



MALTA

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

Sitting of the 5 th March, 2015

Number 11/2014

Bill of Indictment No: 11/2014

The Republic of Malta

Vs

Lucie Azuka

Today the 5th March, 2015,

The Court,

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Having seen the bill of indictment no. 11 of the year 2014 against the accused Lucie Azuka holder of Czech Republic Passport No. CZE40134116 wherein she was charged with:

In the FIRST COUNT of the bill of indictment whereby the Attorney General premised:

That on the thirteenth (13) July of the year two thousand and thirteen (2013), Drug Squad police were informed by customs officials at the Malta International Airport that a Czech National, namely the accused, had just arrived in Malta from Madrid on a Ryanair flight FR5382 and was found to be carrying various capsules in her underwear. It transpired moreover and *ex admissis* that the accused was also body packing other capsules within her stomach and in other parts of her body.

That it transpired from the investigations that on the thirteenth (13) July of the year two thousand and thirteen (2013) and during preceding weeks/months, the accused Lucie Azuka, decided to start illegally trafficking in cocaine. The accused had conspired with other persons overseas to carry and body-pack the drugs concerned so as to pass on the illegal substance to another individual/s upon her arrival in Malta on the basis of instructions which she received upon her arrival. The accused would receive a considerable amount of money for such service rendered which value would increase depending on the number of capsules carried. In execution of this conspired plan, the accused Lucie Azuka was instructed to carry numerous capsules consisting of cocaine before travelling to Malta on the thirteenth (13) July of the year two thousand and thirteen (2013) with the intention to deal in the drugs carried as planned. Most of these were swallowed whilst others were hidden by the accused in her underwear and in parts of her body. Fortunately the accused was arrested by the police on the date of her arrival that is on the thirteenth (13) July of the year two thousand and thirteen (2013) in the abovementioned circumstances and after capsules were discovered hidden in her clothing and other in a contraceptive hidden in her intimate parts, she was escorted to Mater Dei hospital where the accused consented to have her stomach x-rayed and where it transpired that she was indeed packing other capsules which pursuant to the necessary medical interventions were excreted by the accused and passed onto the police for onward investigation. In total the accused was found to be carrying seventy three (73) capsules including one large capsule, containing what was suspected to be cocaine which is a dangerous and illegal drug in our country.

That following the necessary medical intervention, pursuant to the necessary analysis carried out by forensic experts, it resulted that the capsules swallowed/carried consisted of cocaine in the aggregate amount of nine hundred and one point seventy five grams

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(901.75grams), which drug is considered as an illegal substance in accordance with our Law, and which substance found in the person of the accused had a purity level of forty five percent (45%), carrying the total street value of fifty seven thousand five hundred and thirteen Euro and sixty two cents (€57,513.62).

By committing the abovementioned acts with criminal intent, the accused Lucie Azuka rendered herself guilty of conspiracy to trafficking in dangerous drugs (cocaine) in breach of the provisions of the Dangerous Drugs Ordinance (chapter 101 of the Laws of Malta), or of promoting, constituting, organising or financing the conspiracy.

Wherefore, the Attorney General, in his capacity, accuses Lucie Azuka of having on the 13<sup>th</sup> July 2013 and in preceding weeks/months, of being guilty of conspiracy to trafficking in dangerous drugs (cocaine) in breach of the provisions of the Dangerous Drugs Ordinance (Chapter 101 of the Laws of Malta) or of promoting, constituting, organising or financing the conspiracy.; demands that the accused be proceeded against according to law, and that she be sentenced to the punishment of imprisonment for life and to fine of not less than two thousand three hundred and thirty Euro (€2330) and not more than one hundred sixteen thousand and five hundred Euro (€116,500) and to the forfeiture in favour of the Government of Malta 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, 15(A), 20, 22(1)(a)(f)(1A) (1B)(2)(a)(i)(3A)(a)(b)(c)(d) and 26 of the Dangerous Drugs Ordinance and regulation 9 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.

In the SECOND COUNT of the bill of indictment whereby the Attorney General premised:

That owing to the nature of the circumstances which took place on the thirteenth (13) July of the year two thousand and thirteen (2013) and during the preceding weeks/months, as indicated in the first Count of this Bill of Indictment, as well as on the basis of an admission of the accused herself, it transpired that the accused wilfully and knowingly travelled to Malta from Madrid by air, whilst carrying throughout the whole trip, an illegal drug which later on was analysed as cocaine and which substance is illegal in accordance with our law. The accused gave her full consent to take the flight concerned, whilst being fully aware of the purpose and the contents of the numerous capsules which she was carrying or had swallowed so as to bring same to Malta. Effectively if the customs officials and the Drug Squad Police failed to notice the accused, the contents of these capsules would have been transferred to third parties in Malta and would have likely been trafficked for financial gain.

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The accused was not in possession of any licence or authorisation issued under the Dangerous Drugs Ordinance (Chapter 101 of the Laws of Malta), which authorised or permitted in any way the importation of the dangerous drug concerned by the accused.

