated that he had been in Malta for three years and he had been granted protection status. Ibrahim stated that he had known Kaba for about a year and that he had met him whilst they were living in Balzan in the open centre for refugees. Koroma stated that Kaba had not informed him that he was leaving Malta. Ibrahim Koroma said that he had met Yaya Traore one evening at the flat, either the beginning of August or September. Ibrahim Koroma stated that Kaba's room in the flat was kept closed but not locked, and he confirmed that he had seen the black papers on the day that the Police came to the flat in search for Kaba. Koroma confirmed that there was an easy line telephone system in the flat at Bugibba and that he had never phoned Mr Anton Camilleri on this line.

Alex Pedro, at page 164, confirmed that he had been living in the Qawra flat, together with Ibrahim and Kaba for about eight months and that he was the one who had

signed the lease hold. After four or five months, they were joined by George Brown, who started to share a room with Ibrahim Koroma. At page 166, Alex Pedro stated that when people started to come to his flat, he was afraid that he was going to get into trouble with the landlord since the lease hold permitted only three people to live in the flat (see page 166). Alex Pedro stated that one evening as he returned home, the Police came into the flat, asked him for Kaba, they asked to see everybody's identity card, and started interrogating him. Alex Pedro stated that he knew Kaba whilst he was living in the open centre at Balzan, where he had been living since 1998. Alex Pedro stated that the Police found black papers which were the size of currency notes (vide page 168). The Police found this black paper in Kaba's room.

Alex Pedro stated that the first person who came into the flat after Kaba left was the accused Yaya Traore, and he started to live in Kaba's room. After that, the accused Benjamin Saygbe came to the flat, at which point in time, Alex Pedro decided to call Ibrahim Koroma and Brown to have a meeting to discuss the persons who were living in the flat. It was decided that Benjamin Saygbe would move out of the flat and find accommodation in a hotel. Alex Pedro stated that two or three days after this decision had been taken, Brown had phoned him up to tell him that he had found another person in the flat, and this was Yacou Doukoure, the accused, and Brown took some photos of him. Alex Pedro, in fact, confirmed the photos at page 9, 10 and 11 of the record of the proceedings.

Alex Pedro stated that three days after that Kaba had left the flat, the accused Yaya Traore had informed him that Kaba was in Italy. Alex Pedro stated, at page 176, that after Kaba left, the only person who actually slept in the flat for a couple of days was Yaya Traore and not the other two accused. At page 178, Alex Pedro stated that he had received a telephone call from Brown to say that one of the persons in the flat was doing something illegal and therefore he (Brown) had taken photographs. **He said that the Police and not Brown had shown him these photographs.**

PC 344 Christopher Vella, stated that he had been instructed by Inspector Kevin Borg and Inspector Michael Mallia to take the luggage, exhibit MM5, from Flat 6, Lancaster Flat, J.Quintanos Street, Qawra. PC 344 also confirmed his presence during the statement released by Yacou Doukoure. PC Vella confirmed that the statement was taken by means of the interpreter present in the Court room, that is Ms.Aveta.

Inspector Michael Mallia, at page 183, exhibited a roll of transparent tape, as exhibit MM7, a roll of brown plastic tape as exhibit MM8, a powder bottle as exhibit MM9, a yellow candle as exhibit MM10, together with articles of clothing, mentioned in page 184.

WPS 95 Joanne Farrugia, confirmed the statement MM3, which was taken in her presence, after the accused Yaya Traore was duly cautioned. WPS 95 stated that this statement was effected by means of the interpreter Clementine Aveta.

PC 453 Brian Cassar exhibited twenty six (26) photographs, marked as PC1-26.

PC 1525 Patrick Farrugia and PC 516 Alfio Borg exhibited the report document PF, together with thirty seven (37) photographs exhibited as PF1-37. They exhibited documents AB, which contained four (4) finger print lifters and the relative photographs.

At page 214, Marianne Camilleri stated that she was the wife of the complainant Anton Camilleri, and that she had three children aged seventeen, ten and seven. She confirmed that her husband could read and write, and that she had been asked to issue a receipt to the tune of ten thousand pounds (Lm10,000) as a loan, to two black men. She stated that she knew one of them as Tom, who used to work for her husband. She stated that after a couple of days, she saw that her husband was very anxious. It was then that he told her that he was receiving threatening phone calls, that he was been asked to hand over twelve

thousand pounds (Lm12,000) and that the children were in danger. Marianne Camilleri stated that she had insisted with her husband to hand over the money, and she confirmed that the receipts were drawn up by her. She stated that Tom had returned to her house with the same person, and stated that after this, her husband received another telephone call about the rest of the money, that is, two thousand pounds (Lm2000). This amount was also handed over by her husband. Marianne Camilleri stated that at this point in time, she thought that the family's problems were over. In fact, the entire family had gone abroad, however even whilst they were in Prague, her husband received more threatening phone calls, and this time, he was asked to pay three hundred thousand Euros (300,000). Marianne Camilleri said that the people making phone calls stated that the mafia was involved and that the threats related to the children and to herself. Marianne Camilleri stated that they had cut short the holiday, returned to Malta and went to the Police.

Marianne Camilleri said that she sent her children in hiding because of the threats, whilst her husband and herself had to leave their residence. Marianne Camilleri stated that her husband was a building contractor. She stated that she knew Tom for about seven months as employee of her husband (see page 223). At page 224, Marianne Camilleri gave a graphic description of the way and the manner in which the threats affected her life, and that of her family. She also stated that when the criminal proceedings were taken against the persons concerned, the threats ceased.

Marianne Camilleri, in cross-examination, stated that the luggage in the possession of her husband was given to him on the first meeting with Tom and the other person. Asked why she had insisted with her husband to hand over the twelve thousand pounds (Lm12,000) rather than going to the Police, Marianne stated that she had done so because the children were more precious to her than money (see page 226). Marianne Camilleri stated that after her husband had handed over the twelve thousand pounds (Lm12,000) she had never believed that more

money was going to be asked of him. Marianne Camilleri stated that the receipts (document AC1) carried the wrong date, and the month should read August and not July. This mistake was done because of the fear and panic of the moment.

