



**CRIMINAL COURT**

**THE HON. MR. JUSTICE  
MICHAEL MALLIA**

Sitting of the 2 nd May, 2011

Number 34/2007

**The Republic of Malta  
Vs  
Rita Bugeja**

**The Court,**

Having seen the bill of indictment no. 34/2007 against the accused Rita Bugeja wherein she was charged with:

1)After the Attorney General premised in the First Count of the Bill of Indictment that Rita Bugeja met a person in May 2006 in London United Kingdom who asked her to import illegally a large quantity of Ecstasy pills into Malta. She agreed with this person that she had to carry the pills in her luggage inside a soft toy teddy bear which she had bought a few days before the 13<sup>th</sup> May, 2006. In fact 4989 ecstasy pills were placed inside the toy. On importing the pills in Malta she had to await instructions to whom the pills had to be delivered, from her English associate. In

execution of this agreement, Rita Bugeja arrived in Malta on the 13<sup>th</sup> May, 2006 on a flight from Gatwick airport in the afternoon, carrying 4989 ecstasy pills and was apprehended by the Police at the Airport.

By committing the abovementioned acts with criminal intent, **Rita Bugeja** rendered herself guilty of conspiracy to trafficking in dangerous drugs in breach of the provisions of the Medical and Kindred Professions Ordinance.

Wherefore, the Attorney General, in his aforesaid capacity, accused **Rita Bugeja** 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 Medical and Kindred Professions Ordinance (Chapter 31 of the Laws of Malta) and specifically of dealing illegally in any manner in ecstasy pills and of having promoted, constituted, organized and financed such conspiracy.

Demanded that the accused be proceeded against according to law, and that she be sentenced to the punishment of imprisonment for life and to a fine of not less than one thousand Maltese Liri (Lm1000), and of not more than fifty thousand Maltese Liri (Lm50,000), 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 120A(1)(f), 120A(2)(a)(I), (2A), (2B) and 121A (1) (2) of Chapter 31, 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

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 13<sup>th</sup> May, 2006 Rita Bugeja imported illegally into Malta 4989 Ecstasy pills from England as had been agreed with her

counter-part in the United Kingdom. In fact, the Police on searching her luggage on her arrival at the Airport in Malta from the United Kingdom found the pills in her possession. These pills were intended to be dealt with and sold in Malta.

Ecstasy pills, or rather the designer drug known as MDMA (methylenedioxymethamphetamine), are dangerous drug restricted and controlled under the provisions of Part A Third Schedule, of the Medical and Kindred Professions Ordinance. Rita Bugeja was not in possession of any valid and subsisting import authorization granted in pursuance of said law.

By committing the above mentioned acts with criminal intent Rita Bugeja rendered herself guilty of the offence of importation of a dangerous drug into Malta.

Wherefore, the Attorney General, in his aforesaid capacity, accused Rita Bugeja guilty of meaning to bring or causing to be brought into Malta in any manner whatsoever a dangerous drug (Ecstasy), being a drug restricted and controlled under the provisions of Part A, Third Schedule, of the Medical and Kindred Professions Ordinance, when not in possession of any valid and subsisting import authorization granted in pursuance of said law.

Demanded that accused be proceeded against according to law, and that she be sentenced to the punishment of imprisonment for life and to a fine of not less than one thousand Maltese Liri (Lm1000), and of not more than fifty thousand Maltese Liri (Lm50,000), 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 stipulated and laid down in sections 2(1), 120A(2)(a)(1),(2A)(2B), and 121A(1)(2) of Chapter 31 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.

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 13<sup>th</sup> May, 2006 Rita Bugeja imported illegally into Malta 4989 Ecstasy pills from England as had been agreed with her counter-part in the United Kingdom. Police on searching her luggage on her arrival at the Airport in Malta found the pills in her possession. These considerable number of pills were intended to be dealt with and sold in Malta and were not for the personal use of accused but intended to supply the local market illegally.

Ecstasy pills, or rather the designer drug known as MDMA (methylenedioxymethamphetamine), are dangerous drug restricted and controlled under the provisions of Part A Third Schedule, of the Medical and Kindred Professions Ordinance. Rita Bugeja was not in possession of any valid and subsisting import authorization granted in pursuance of said law.

By committing the above mentioned acts with criminal intent Rita Bugeja rendered herself guilty of the offence of possession of a dangerous drug (Ecstasy pills), with intent to supply.

Wherefore, the Attorney General, in his aforesaid capacity, accused Rita Bugeja guilty of knowingly having been in possession of a dangerous drug (Ecstasy pills), being a drug restricted and controlled under the provisions of Part A , Third Schedule, of the Medical and Kindred Professions Ordinance, when not in possession of any valid and subsisting import 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 offender.

Demanded that accused be proceeded against according to law, and that she be sentenced to the punishment of imprisonment for life and to a fine of not less than one thousand Maltese Liri (Lm1000), and of not more than fifty thousand Maltese Liri (Lm50,000), 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 stipulated and laid down in sections 120A(2)(a)(1),(2A)(2B), 120A(1)(f)(2)(a)(1) and 121A(1)(2) of Chapter 31, Legal Notices 22\85 (regulation 10(2)), 70\88 and 183\99 as well as sections 22A, 22B, 22E, 27 28 and 30 of the Dangerous Drugs Ordinance Chapter 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.

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 that in today's sitting the accused, in reply to the question as to whether she was guilty or not guilty of the charges preferred against her under the three counts of the Bill of Indictment, stated that she 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 her a short time to retract it, according to Section 453 (Chap. 9);

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

Now therefore declares Rita Bugeja guilty of all three counts in the Bill of Indictment, namely of having:-

1. in May 2006, 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 Medical and Kindred Professions Ordinance (Chapter 31 of the Laws of Malta) and specifically of dealing illegally in any manner in ecstasy pills and of having promoted, constituted, organized and financed such conspiracy, and this according to the First Count of the Bill of Indictment;

2. in May 2006, meaning to bring or causing to be brought into Malta in any manner whatsoever a dangerous drug (Ecstasy), being a drug restricted and controlled under the provisions of Part A , Third Schedule, of the Medical and Kindred Professions Ordinance, when not in possession of any valid and subsisting import authorization granted in pursuance of said law, and this according to the Second Count of the Bill of Indictment;

3. in May 2006, knowingly having been in possession of a dangerous drug (Ecstasy pills), being a drug restricted and controlled under the provisions of Part A , Third Schedule, of the Medical and Kindred Professions Ordinance, when not in possession of any valid and subsisting import 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 offender, and this according to the Third Count of the Bill of Indictment;

Having considered the guilty plea of the accused after the Court explained to her in clear terms the consequences of her request, now proceeds to pass sentence.

Having seen articles 2(1), 120A(1)(f), 120A(2)(a)(I)(2A)(2B) and 121A(1)(2) of Chapter 31, Legal Notices 22/85 (regulation 10(2)), 70/88 and 183/99 as well as sections 22A, 22B, 22E, 27, 28 and 30 of the Dangerous Drugs Ordinance Chapter 101 and in sections 20, 22, 23 and 533 of the Criminal Code;

Now therefore condemns the said Rita Bugeja to a term of imprisonment of twelve (12) years, and to the payment of a fine (multa) of twenty three thousand five hundred Euros (€ 23,500), which fine (multa) shall be converted into a further term of imprisonment of eighteen months according to Law, in default of payment ;

Furthermore condemns her to pay the sum of one thousand four hundred and ninety six Euros and nine cents (€1496.09) 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 she has been found guilty and other moveable and immovable property belonging to the said Rita Bugeja.

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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