



CRIMINAL COURT

**THE HON. MR. JUSTICE
JOSEPH GALEA DEBONO**

Sitting of the 14 th June, 2010

Number 15/2008

The Republic of Malta

Vs

Ibrahim Koroma

The Court,

Having seen the bill of indictment no. 15/2008 against the accused Ibrahim Koroma wherein he was charged with:

1) after the Attorney General premised in the First Count of the Bill of Indictment

that Ibrahim Koroma had arrived in Malta as an illegal immigrant in 2002 and had occasionally worked at different places. On the 20th December 2007 and during the previous months, whilst at a bar in Bugibba, he met a foreign man and agreed with him to start a business in drugs in Malta. He agreed with this person to regularly provide him with cocaine and heroin illegally and he was asked to market the said

drugs. He was to share in the profits of this association. Indeed, on the 20th December 2007, he was intercepted by the Police whilst dealing in drugs with another person called Chris. Besides, large quantities of heroin and cocaine were found at his property.

By committing the abovementioned acts with criminal intent, **Ibrahim Koroma** rendered himself guilty of conspiracy to trafficking in dangerous drugs in breach of the provisions of the Dangerous Drugs Ordinance and The Medical and Kindred Professions Ordinance.

Wherefore, the Attorney General, in his aforesaid capacity, accused **Ibrahim Koroma** of being guilty of having, with another one or more persons in Malta, and outside Malta, conspired for the purpose of committing an offence in violation of the provisions of the Dangerous Drugs Ordinance (Chapter 101 of the Laws of Malta), and specifically of dealing illegally in any manner in cocaine and heroin and of having promoted, constituted, organised and financed such conspiracy.

Demanded that the accused be proceeded against according to law, and that he be sentenced to the punishment of imprisonment for life and to a fine of not less than two thousand and three hundred and twenty nine euro and thirty seven cents (2,329.37) but not more than one hundred and sixteen thousand and four hundred and sixty eight euro and sixty seven cents (116,468.67) and the forfeiture in favour of the Government of the entire immovable and movable property in which the offence took place as described in the bill of indictment, as is stipulated and laid down in sections 9, 10(1), 12, 14(1)(5), 15A, 20, 22(1)(a)(f)(1A)(1B)(2)(a)(i)(3A)(c)(d), 22(f) u 26(1)(2) of the Dangerous Drugs Ordinance (Chap.101), and in sections 20, 22, 23 and 533 of the Criminal Code, or to any other punishment applicable according to law to the declaration of guilty of the accused.

2) after the Attorney General premised in the Second Count of the Bill of Indictment that under the circumstances indicated in the first count of the Bill of Indictment and specifically on the 20th December 2007, Ibrahim Koroma had in his illegal possession more than 570 grams heroin, which considerable amount of drug was not intended for his personal use but to be trafficked in Malta.

Heroin is a dangerous drug specified and controlled under the provisions of Part I, First Schedule, of the Dangerous Drugs Ordinance. **Ibrahim Koroma** was not in possession of any valid and subsisting import or possession authorization granted in pursuance of said law.

By committing the abovementioned acts with criminal intent, **Ibrahim Koroma** rendered himself guilty of the offence of possession of a dangerous drug (heroin) with intent to supply.

Wherefore, the Attorney General, in his aforesaid capacity, accused **Ibrahim Koroma** of being guilty of knowingly having been in possession of a dangerous drug (heroin) specified and controlled under the provisions of Part I, First Schedule, of the Dangerous Drugs Ordinance, when not in possession of any valid and subsisting import or possession authorization granted in pursuance of said law; so, however, that such offence was under such circumstances that such possession was not for the exclusive use of the offender.

Demanded that the accused be proceeded against according to law, and that he be sentenced to the punishment of imprisonment for life and to a fine of not less than two thousand and three hundred and twenty nine euro and thirty seven cents (2,329.37) but not more than one hundred and sixteen thousand and four hundred and sixty eight euro and sixty seven cents (116,468.67), and the forfeiture in favour of the Government of the entire immovable and movable

property in which the offence took place as described in the bill of indictment, as is stipulated and laid down in sections 9, 10(1), 12, 14(1)(5), 20, 22(1)(a)(2)(a)(i)(ii), 22(2)(b)(i) and 26 of the Dangerous Drugs Ordinance (Chap.101) and Regulation 8 of the 1939 Regulations for the Internal Control of Dangerous Drugs (Legal Notice 292/39), and in sections 23, 17(b) and 533 of the Criminal Code, or to any other punishment applicable according to law to the declaration of guilty of the accused.