Dr Anthony Cutajar, at page 229, exhibited the researches effected in terms of Section 5 of Chapter 373 of the Laws of Malta, three blue files exhibited as AC1, 2, and 3.

PC 1111 Joseph Seguna, at page 232, testified that on the 13th September 2005 he was instructed to escort the three accused to the CID, together with PC 344.

Emilia Chetcuti, at page 234, stated that she was in her boyfriend's flat, that is Number 6, Lancaster Flats, Qawra, when the Police effected a search in the premises. During this search, she entered a room where the Inspector indicated to her a black bottle and some black paper.

PS 239 Joseph Caruana, Scene of Crime Officer, exhibited document JC at page 239, together with twenty one (21) photos marked and exhibited as JC1-21, which photos show the contents of various objects in particular rooms in the same Lancaster Flats, Flat Number 6, in J.Quintanos Street, Qawra.

PC 404 Paul Camilleri, at page 246, Scene of Crime Officer, elevated the items that are shown in document JC1-21, and stated that all various objects were passed on to pharmacist Mario Mifsud and PS 659 Jeffrey Hughes for further analysis.

Pharmacist Mario Mifsud, at page 248, exhibited documents MM and MM1, and stated that he held out the analysis on all documents handed over to him by the scene of crime officers, and according to the analysis effected on all the objects which were handed over to him by the scene of crime officers, it transpired that the bottle of transparent liquid was found to contain alcohol and that the bottle containing a solid substance was found to contain a wax type of substance; that the black paper was

in fact nothing more than black paper; and the white dusty substance found on the black paper in fact was nothing more than talcum powder.

At page 250, pharmacist Mario Mifsud gives a brief detail of the scam called 'conversion of hard money' or 'wash-wash': a letter or fax is sent to entice the victim with a once in a life-time offer which urges him to obtain a visa for the defrauder. The victim is shown a suitcase allegedly full of US currency in one hundred dollar bill denominations, which are defaced with a black waxing material (Vaseline and iodine). The victim is then told that a special solution (a commercial cleaning fluid) is needed to restore the black money into real American currency, but that such fluid was very expensive. The defrauder then asks for anything between fifteen and two hundred thousand dollars, and the victim is promised a forty per cent (40%) of the entire amount of money, that is, to be washed. The defrauders actually wash one black paper with special solution in front of the victim to show him how it is done.

PS 659 Jeffrey Hughes, at page 268, informed the Court that he needed more time to exhibit his report.

Emilia Chetcuti, at page 272, confirmed that the black bottle she had seen at the flat was about one and a half feet in length; that the black paper she had seen were in bundles of about five inch thickness; that she could not confirm the dimensions of the size of the black paper. She confirmed that it was the first time that she had ever seen such paper. Emilia Chetcuti stated that the bottle and the black paper was found in a room in the flat; that this particular room had lain empty for some time and that subsequently Brown had moved into it. On being shown document JC1-21, she confirmed the bottle and the black paper shown thereon. Emilia Chetcuti did not identify any of the accused, and she confirmed that none of the rooms within the flat could be locked. She also confirmed that she never entered the room where the bottle and money were found, as this was not her room.

PS 659 Jeffrey Hughes, at page 282, exhibited three reports, marked as JH1, 2 and 3. Hughes stated that no fingerprints were lifted from the objects mentioned in document JH1. However, in document JH, two sets of fingerprints were elevated and these were lifted from the suitcase marked O5CW1204, two fingerprints were found on one photograph, three fingerprints were lifted from the larger of two papers on which were written United States Embassy Chemical Registration Form. These fingerprints were marked as O5CWW NH1, 2 and 3.

PC 94 Jack Farrugia, at page 326, Scene of Crime Officer, was requested by Inspector Michael Mallia to report at room 319, Corinthia Palace Hotel, to elevate items indicated by CID personnel. He exhibited documents O5CWW201, 202 and 203, that is a white paper bag, two papers with a letter head of Novac International, and a little bottle on which was written 'Iodine tincture'. His report was exhibited as document X and is found at page 328 et seq.

Dr Robert Tufigno, on behalf of Mobile Communications Ltd, trading as Go Mobile, testified that the telephone number 79498547 was registered on the name of Anton Camilleri, ID Card number 228266(M), residing at Il-Maxtura, Triq il-Madliena, Madliena. Dr Tufigno exhibited the incoming call profile as document RT1-38, and this from the period of 1st August 2005 and the 11th September 2005. A special mention needs to be made to the telephone calls indicated at page 371 (RT29), page 373 (RT31), page 374 (RT32), page 375 (RT33), and RT34 at page 376, and this with regards to the telephone calls which are highlighted in yellow.

Superintendent Alexandra Mamo, at page 381 et seq, confirmed that she was called by the Assistant Commissioner Manuel Cassar and requested to proceed for briefing at the General Headquarters. Subsequently, she notified the Bomb Disposal Unit officers to assist in the opening of the black suitcase. Superintendent Mamo confirmed that AC Cassar introduced her to a certain Anton Camilleri, that is, the complainant in this case. She

testified that Anton Camilleri had confirmed that he had been a victim of a fraud scam by a certain Kaba Konate, known as Tom. When the EOD Officers managed to open the luggage, Superintendent Mamo realized that this was a case concerning the black money scam and therefore, she requested a Magisterial Inquiry. She confirmed the evidence given by Anton Camilleri, and stated that she supervised the investigations together with AC Cassar, and that the investigations of the accused or some of the accused were assisted by an interpreter.