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

By committing the abovementioned acts with criminal intent, the accused Lucie Azuka rendered herself guilty of meaning to bring or causing to be brought into Malta in any manner whatsoever a dangerous drug (cocaine), being a drug specified and controlled under the provisions of Part I, First Schedule, of the Dangerous Drugs Ordinance (Chapter 101 of the Laws of Malta), when she was not in possession of any valid and subsisting import authorisation granted in pursuance of the said law.

Wherefore, the Attorney General, in his capacity, accuses Lucie Azuka of having on the 13<sup>th</sup> July 2013 and in preceding weeks/months, of being guilty of meaning to bring or causing to be brought into Malta in any manner whatsoever a dangerous drug (cocaine), being a drug specified and controlled under the provisions of Part I, First Schedule, of the Dangerous Drugs Ordinance (Chapter 101 of the Laws of Malta), when she was not in possession of any valid and subsisting import authorisation granted in pursuance of the said law; demands that the accused be proceeded against according to law, and that she be sentenced to the punishment of imprisonment for life and to fine of not less than two thousand three hundred and thirty Euro (€2330) and not more than one hundred sixteen thousand and five hundred Euro (€116,500) and to the forfeiture in favour of the Government of Malta 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 10(1), 12, 14, 15(A), 20, 22(1)(a)(1B)(2)(a)(i)(3A)(a)(b)(c)(d), and 26 of the Dangerous Drugs Ordinance and regulation 9 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.

In the THIRD COUNT of the bill of indictment whereby the Attorney General premised:

That owing to the nature of the circumstances which took place on the thirteenth (13) July of the year two thousand and thirteen (2013) and during the preceding weeks/months, as indicated in the first two counts of this Bill of Indictment, as well as on the basis of an

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admission of the accused herself, it transpired that the accused wilfully and knowingly imported the aforementioned drug (cocaine) with the intention to pass on the same illegal substance to another person or persons and being fully aware that the said drug would be trafficked against the law. In fact the accused herself informed authorities that during the preceding months leading up to the incident in which she was arrested, she had carried out the same activities on two previous occasions without being detected by the police namely in December of the year two thousand and twelve (2012) when she had trafficked seventy (70) capsules such as the above and a week prior to her arrest in July two thousand and thirteen (2013) when she also carried and trafficked seventy two (72) capsules such as the above apart from carrying an additional two hundred grams of cocaine (200g) each time in a contraceptive. It further resulted that she was paid considerable sums of money for her involvement as she would have been this time round if she wasn't arrested.

Cocaine is a dangerous drug specified and controlled under the provisions of Part I, First Schedule, of the Dangerous Drugs Ordinance. Lucie Azuka was not in possession of any valid and subsisting procurement, manufacture, exportation or importation authorisation of such illegal substance, duly granted in pursuance of the said law.

By committing the abovementioned acts with criminal intent, the accused Lucie Azuka rendered herself guilty of having on the thirteenth (13) July of the year two thousand and thirteen (2013) and in preceding ten (10) months, sold or otherwise dealt in an illegal substance (cocaine), without a license by the Minister responsible for Health or without being authorised by these Rules or by authority granted by the Minister responsible for Health to supply the drug mentioned (cocaine), or without being in possession of an import or export authorisation issued by the Chief Government Medical Officer in pursuance of the provisions of Part VI and VI of the Ordinance, and without being licensed or otherwise authorised to manufacture the drug or without a license to procure the same.

Wherefore, the Attorney General, in his capacity, accuses Lucie Azuka of having on the thirteenth (13) July of the year two thousand and thirteen (2013) and in preceding ten (10) months, sold or otherwise dealt in an illegal substance (cocaine), without a license by the Minister responsible for Health or without being authorised by these Rules or by authority granted by the Minister responsible for Health to supply the drug mentioned (cocaine), or without being in possession of an import or export authorisation issued by the Chief Government Medical Officer in pursuance of the provisions of Part VI and VI of the Ordinance, and without being licensed or otherwise authorised to manufacture the drug or without a license to procure the same; demands that the accused be proceeded against according to law, and that she be sentenced to the punishment of imprisonment for life and to fine of not less than two thousand three hundred and thirty Euro (€2330) and not more

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than one hundred sixteen thousand and five hundred Euro (€116,500) and to the forfeiture in favour of the Government of Malta 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, 15(A), 20, 22(1)(a)(2)(a)(i)(1B)(3A)(a)(b)(c)(d) and 26 of the Dangerous Drugs Ordinance and regulation 4 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 guilt of the accused.

In the FOURTH COUNT of the bill of indictment whereby the Attorney General premised:

Finally, after having imported on the thirteenth (13) July of the year two thousand and thirteen (2013) into Malta, the dangerous drug cocaine in breach of the provisions of Chapter 101 of the Laws of Malta, as described under the first, second and third counts of this Bill of Indictment, Lucie Azuka, was physically and personally searched and X-rayed where she was found to be carrying/body-packing an aggregate of seventy three (73) capsules including one larger capsule containing a total of of nine hundred and one point seventy five grams (901.75grams) of cocaine, and which substance carries the total street value of fifty seven thousand five hundred and thirteen Euro and sixty two cents (€57,513.62). The accused herself admitted that these drugs were intended for trafficking. Moreover the amount of drugs found is in itself indicative that the illegal substance was too great to be intended merely for personal use.