3) after the Attorney General premised in the Third Count of the Bill of Indictment that under the circumstances indicated in the first count of the Bill of Indictment and specifically on the 20th December 2007, Ibrahim Koroma had in his illegal possession more than 401 grams cocaine which considerable amount of drug was not intended for his personal use but to be trafficked in Malta.

Cocaine is a dangerous drug specified and controlled under the provisions of Part I, First Schedule, of the Dangerous Drugs Ordinance. **Ibrahim Koroma** was not in possession of any valid and subsisting import or possession authorization granted in pursuance of said law.

By committing the abovementioned acts with criminal intent, **Ibrahim Koroma** rendered himself guilty of the offence of possession of a dangerous drug (cocaine) with intent to supply.

Wherefore, the Attorney General, in his aforesaid capacity, accused **Ibrahim Koroma** of being guilty of knowingly having been in possession of a dangerous drug (cocaine) specified and controlled under the provisions of Part I, First Schedule, of the Dangerous Drugs Ordinance, when not in possession of any valid and subsisting import or possession authorization granted in pursuance of said law; so, however, that such offence was under such circumstances that

such possession was not for the exclusive use of the offender.

Demanded that the accused be proceeded against according to law, and that he be sentenced to the punishment of imprisonment for life and to a fine of not less than two thousand and three hundred and twenty nine euro and thirty seven cents (2,329.37) but not more than one hundred and sixteen thousand and four hundred and sixty eight euro and sixty seven cents (116,468.67), and the forfeiture in favour of the Government of the entire immovable and movable property in which the offence took place as described in the bill of indictment, as is stipulated and laid down in sections 2(1), 4, 9, 10(1), 12, 14(1)(5), 15A, 20, 22(1)(a)(1B)(2)(a)(i)(ii)(3A)(d), 22E, 22(2)(b)(i) and 26 of the Dangerous Drugs Ordinance (Chap.101) and Regulation 8 of the 1939 Regulations for the Internal Control of Dangerous Drugs (Legal Notice 292/39), and in sections 20, 22, 23, 17(b) and 533 of the Criminal Code, or to any other punishment applicable according to law to the declaration of guilty of the accused.

4) after the Attorney General premised in the Fourth Count of the Bill of Indictment that on the 20th December 2007, the police, at a search in the property of accused at St Paul's Bay, found about 7 grams of cannabis plant illegally. (Sic!)

By committing the abovementioned act with criminal intent, ***Ibrahim Koroma*** rendered himself guilty of the offence of possession in whole or any part of the plant Cannabis.

Wherefore, the Attorney General, in his aforesaid capacity, accused ***Ibrahim Koroma*** of being guilty of knowingly having been in possession of the whole or any part of the plant Cannabis.

Demanded that the accused be proceeded against according to law, and that he be sentenced to the

punishment of imprisonment of not less than twelve months but not more than ten years and to a fine of not less than four hundred sixty five euro and eighty seven cents (465.87) but not more than twenty three thousand and two hundred and ninety three euro and seventy three cents (23,293.73) and the forfeiture in favour of the Government of the entire immovable and movable property in which the offence took place as described in the bill of indictment, as is stipulated and laid down in sections 2 8(d) , 22(1)(a)(2)(a)(ii) and 26 of the Dangerous Drugs Ordinance (Chap.101) and Regulation 8 of the 1939 Regulations for the Internal Control of Dangerous Drugs (Legal Notice 292/39), and in sections 23, and 533 of the Criminal Code, or to any other punishment applicable according to law to the declaration of guilty of the accused.

Having seen all the records of the case, including those of the compilation of evidence before the Court of Magistrates (Malta) as a Court of Criminal Inquiry;

Having seen the joint application filed by the Attorney General and the accused on the 26th May, 2010, whereby, after declaring that in the event that the accused was filing a guilty plea to the charges brought forward in his regard in the above referred to Bill of Indictment, they requested that the punishment to be awarded should consist of a term of imprisonment of nine (9) years and the imposition of a fine of twenty three thousand Euros (€23,000) together with the other sanctions and consequences that are prescribed by law for the above conviction in terms of the provisions of the Dangerous Drugs Ordinance Chapter 101 of the Laws of Malta, including the confiscation of any monies and movable and immovable properties of the accused.