Charmaine Galea Triganza, at page 385, Senior Technical Officer at Maltacom, stated that the telephone number 21570888 was an easy line registered in the name of John Camilleri, Lancaster Court, Flat 6, J.Quintanos Street, Qawra (vide page 387).

PC 1337 stated that he was instructed to accompany PS 90 and PC 1084 to the Corinthia Hotel, to effect a search in room 319, in the presence of Mr Benjamin Saygbe and Yaya Traore. PC 1337 testified that Mr Benjamin Saygbe had opened a briefcase, had taken out a bottle on which was written Vitamin C, but was refused to take any of its contents. Thereupon, Mr Saygbe took out a piece of paper from the same briefcase:

‘he started shouting what’s this, what’s this, as if he was trying to say that he didn’t know about the paper and tried to chew it.’

PC 1337 and PS 90 apprehended Saygbe and managed to take the paper out of his mouth. When asked about this paper, Saygbe informed the Policemen present that the paper contained personal information about his sexual orientation. PC 1337 stated that Yaya Traore seemed to be looking suspiciously at a French magazine. When PC 1337 opened the magazine, he found a paper entitled US Embassy Top Secret. The document that Mr Benjamin Saygbe tried to swallow was document MMC whilst the paper entitled US Embassy was identified as document G10 at page 110 of the records of the proceedings. All documents were passed on to the scene of crime officers.

Ms.Aveta, at page 394 et seq, confirmed that she acted as an interpreter to the statements marked as document MM4 at page 52 et seq, and MM3 at page 50 et seq.

Dr Robert Abela, at page 406, confirmed the translation that he effected at page 97A-147A of the first volume of the record of the proceedings.

Martin Bajada, at page 408, exhibited document MB, the contents of the memory card exhibited as exhibit GB.

John Camilleri, at page 420, confirmed that Lancaster Flats, Flat Number 6, J.Quintanos Street, Qawra, was his property, and that there was a telephone land line in the same premises with the number 21570888. He confirmed that he rented the flat out to a certain Alex, that appears in the contract exhibit as document JC. Document JC1 was a receipt given to the agent.

Inspector Kevin Borg, at page 425 et seq, confirmed the statement marked document MM3 at page 30, that is the statement made by Yaya Traore, with the help of the interpreter Ms.Aveta. Inspector Borg also confirmed the statement released by Yacou Doukoure marked as document MM4 at page 52, stating that Yacou Doukoure in fact was very cooperative with the Police, and confirmed that the process, that is the black money scam, was in fact a process to make money notes, that is, to put an original banknote on top of all the other black paper, and then try to find somebody to persuade him that the procedure was that of actually making money. Doukoure stated, that on the 15th of September he had had nobody in mind yet, but his intention was to find somebody to try and persuade him, and that it was a procedure to make real money.

Joseph Mallia, at page 430, was consigned documents to effect a comparative analysis of fingerprints.

Inspector Kevin Borg, at pages 432 and 436 et seq, confirmed that no fingerprints of the accused were in fact ordered by the Inquiring Magistrate.

PS 1374 Edgar Dalli took the fingerprints of the accused Yaya Traore (D1 and D2), those of Benjamin Saygbe (D3 and D4) and those of Yacou Doukoure (D5 and D6) in the presence of the Court.

Joseph Mallia, at page 444 was consigned the fingerprints and palm prints of the three accused (D1-D6), to effect the comparative analysis of fingerprints.

Joseph Mallia, at page 482, fingerprint expert entrusted with the comparison of fingerprints elevated by the scene of crime officers from the scene of the alleged crime, with the fingerprints of the accused, taken in the presence of this Court, stated that the print document 60705A 03NH1 was found to be identical with the left middle finger of the accused Yaya Traore. Similarly, the print document 60705A 03NH1 was also found to be identical with the left middle finger of Yaya Traore. The print document 05CWWNH1 was also compared with the left thumb of Yaya Traore. No other fingerprints elevated from the alleged scene of crime were found to match any fingerprints of the other two accused (vide 482-513).

Alex Pedro, in cross-examination, at page 526 et seq, confirmed that he had become acquainted with Kaba Konate whilst he (Pedro) was living in Balzan. Ibrahim also lived in the same convent, but Kaba had never lived in the convent. Pedro stated that Kaba, Ibrahim and himself (Pedro) had decided to rent out a flat in Qawra from a certain John Camilleri. Alex Pedro also stated that he had actually worked for Anton Camilleri for a period of two weeks. Pedro stated that when he was working with Anton Camilleri, Kaba in fact was not working because he had a problem with the immigration police. At page 539, Alex Pedro confirmed that both Kaba and the man from Africos had not returned to the flat on the same day. Alex stated that they left their personal belongings in the room in the Qawra flat.

At page 540-542, Alex Pedro stated that he had rented a car, a Kia Avella, and that he had left the car key in the flat one morning and on his return he could not find the car key which later turned up near the washing machine. Pedro confirmed that Kaba Konate had first brought the man from Africos, then Yaya Traore had come to the flat, subsequently Benjamin Saygbe had come and joined them in the flat, and the last man to join them was Yacou Doukoure. Pedro stated that he had given the accused the name of three hotels including the Bugibba Holiday Complex, the Suncrest and the Corinthia Hotel in Balzan. Pedro stated that the accused must have made an extra copy of the key of the flat because even after they returned the extra key, Pedro still found them in the flat (vide page 549).

At page 550, Alex Pedro stated that the accused Doukoure was the last man to come to the flat, and he came at a time when Kaba was not living in the flat anymore. Pedro however could not say whether Doukoure was brought in by Yaya or Benjamin. Regarding the car, Pedro stated that he had found the car key missing from his flat, he had checked and found that his car was no longer parked in the place where he had left it, and subsequently, the accused had come to the flat and the Police had arrested them, and had arrested himself (Pedro). Pedro stated that he only found the key when he had been released by the Police the following day and he found the car key near the washing machine (vide page 552-456). Pedro confirmed that Ibrahim and himself had worked for Anton Camilleri, that Anton Camilleri's sixteen-year old son had come to the flat, and had spoke to Kaba, at the time when Yaya had already come to the flat (vide page 557-558). At page 559 and 560, Pedro stated that he only worked for a period of two weeks for Anton Camilleri and during this time, he was employed in carting away construction waste material. Pedro could not state the exact date when Traore came to live with them at the flat (vide page 561).

