



CRIMINAL COURT

**THE HON. CHIEF JUSTICE
VINCENT DE GAETANO**

Sitting of the 12 th September, 2007

Number 5758/2007

**The Police
(Inspector Paul Vassallo)**

v.

Eduardo Navas Rios

The Court:

Having seen the application filed yesterday by the Attorney General requesting the revocation of the decree delivered on Monday 10th September 2007 whereby respondent Eduardo Navas Rios was granted bail;

Having seen the record of the case; having heard Inspector Paul Vassallo and Mr Carmel Sciberras on oath during to-day's sitting; having heard also submissions by counsel for the applicant and for the respondent; considers:

Respondent Eduardo Navas Rios was arraigned on the 24th March 2007 before the Court of Magistrates (Malta) on charges of money-laundering. Respondent is of Panamanian nationality and originally came here as a student of English in 2005 but eventually stayed on – it is not clear to this Court how and to what extent, if at all, his stay in Malta after the termination of the six week course of English language was legal. He has a child from a Maltese girl, but otherwise no connection whatsoever with Malta. Committal proceedings against him have proceeded with relative alacrity, and there does not appear to have been, at least so far, any undue delay.

The Attorney General's request for the revocation of the Inferior Court's decree granting bail and the consequent re-arrest of respondent is based primarily on the lack of ties that respondent has with Malta and the gravity of the charges brought against him, coupled with what the applicant considers to be conditions, imposed by the Inferior Court, which are not adequate in the circumstances of the case.

Having considered all the circumstances of the case, and in particular the fact that the Inferior Court did not rush to grant bail but waited until all the background facts were known to it, this Court finds no reason to revoke the decree of the Inferior Court and to order the re-arrest and continued detention of respondent Eduardo Navas Rios. It is evident that the Inferior Court exercised its judgment prudently and correctly in deciding that it could grant bail in the instant case and at this stage of the proceedings. What this court does not agree with, however, are the conditions of bail. Considering the gravity of the charges, the amount allegedly laundered, as well as respondent's personal circumstances, a deposit, by way of a guarantee, of Lm500 is a manifestly puny security; while the additional personal guarantee of Lm5000 is clearly ineffective. For these reasons this Court, while confirming the granting of bail (except in so far as re-arrest may be necessary until respondent fully complies with the new

conditions), is of the view that more stringent bail conditions should have been imposed.

For these reasons the Court allows the Attorney General's application only to the extent that it substitutes the conditions in the decree of the 10th September 2007 (fol. 152) with the following conditions:

1. that Eduardo Navas Rios abides with every order or summons of this Court and of every other Court dealing with these proceedings or with any question arising out of these proceedings or connected therewith, and that he also appears before the competent Court whenever so ordered by the Executive Police or by the Court;

2. that he does not communicate or attempt to communicate in any way, whether directly or indirectly or through third persons, with any prosecution witness;

3. that he resides at 62, Palm House, Victor Denaro Street, Msida, and that he does not leave the said residence (i) except as may be strictly necessary to attend court in connection with these proceedings and to comply with condition no. 4 on those days when he has to attend court, and (ii) on those days when he does not have to attend court in connection with these proceedings, that he does not leave the said residence except between 7.00 am and 9.00 am;

4. that he reports daily (including Sundays and public holidays) at the Msida Police Station between 7.00 am and 8.30 am;

5. that he delivers any passport (apart from such as may already be exhibited in the record of these proceedings) and any other travel document that may be in his possession to Police Inspector Paul Vassallo, and that he does not leave or attempt to leave these Islands, and that he does not board or

attempt to board any boat, yacht, ship or any other vessel or means of transport by sea whatsoever;

6. that he gives security for bail in respect of these conditions, and for all the purposes of section 579 of the Criminal Code, by depositing under the authority of this Court the sum of eight thousand liri (Lm8,000).

Until conditions 5 and 6 have been complied with, respondent is to remain under arrest, and to that extent only is re-arrest being ordered.

< Final Judgement >

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