Having seen that in today's sitting the accused, in reply to the question as to whether he was guilty or not guilty of the charges preferred against him under the four counts of the Bill of Indictment, stated that he was pleading guilty thereto;

Having seen that this Court then warned the accused in the most solemn manner of the legal consequences of such statement and allowed him a short time to retract it, according to Section 453 (Chap. 9);

Having seen that the accused being granted such a time, persisted in his statement of admission of guilt;

Now therefore declares Ibrahim Koroma guilty of all four counts in the Bill of Indictment, namely of having:-

1. on the 20th December, 2007 and during the previous months, whilst at a bar in Bugibba, with another one or more persons in Malta, and outside Malta, conspired for the purpose of committing an offence in violation of the provisions of the Dangerous Drugs Ordinance (Chapter 101 of the Laws of Malta), and specifically of dealing illegally in any manner in cocaine and heroin and of having promoted, constituted, organised and financed such conspiracy, and this according to the First Count of the Bill of Indictment;
2. on the 20th December, 2007, knowingly having been in possession of a dangerous drug (heroin) specified and controlled under the provisions of Part I, First Schedule, of the Dangerous Drugs Ordinance, when not in possession of any valid and subsisting import or possession authorization granted in pursuance of said law; so, however, that such offence was under such circumstances that such possession was not for the exclusive use of the offender, and this according to the Second Count of the Bill of Indictment;
3. on the 20th December, 2007, knowingly having been in possession of the dangerous drug (cocaine) specified and controlled under the provisions of Part I of the First Schedule of the Dangerous Drugs Ordinance when not in possession of any valid and subsisting import or possession authorization granted in pursuance of said law; so, however, that such offence was under such circumstances that such possession was not for the exclusive use of the offender, and this according to the Third Count of the Bill of Indictment.

4. on the 20th December, 2007, knowingly having been in possession of the whole or any part of the plant Cannabis, and this according to the Fourth Count of the Bill of Indictment.

Having considered all the circumstances of the case, this Court is satisfied that the combination of sanctions and measures requested by the prosecution and the accused are those which it would have been lawful for it to impose upon conviction for the offences to which the accused has pleaded guilty and that it does not have cause to order the trial of the case to be proceeded with or to reject said request for any other reason.

Having also considered that, for purposes of punishment, the offence under the First Count of the Bill of Indictment is absorbed under the offences comprised under the Second and Third Counts of said Bill of Indictment, as it served as a means to the end to commit said offences, and this in terms of article 17(h) of Chapter 9 of the Laws of Malta;

Having considered the guilty plea of the accused after the Court explained to him in clear terms the consequences of his request, now proceeds to pass the sentence indicated to it by the parties as aforesaid.

Having seen articles 2(1), 4, 8(d), 9, 10(1), 12, 14(1)(5), 15A, 20, 22(1)(a)(f),(1A),(1B), (2)(a)(i)(aa)(ii), (3A)(c)(d), 22E, 22(f) and 26(1)(2) of the Dangerous Drugs Ordinance (Chap.101); Regulation 8 of the 1939 Regulations for the Internal Control of Dangerous Drugs (L.N. 292/1939) and Sections 17(b)(h), 20, 22, 23 and 533 of the Criminal Code ;

Now therefore condemns the said Ibrahim Koroma to a term of imprisonment of nine (9) years, and to the payment of a fine (multa) of twenty three thousand Euros (€23,000), which fine (multa) shall be converted into a further term of imprisonment of twelve months according to Law, in default of payment;

Furthermore condemns him to pay the sum of one thousand two hundred and seventy nine Euros and twenty two Euro cents (€1279.22), being the sum total of the expenses incurred in the appointment of court experts in this case in terms of Section 533 of Chapter 9 of the Laws of Malta;

Furthermore, orders the forfeiture in favour of the Government of Malta of all the property involved in the said crimes of which he has been found guilty and other moveable and immovable property belonging to the said Ibrahim Koroma.

And finally orders the destruction of all the objects exhibited in Court, consisting of the dangerous drugs or objects related to the abuse of drugs, which destruction shall be carried out by the chemist Mario Mifsud, under the direct supervision of the Deputy Registrar of this Court, who shall be bound to report in writing to this Court when such destruction has been completed, unless the Attorney General files a note within fifteen days declaring that said drugs are required in evidence against third parties.

< Final Judgement >

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