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

By committing the abovementioned acts with criminal intent, the accused Lucie Azuka rendered herself guilty of possession of a dangerous drug (cocaine), being a drug specified and controlled under the provisions of Part I, First Schedule, of the Dangerous Drugs Ordinance (Chapter 101 of the Laws of Malta) when not in possession of any valid and subsisting import or possession authorization granted in pursuance of the said law, and with intent to supply **in that such possession was not for the exclusive use of the offender.**

Wherefore, the Attorney General, in his capacity, accuses Lucie Azuka of having on the 13<sup>th</sup> July 2013 and in preceding weeks/months, of being guilty of possession of a dangerous drug (cocaine), being a drug specified and controlled under the provisions of Part I, First

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Schedule, of the Dangerous Drugs Ordinance (Chapter 101 of the Laws of Malta), when not in possession of any valid and subsisting import or possession authorization granted in pursuance of the said law, and with intent to supply same **in that such possession was not for the exclusive use of the offender**; demands that the accused be proceeded against according to law, and that she be sentenced to the punishment of imprisonment for life and to fine of not less than two thousand three hundred and thirty Euro (€2330) and not more than one hundred sixteen thousand and five hundred Euro (€116,500) and to the forfeiture in favour of the Government of Malta 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, 15(A), 20, 22(1)(a)(2)(a)(i)(3A)(a)(b)(c)(d) and 26 of the Dangerous Drugs Ordinance and regulation 9 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 the joint application of the Attorney General and accused Lucie Azuka presented on the 11th February, 2015, whereby the applicants, while declaring that they have reached an agreement in terms of article 453A(1) of the Criminal Code, humbly requested this Court that in the event that Lucie Azuka admits all the charges proffered against her in the bill of indictment, the punishment to be awarded by this same honourable Court will consist of a term of imprisonment of eight (8) years and the imposition of a fine of twenty thousand Euros (€20,000) together with the other sanctions and consequences that are mandatory prescribed by Law upon 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 other movable and immovable property of the accused in accordance to law.

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 Lucie Azuka, in reply to the question as to whether she was guilty or not guilty of the charges proffered against her under the four counts of the Bill of Indictment, stated that she was pleading guilty thereto;

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

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

Declares Lucie Azuka guilty of all four counts in the Bill of Indictment, namely:-

1. Of having on the 13<sup>th</sup> July 2013 and in preceding weeks/months, conspired to traffic in dangerous drugs (cocaine) in breach of the provisions of the Dangerous Drugs Ordinance (Chapter 101 of the Laws of Malta) or of promoting, constituting, organising or financing the conspiracy;
2. Of having on the 13<sup>th</sup> July 2013 and in preceding weeks/months, of bringing or causing to be brought into Malta in any manner whatsoever a dangerous drug (cocaine), being a drug specified and controlled under the provisions of Part I, First Schedule, of the Dangerous Drugs Ordinance (Chapter 101 of the Laws of Malta), when she was not in possession of any valid and subsisting import authorisation granted in pursuance of the said law;
3. Of having on the 13<sup>th</sup> July, 2013 and in preceding ten (10) months, sold or otherwise dealt in an illegal substance (cocaine), without a license by the Minister responsible for Health or without being authorised by these Rules or by authority granted by the Minister responsible for Health to supply the drug mentioned (cocaine), or without being in possession of an import or export authorisation issued by the Chief Government Medical Officer in pursuance of the provisions of Part VI and VI of the Ordinance, and without being licensed or otherwise authorised to manufacture the drug or without a license to procure the same;
4. Of having on the 13<sup>th</sup> July 2013 and in preceding weeks/months, of being guilty of possession of a dangerous drug (cocaine), being a drug specified and controlled under the provisions of Part I, First Schedule, of the Dangerous Drugs Ordinance (Chapter 101 of the Laws of Malta), when not in possession of any valid and subsisting import or possession authorization granted in pursuance of the said law, and with intent to supply same in that such possession was not for the exclusive use of the offender;

Having seen articles:



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sections 9, 10(1), 12, 14, 15(A), 20, 22(1)(a)(f)(1A)(1B)(2)(a)(i)(3A)(a)(b)(c)(d) and 26 of the Dangerous Drugs Ordinance and regulations 4 & 9 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

The Court feels that in this case it should adhere to the Attorney General's and the accused's application and therefore condemns the said Lucie Azuka to a term of imprisonment term of eight (8) years and the imposition of a fine of twenty thousand Euros (€20,000), which fine (multa) shall be converted into a further term of imprisonment of one year according to Law, in default of payment;

Furthermore condemns her to pay the sum of one thousand, three hundred and eighty three Euros and fifty-two cents (€1383.52) 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;

Moreover, 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 Christopher Umeh.

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 Assistant Registrar of the Criminal Court, 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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