

1971  
July 8

[TRIANTAFYLIDES, P., STAVRINIDES, A. LOIZOU, JJ.]

OZKUL HASSAN  
AND OTHERS  
v.  
THE REPUBLIC

OZKUL HASSAN AND OTHERS,

*Appellants,*

v.

THE REPUBLIC,

*Respondent.*

(*Criminal Appeals Nos. 3262, 3263, 3264*)  
(*Consolidated*).

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*Sentence—Possessing narcotic drugs (cannabis)—Four years' imprisonment—Sections 6 and 24 of the Narcotic Drugs Law, 1967 (Law No. 3 of 1967) and Regulation 5 of the Narcotic Drugs Regulations, 1967—Seriousness of the case—Attempt to transport and to dispose of a quantity of cannabis from an area where its cultivation cannot be suppressed effectively, due to the present anomalous conditions—Necessary to deter such kind of traffic—Young age of Appellants—Reform—Not the only consideration—Protection of the community is another consideration—Appeal dismissed and sentence left undisturbed on this ground.*

*Sentence—Assessment—Principles applicable—In addition to the need to reform an offender, one has to take into account the protection of the community.*

*Narcotics—Possessing—Sentence—Possessing narcotics has become a social problem—Protection of the community—See further supra.*

The facts of the case sufficiently appear in the judgment of the Court dismissing these appeals against sentence of four years' imprisonment imposed by the Assize Court at Limassol for possessing 2390 grams of cannabis contrary to the relevant provisions of the Narcotic Drugs Law, 1967 and the Narcotic Drugs Regulations, 1967 (*supra*).

Cases referred to:

*Maos v. The Republic*, reported in this Part at p. 191 *ante*;

*Loizou v. The Republic*, reported in this Part at p. 196 *ante*;

*Aloupos v. The Republic*, 1961 C.L.R. 246.

## Appeals against sentence.

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OZKUL HASSAN  
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Appeals against sentence by Ozkul Hassan, Fouat Djemil Latif and Adem Ali who were convicted on the 4th June, 1971 at the Assize Court of Limassol (Criminal Case No. 4083/71) on one count of the offence of possessing narcotic drugs contrary to sections 6, 21 and 24 (1) (2) of the Narcotic Drugs Law, 1967 (Law 3/67) and regulation 5 of the Narcotic Drugs Regulations, 1967 and section 20 of the Criminal Code Cap. 154 and each one of them was sentenced by Malachtos, P.D.C., Vassiliades and Hadjitsángaris, D.JJ. to four years' imprisonment.

*M. Aziz with G. Kadri*, for Appellants 1 and 2.

*E. Avdjioglou*, for Appellant 3.

*A. Frangos*, Senior Counsel of the Republic, for the Respondent.

The judgment of the Court was delivered by:—

TRIANTAFYLIDES, P.: The Appellants in these three consolidated criminal appeals complain against sentences of four years' imprisonment imposed on them, by an Assize Court at Limassol, after they had pleaded guilty to a count charging them with the offence of possessing 2390 grams of cannabis, contrary to the relevant provisions of the Narcotic Drugs Law, 1967 (3/67) and the Narcotic Drugs Regulations 1967.

As was stated by the trial Court in passing sentence, the intention of the Appellants was to market the said quantity of cannabis; and it is clear from the facts on record that the Appellants made elaborate preparations for the purpose of packing and transporting such quantity from Nicosia to Limassol, where it was to be sold.

We have listened to, and weighed duly, all that learned counsel for the Appellants have submitted in mitigation and we are really sorry for the plight in which these young men find themselves today. If it were only a question of reforming them we might be prepared to agree that, as they are first offenders regarding this kind of offence, even a shorter term of imprisonment could have sufficed; but reform, when there is being made an effort to stamp out the use of narcotic drugs—which is becoming, as already stated by this Court in the cases of *Maos v. The Republic* (reported in this Part

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at p. 191 *ante*) and *Loizou v. The Republic* (reported in this Part at p. 196 *ante*), a social evil in Cyprus and against which an international campaign is being waged—is only one of the considerations to be taken into account. We have to take into account also the protection of the community.

The present case is of a quite serious nature because an attempt has been made to transport to, and dispose of at, Limassol a considerable quantity of cannabis from an area in Cyprus where its cultivation cannot be suppressed effectively, due to the present anomalous conditions in the country; and it is, indeed, necessary to deter such kind of traffic.

That the person who has cultivated this quantity of cannabis is not before the Court, having not been caught, and that these young Appellants were placed in this predicament by him is a factor which we have not overlooked; but other persons have to be deterred from acting as the Appellants have done in promoting trade in narcotic drugs.

There has been referred to by counsel the case of *Aloupos v. The Republic*, 1961 C.L.R. 246; in determining that appeal the principles regarding assessment of sentence were dealt with at length and both Zekia J. and Vassiliades J.—as they then were and who later on served as Presidents of this Court—took the view that, in addition to the need to reform an offender, one has to take also into account the protection of the community.

For all these reasons we find no merit in these appeals and we dismiss them. We would like to stress that we hope that the public at large will realize that this Court is prepared to face without hesitation and with all due severity the menace of narcotic drugs which has started creeping into our country.

Bearing in mind the young age of the Appellants, as well as the fact that one of them is married, we shall take the course of making their sentences run from the date of conviction.

*Appeals dismissed.*