At page 565, Alex Pedro stated that during the time that he was working with Anton Camilleri, Kaba had had some problems regarding immigration and in fact, he had not lived in the flat for a period of one month. Pedro confirmed that this happened about two months prior to Kaba's second leaving of the flat (see page 567). At page 569, Pedro stated that Kaba and Samuela used to work with Anton Camilleri on his construction sites. Pedro confirmed, at page 570, that Kaba did not inform him that he was leaving the flat. Pedro confirmed that Kaba had not returned to him the key of the flat, and that he (Pedro) took the key of the flat from the accused Yaya Traore. At page 571, Pedro specified that he took three keys from Yaya Traore, that is the key to the main door downstairs, the main door of the flat, and the key to Kaba's room. Mr Pedro stated that Kaba's room in fact was not locked and that he had never entered Kaba's room.

Jesus Curiel Fernandez, at page 578, stated that he ran a business in repairing and maintaining lifts, and that he had employed Yacou Doukoure for over a year, but that he had known him for a period of around four or five years. Fernandez confirmed that Doukoure was in his continuous employment till the 2nd September 2005, and exhibited documents D1-3 in support of the same. In cross-examination, Fernandez stated that Doukoure had asked for one month's leave entitlement, and that he was due to go back to work on the 4th of October 2005. Fernandez also stated that Doukoure's wife had phoned him up telling him that Doukoure would not be returning back to work because of some personal problems, and this around one week after Doukoure went on holiday (see page 581). Fernandez confirmed that Doukoure's employment was terminated and exhibited document D4.

Maria Redondo, at page 598, stated that she had known Yacou Doukoure for eight years and that they have been married four years ago. She stated that on the 22nd August 2005, her daughter was born and was registered in hospital in Madrid by her husband Yacou Doukoure. She stated that initially, she had intended traveling with her husband on holiday, but that the birth of her child had

come prematurely. Maria Redondo, shown document CSH6 at page 11, identified the man in the photo as her husband. She stated that this holiday had been planned in June of 2005.

Yacou Doukoure, at page 606, stated that he had been living in Spain for the last ten years, that he had been married for four years, and that he had arrived in Malta on the 8th September 2005. Doukoure exhibited document YD. His occupation in Spain was that of repairing lifts and he had asked for and had been granted leave to travel to Malta as from the 3rd September 2005. He stated that when he arrived in Malta he was residing at the English Residence Hotel in Imsida. He stated that he knew Yaya Traore, who had been a childhood friend, they had both lived in the same village at the Ivory Coast. He stated that he had last seen Yaya Traore in Madrid three months previously, and stated that he had phoned up Yaya whilst the latter was in London to announce the birth of his child and had told him that he was still undecided as to whether to go to Malta for a holiday and had to consult his wife. Doukoure stated that he came to Malta on the 8th September and checked at the English Residence in Imsida and went to the Qawra flat on the 9th September. He stated that he met Benjamin Saygbe on the 8th September on his arrival, when he came with Yaya who introduced him. Doukoure stated that when he went to the Qawra flat on the 9th of September he stayed in the flat for about thirty minutes but did not meet anybody else in the flat. On the 12th September it was the first time he had seen the black paper, this was lying in the first room on the left as you enter the flat. Doukoure stated at page 610:

‘As soon as I saw the black paper, I realized that that was the black paper I often saw on documentaries in Spain, for the manipulation of money.’

Doukoure stated that his first thought was how to make use of this black paper, and that as he was handling this money, George Brown arrived at the flat and started to talk to him in English. He told him that that was money, Doukoure responded that it was only paper, and George

Brown insisted that that paper was his and it was his work (see page 610 and 611). Brown insisted with him that he (Doukoure) should not touch the black paper, and asked him to call Yaya. Doukoure therefore, called Yaya who arrived with Benjamin. Doukoure stated that George Brown started to take photos, and stated that when Yaya and Benjamin arrived at the flat, Yaya asked him what was going on, and George Brown told Yaya that Yacou was handling the money, and Doukoure answered that he was **'carrying out the sacrifice with the black money'** (see page 611).

Yacou Doukoure insisted that he had never touched the paper ever again. The next day, on the 13th September, Doukoure stated that they were all arrested by the Police. Doukoure said that the Police showed him photos, and that he (Doukoure) identified himself in those photos. Doukoure stated that he had never spoken of black paper before arriving in Malta, that he had never set out to speak of black paper with Yaya Traore or with Benjamin Saygbe. Asked what he knew about black money, Doukoure stated:

'Somebody would approach another person, to whom you would say this is money and the person would ask but how can this be money? Superimposed upon this black paper, there is a real note, so you would take the top note which is the real note, wash it, obviously it would show that it is a real note, and then he will say that all the rest is exactly the same, it's money. And you will tell the person I have stolen this money from my country and if the person believes you, then he would automatically say right what can be done then. Right, if we wash it all, if we wash all this money, then you will get half and I will get the other half.' (see page 612).

Doukoure stated that in Spain, the black money scam was also shown on puppet shows. Doukoure confirmed the signature on the statement at page 52 et seq, and stated that when he was questioned by the Police regarding the photos that Brown had taken him, he had answered **'it**

was to do the parcel with the black notes' (vide page 613). Doukoure stated that this had been a mistake, and that he had thought he would use the black notes in the same manner as he had seen on television. He stated that although in the statement he had given to the Police he had said that the accused Yaya and Benjamin had called him **'in order to do this work with the black carbon'**, Doukoure stated that **'Yaya never told me come along because there is a crime to be carried out.'** (see page 614).

Doukoure stated that the telephone call that he mentioned in the statement is the call that George Brown insisted that he made to Yaya Traore when he (Doukoure) was found handling the black paper. Doukoure stated that he did not know Kaba Konate, and that he had not known or had any contacts with Anton Camilleri. Doukoure confirmed, at page 615, that the Police had his mobile phone. In cross-examination, Doukoure confirmed the statement (at page 52 et seq), that he had made with the Police. He confirmed that he had told Yaya (and not the Police) with reference to his touching the black notes, that it was a spiritual ritual that he practiced in Africa, and that he only said this as a cover up because he was afraid. At page 617, he also admitted that he knew that he was tackling or handling something which was illegal when he was handling the black paper, and this because he had seen all this on television in Spain.

Doukoure, at page 619, stated that he had seen the black paper on a green luggage in a room in the flat, and there was a large quantity of this paper, and he decided to take part of it and make use of it himself. Thereupon, the proprietor came over and told him not to touch anything. Asked whether it was normal to go to somebody else's house and decide to take something which was not his and make use of it, Doukoure stated **'as it was black paper I said to myself I shall make use of it.'** (vide page 619).

Doukoure also stated that he was going to make money out of the black paper, and stated that he intended to get

into contact with somebody in order to put into effect the black money scam, but he had not as yet found anybody. He confirmed that he never knew Anton Camilleri. He stated that the luggage in which he had found the black money belonged to George Brown. Doukoure stated that he never saw document MMC (at page 42), in the hands of the other two accused, and that he had only seen this document in the hands of the Police. Doukoure confirmed that when the Police had questioned him about Traore and Saygbe's presence in Malta, he (Doukoure) had answered that they had called him in order to do this work, the black carbon, and that the Police had made reference to the photos from page 9 to 11.

In re-examination, at page 624, Doukoure stated that all his personal belongings were in the hotel, and that these were picked up by the Police.

Yaya Traore, at page 628, stated that he had arrived in Malta on the 1st September 2005, and that on the 27th August 2005, he was in London. Traore stated that he had not pre-booked his hotel, and that from the airport, he had booked a taxi which had taken him to Valletta. However, the hotels were fully booked. Eventually, he came into contact with Kaba Konate, who took him to the flat in Qawra. Traore stated that this was the first time that he had met Kaba Konate, who was also from the Ivory Coast like himself. Yaya Traore stated that he knew that Yacou Doukoure was coming to Malta for a holiday with his wife, but subsequently, he was only coming on his own. Yaya Traore stated that he entered Malta on the 1st September 2005 as may be shown from his passport exhibited at page 15 of the record of the proceedings on page 11 of the same passport. Yaya Traore stated that he had never known Anton Camilleri and that he had only met him here in Court. With reference to the black money, Yaya Traore stated that the first time that he had seen this black paper was when Yacou had asked him to go back to the flat. Yaya Traore stated that Kaba Konate had gone abroad and that he had phoned up Alex some time later to tell him that he had left the island. Yaya Traore stated that he had touched one document on the 9th September after he

had seen Benjamin taking some ink on his finger to put on the paper, so he took some iodine which he used to treat his pimples, and tried the same actions on the paper that he had seen Benjamin effect (vide at page 633 and 634).

Yaya Traore stated that he did not have any arguments with George Brown; that he never received any money from anyone whilst he was in Malta; that he did not contact anybody with whom he was in agreement to do anything that would bring any money or forge money or anything of the sort; that he had never called Mr Camilleri since he didn't know this gentleman; that he never discussed anything regarding some process by which money could be produced. Yaya Traore confirmed the statement that he released to the Police (document MM3), after this was read out to him. Traore commented however that Yacou had entered the room after him as he did not have the key. Yaya stated that he had known Benjamin through his (Traore's) cousins who lived in London, and that he had known him for about a year. At page 635-638, Yaya Traore stated that it was Benjamin Saygbe who had contacted him from London, and he did so by using Kaba's telephone. Yaya Traore could not however remember the telephone number.

With reference to the photos at page 4, 5 and 6 of the record of the proceedings, Yaya Traore stated that he had never seen this black paper. At page 639, Traore stated that the first time he saw them was in Brown's hands. Asked whether he ever touched the black paper, Yaya Traore stated that he did so just to have a look at it, and this when Brown and Yacou were arguing over it (vide evidence at page 640). With regards to document MMC at page 42, Yaya Traore stated that the first time he saw this document was at the Police Headquarters. With regards to document MM, Yaya Traore stated that the top number is Kaba's number, which Yaya Traore admitted to have written down. Subsequently to this, Yaya Traore stated that he did not know who wrote the bottom number and that it was not his handwriting, and with regards to the page subsequent to that, Yaya Traore recognized the bottom number written in black as his handwriting. With

regards to the paper on which the instructions regarding the black money scam were written down, that is page 42, Yaya Traore could not remember if he ever touched this paper. At page 642, Yaya Traore denies that he took a black paper and a green luggage together with Benjamin Saygbe. Yaya Traore denies that he ever phoned up Yacou Doukoure together with Benjamin Saygbe to carry out the black money scam.

Benjamin Saygbe, at page 650, stated that he was a Dutch national and that he resided in London working in a bakery. He confirmed that he arrived in Malta on the 6th September 2005 for a vacation. A week before he came to Malta, he visited a friend of his in London who happened to be a cousin of Yaya Traore. Benjamin Saygbe. **At page 652, he said that he was given a Maltese cell phone number by which he could contact Yaya Traore when he was in Malta. Saygbe stated that he had used this telephone call to inform Yaya Traore that he would be arriving on the 6th of September,** however when he used the phone, somebody else answered and put him through to Yaya. When he arrived in Malta, Saygbe stated that he again phoned up Yaya Traore who however, could not come for him at the airport. Benjamin Saygbe stated that he booked a taxi and instructions were given to the driver to get him to Yaya's flat in Bugibba. There, Benjamin met Yaya and Ibrahim and Alex Pedro and George Brown. It was decided that Benjamin Saygbe would sleep the night, but after that he had to find accommodation in a hotel. After an intensive search with the help of Alex Pedro, they found accommodation in the Corinthia Hotel in Balzan. Benjamin Saygbe confirmed that he only slept two nights, (that is on the 6th and 7th of September 2005), at the flat in Qawra, before he moved on to the Corinthia Palace Hotel, together with Yaya Traore. Saygbe stated that whilst he was in Malta, he visited many places like the Blue Lagoon in Comino and Medina. He said that they used to go back to the flat in the evening, and when they did eat at the flat, they always contributed towards the food.

Benjamin Saygbe stated that he rented out a car. He said that he had never known Yacou Doukoure and that he had only met him on the 8th September 2005. Benjamin Saygbe stated that the relationship with the other people that lived in the flat was very good until the 12th September. On that day, Benjamin Saygbe said that he was preparing to go back to the flat in Bugibba for their regular meal, when Yacou Doukoure called Yaya Traore. Saygbe stated that he could not hear the entire conversation because Yaya **'was on the bus in front of me'**. Saygbe stated that Yacou had called him, informing him that Brown was taking his photos whilst Yacou had been trying to do some voodoo with some objects. Saygbe stated that when they went to the house, Yaya Traore asked Doukoure for an explanation. Brown had responded that he knew what Yacou was doing, that the black paper was money and that that was the reason why he had taken the photos. Benjamin Saygbe stated that Brown was actually asking for a percentage of the money that they were going to make. Benjamin Saygbe stated that Yacou kept on insisting, that he was only performing his voodoo rituals. During the argument, Yaya Traore actually picked up one of the bundles of the paper, Saygbe stated that he also picked up one of the packages to look at it, and since it didn't make sense to him, he put it down. After that, Benjamin Saygbe said that they talked normally.

Saygbe confirmed that he was born in Liberia, that he lived in Holland for fifteen years, and that he was presently living in England. On the 13th September, they had gone sightseeing and in the evening, they had agreed to see a football match together, however when they returned home, they found that Alex and Brown were not at the flat. They had brought some food with them which they were eating when the Police came in and arrested them. Benjamin Saygbe stated that he did not know anybody in Malta, apart from Yaya, Yacou, Alex, Ibrahim and George, that he had never seen Mr Anton Camilleri in his life, and only saw him when he came to Court. Saygbe also stated that he had heard about a Kaba Konate and that he had never tried to defraud anyone. He stated that

in his hotel room, he had a briefcase and a luggage, and that the briefcase was made use of by himself and by the two other accused.

With regards to the piece of paper that he had put into his mouth and tried to swallow, (that is document MMC at page 42), Benjamin Saygbe stated that he had found this piece of paper in a magazine. Saygbe stated that he had read this paper and started to think that its contents might actually be true, so he decided to take the paper to his hotel **'purely out of curiosity, but the reason why I put this paper in my mouth to be honest...is on this paper they said this paper is illegal.'** (vide page 669).

Benjamin Saygbe stated that when the Police came to his hotel, he panicked because he thought he would be in trouble with the American Government, so he put it in his mouth and chewed it. Benjamin Saygbe denies that he told this to Yacou **'because its one thing I thought I met you know my fortune'**. Saygbe confirmed the statement he gave to the Police, that is document MM2 at page 45 et seq, after this was read out to him (vide page 671), commenting however that it was Yaya who gave him the number whilst he was in London and not Yacou.

At page 672, Benjamin Saygbe affirmed that he had lied to the Police when he told them that the paper he had tried to swallow regarded his sexual orientation. Benjamin Saygbe stated that he never took any black paper in a green luggage away from the flat. This belonged to Yacou and there was no reason for him to take it away.

Adrian Dalton confirmed that Yacou Doukoure had found accommodation at the English Residence Hotel, room 303 from the 8th September 2005, as can be seen from documentation presented as AD1-AD7.

Deliberates:

The Court having weighed and sifted the above indicated evidence, has come to the conclusion that the salient

facts or circumstances of the case in examination are the following:

- (1) the evidence given by Anton Camilleri and his wife, recounting how they were defrauded of a sum in excess of ten thousand pounds (Lm10,000) by Kaba Konate, and another person identified as Yacou Doukoure by the same Anton Camilleri, on the 30th August 2005 and in the weeks preceding that date;
- (2) the evidence suggests that Yacou Doukoure arrived in Malta on the 3rd September 2005. Jesus Fernandez, his employer, confirms this, and confirms that Yacou Doukoure had been in his **continuous employment in the months preceding that date**;
- (3) in his statement, Yacou Doukoure admitted that he came to Malta after being called by Benjamin Saygbe and Yaya Traore “in order to do this work, the black carbon”, and this with reference to the photos shown at page 9-11 (vide statement of page 53);
- (4) the photos exhibited at page 9-11 which show Yacou Doukoure in flagrante preparing and packing the black paper;
- (5) Yacou’s intimate knowledge of the black money scam as revealed in the statement he released to the Police;
- (6) the luggage, black paper, and other objects relating to the black money scam found in the room in the Bugibba Lancaster Flats;
- (7) luggage and other documents found in room 319 at the Corinthia Palace Hotel in Balzan;
- (8) the telephone numbers indicated in document MM1 and MM at page 43 and 44, indicating the mobile phone number used by Yaya Traore;
- (9) the fingerprints analysis report indicating Yaya Traore;
- (10) the mobile call profiles documents RT1-38, exhibited at pages 343-380, with special reference to the calls highlighted in yellow indicated at pages 371, that is document RT29 which recalls a telephone call effected on the 31st August 2005 made on the landline pertaining to the Lancaster Flats in Qawra, to the mobile phone of Mr Anton Camilleri. Similarly documents RT31 at page 373,

RT32 at page 374, RT33 at page 375, and RT34 at page 376 which record telephone calls made on the 1st September 2005 from the mobile phone 99006584 used by Yaya Traore to the mobile phone of Anton Camilleri, and this from the period of 1st September 2005 to the 3rd September 2005;

(11) the incontrovertible evidence effected by Brown, at pages 112 et seq, with special reference to the evidence from page 120-126, wherein George Brown stated that he had seen Yaya Traore and Yacou Doukoure wrapping a bottle and he was afraid that they were doing something illegal; that subsequently, he had found Yacou Doukoure wrapping the black papers, thereupon he had decided to take some photographs of the scenario, those being the photos exhibited at pages 9-11 of the record of the proceedings. Furthermore, George Brown cited that Benjamin Saygbe took some of the black paper in a greenish luggage and left the premises;

(12) Alex Pedro's evidence cited extensively, *ibid*

(13) the accused Benjamin Saygbe attempting to chew and swallow the document MMC at page 42 of the proceedings;

(14) Benjamin Saygbe's knowledge of the black money scam as cited in his evidence before this Court (see page 668-674);

(15) Yaya's admission in his evidence before this Court, that he actually used the mobile phone 99006584, which allegedly had originally belonged to Kaba Konate;

(16) the excuses proffered by Saygbe, Traore and Doukoure in relation to:

(a) the attempt to swallow the incriminating document MMC at page 42;

(b) the fact that the fingerprints of Traore were found on items elevated by the Police;

(c) the manner in which the three accused contacted each other by means of the telephone numbers indicated on documents MM and MM1 at page 44;

are examples from their testimony which lack credibility, consistency and have no semblance of truth in terms of Article 639 of Chapter 9 of the Laws of Malta.

The accused stand charged with several offences including offences under Article 83A, that is promoting an organization of two or more persons with a view to commit criminal offences, or belonging to such an organization above mentioned, the crime of conspiracy under Article 48A of Chapter 9 of the Laws of Malta. They are further charged with the crime of mis en scene, according to Articles 308, 309 and 310 of Chapter 9 of the Laws of Malta, and with threats under Article 249 of the Criminal Code.

Article 83A of Chapter 9 of the Laws of Malta states the following:

'(1) Any person who promotes, constitutes, organizes or finances an organization of two or more persons with a view to commit criminal offences liable to the punishment of imprisonment for a term of four years or more, shall be liable to a punishment of imprisonment for a term from three to seven years

(2) Any person who belongs to an organization referred to in sub article (1) shall for the mere fact, be liable to the punishment for imprisonment for a term from one to five years.'

It is the Court's considerable opinion, after having evaluated the voluminous evidence of the case in examination, that the Prosecution has failed to prove beyond reasonable doubt the requisite essential evidence that constitute the crime contemplated in Article 83A. This is being said without in any way throwing any shadow of doubt on the Prosecution, but is being ascertained by the Court because as a matter of fact, this is not the case of an organization promoting crime as envisaged by Article 83A. The Prosecution had no evidence to produce which even remotely begins to substantiate the essential elements of the crime, that is, the promotion, the establishing and the organization or the financing of an organization of two persons or more with a view to commit criminal offences. Such a crime presupposes a criminal establishment with organized facilities such as networks,

structures, companies, bank accounts, etc, of which there is not a shred of evidence in this case.

The evidence to substantiate the charge under Article 83A of Chapter 9, necessarily must illustrate that the persons involved have come together with a view to commit **crimes** and not a one off offence.

In absence of proof of such an organization, or the promotion, constitution or financing of the same, with a view to commit criminal offences, the Court has no alternative but to dismiss the second charge, which is that of forming part of, or belonging to, such an organization.

Therefore, the Court finds the accused not guilty of charge A1 and A2.

Before addressing the charge of conspiracy, the Court shall delve into and examine the charges brought against the accused under Articles 308, 309 and 310 of the Criminal Code, that is, the mis en scene.

Article 308 of Chapter 9 of the Laws of Malta provides:

'Whosoever by means of any unlawful practice, or by the use of any fictitious name, or the assumption of any false designation, or by means of any other deceit, device or pretence calculated to lead to the belief in the existence of any fictitious enterprise or of any imaginary power, influence, or credit or to create the expectation or apprehension of any chimerical event, shall make any gain to the prejudice of another person shall on conviction....'

The Appellant Criminal Court in the judgment the Police vs George Manicolo, decided on the 31st July 1998, had stated:

'Sabiex jissussisti r-reat ta' truffa, mhijiex bizzejjed is-semplici gidba, il-kliem menzjonier, izda huwa necessarju u essenzjali li jkun hemm ukoll l-apparat estern li jaghti fidi u kredibilita' lil dik il-gidba....ghandhom ikunu atti

frawdolenti li necessarjament iqajmu sentimenti kif indikati fl-Artiklu 308 tal-Kodici Kriminali. Minbarra l-gidba, irid ikun hemm l-ingann, ir-raggieri jew is-simulazzjoni li jwasslu sabiex il-vittma jemmen jew ikollu fidi f'dak li qed jigi lilu mwieghed mill-frodatur. Dan l-ingann ghalhekk, ghandu jkun akkumpanjat b'artifizji, kwazi tejjatrali, u mhux semplici weghdiet, promessi u kliem semplici.'

In the same fashion, the Appellant Criminal Court in the judgment *Police vs Alfred Agius et*, decided on the 6th February 1961, stated:

'Ir-reat ta' truffa jirrikjedi li jkun hemm mhux biss is-semplici kliem menzjonier, imma anke l-mise-en-scene, li jaghti kreditu lil dak il-kliem ta' ngann. L-artifizji jistghu jikkonsistu anke f'simulazzjoni personali u rejali bhal meta zewg persuni, biex jikkomettu r-reat, jirraprezentaw irwiehhom bhala mizzewgin, mentri filfatt ma jkunux, u b'hekk jissorprendu l-bona fede tal-vittma tal-ingann. Il-kwalifiki foloz bhal ismijiet foloz, huma espressament indikati mill-ligi bhala artifizzi li jikkonstitwixxu t-truffa.'

The Appellant Criminal Court in the judgment *The Police vs Emanuel Ellul*, per Onor. Vincent De Gaetano, decided on 20th June 1997, wherein it was affirmed that:

'Fil-ligi taghna, l-element essenzjali ghall-kostituzzjoni tar-reat ta' truffa hija l-mise-en-scene, cioe' dawk l-artifizji jew raggieri idonju li jinducu u li effettivament ikunu nducew lill-vittma fl-izball, fl-ingann, u li konsegwenza ta' dak l-izball, il-vittma taghmel jew tonqos milli taghmel xi haga li ggibilha telf patrimonjali fil-korrespondenti qlieggh ghall-agent.

'Element essenzjali iehor tat-reat ta' truffa huwa t-telf patrimonjali li jgarrab il-vittma, fil-konsegwenti qlieggh ghall-agent, liema telf u qlieggh ikun ir-rizultat ta' xi haga illi taghmel jew tonqos milli taghmel il-vittma ghaliex tkun giet ingannata.'

In this case, the first deceit practiced on Anthony Camilleri was the request for a loan of one thousand pounds (Lm1000), with the simultaneous request for the safe

keeping of the luggage allegedly containing his valuable items. It was precisely this luggage that was used as bait to entrap Anton Camilleri and his wife and induce them to part with their money. The contents of this luggage, with its alleged mafia connections, and that of unknown persons, the threatening phone calls induced the complainant, in effect, to part with a sum in excess of ten thousand pounds (Lm10,000).

It is this Court's considered opinion that the offence contemplated under Article 308 may be grounded by means **of any unlawful practice or by any other deceit calculated to lead to the apprehension to any chimerical event.** The facts of this case would seem to fall fairly and squarely within the parameters of Article 308 and the aggravations contemplated under Article 310(1)(a) of Chapter 9 of the Laws of Malta, which makes the crime punishable with up to seven years imprisonment.

However, the evidence shows that Mr Anton Camilleri, the complainant, was induced to relinquish in excess of ten thousand pounds (Lm10,000) on the 28th August 2005, and on previous dates, **when none of the accused were present on these Islands.**

It is this Court's considered opinion that the evidence of Jesus Fernandez, together with the air ticket of Doukoure, eliminate the possibility that Doukoure was the "unknown person" who accompanied Kaba Konate in the fraudulent practices, and this in spite of the complainant's affirmation of the identification of Doukoure.

Therefore, the Court finds the accused not guilty of charge B1 brought against them.

The Court will now turn its attention on charge A3 brought against the accused, that is, the charge of conspiracy in terms of Article 48A of Chapter 9 of the Laws of Malta, which states:

48A: (1) whosoever in Malta conspires with one or more persons in Malta or outside Malta for the purpose of committing any crime in Malta liable to the punishment of imprisonment, not being a crime in Malta under the Press Act, shall be guilty of the offence of conspiracy to commit that offence;

(2) the conspiracy referred to in subarticle (1) shall subsist from the moment in which any mode of action whatsoever is planned or agreed upon between such persons;

(3) any person found guilty of conspiracy under this article shall be liable to the punishment for the completed offence object of the conspiracy with a decrease of two or three degrees;

(4) for the purposes of subarticle (3), in the determination of the punishment for the completed offence object of the conspiracy account shall be had of any circumstances aggravating that offence.'

The evidence brought forward by the Prosecution, the evidence proffered by the accused themselves in their statements, each in relation only to his own case, (in view of the dictates of Article 661 of Chapter 9 of the Laws of Malta), and under oath before this Court, together with the evidence of Brown, Pedro and Koroma, show in an incontrovertible manner that the ploys practiced by Kaba Konate on the complainant were made known to Yaya Traore who passed on this information to the other two accused. Thereby, in this manner, the three accused in a copy-cat fashion, proceeded to take over the fraudulent scam set in motion by Kaba Konate, and in this manner, conspired between themselves in Malta and out of Malta, to continue to defraud the complainant to relinquish more of his money.

The evidence in this case, with particular reference to paragraphs 1-16, illustrates in an irrefutable manner that Yaya Traore's presence in Malta together with Kaba Konate, was the link wherein the fraudulent devices practiced on the complainant were learned and transmitted to his friends overseas by means of the telephone calls recorded in RT1-38. Once in Malta, the

three accused Yaya Traore, Yacou Doukoure and Benjamin Saygbe confirmed their plans, and conspired to continue the fraudulent schemes in an effort to defraud the complainant of a further two hundred thousand Euros (200,000 Euros) until they were apprehended by the Police.

In view of all this, and in the light of the Court's earlier pronouncements in relation to the requisite elements of the offence under Articles 308 and 310(1)(a), finds all three accused **not guilty of charge A1 and A2 brought against them and acquits them of the same, guilty of charge A3, not guilty of charge B1 and duly acquits them thereof, whilst charge B2 is being absorbed in charge A3**, and after having seen Articles 18, 48A, 308 and 310(1)(a) of Chapter 9 of the Laws of Malta, **condemns each of them to a period of imprisonment of two years**. The Court orders that the period that each accused spends in preventive custody be deducted from this period of imprisonment. The Court orders that all objects exhibited by the Prosecution be confiscated in terms of Law, but refrains from adhering to the Prosecution's request, in terms of Article 5 of Chapter 373 of the Laws of Malta, since no property or assets resulted from the searches effected by Dr Cutajar.

< Final Judgement >

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