FIL-QORTI TAL-MAGISTRATI TA' MALTA

MAGISTRAT DR FRANCESCO DEPASQUALE

Seduta ta' nhar it-Tnejn ghoxrin (20) ta' Gunju 2016

Rikors Numru 62/12 FDP

Alan Camilleri
(ID 87673M)

vs

Saviour Balzan (ID 127263M)
U
Jurgen Balzan

Il-Qorti:-

Rat ir-rikors promotur ippresentat fis 17 ta' Frar 2012 fejn ir-rikorrent, filwaqt illi ghamel referenza ghall erbgha artikoli illi dehru fil-gazzetta Malta Today illi tieghu l-konvenut Saviour Balzan huwa l-editur, liema artikolui kienu miktuba minn Jurgen Balzan u kienu '*Alan Camilleri silent on NYE part at Malta Enterprise's new offices*' ippubblikat fit 22 ta' Jannar 2012, '*Alan Camilleri denies hosting NYE party at Malta Enterprises premises*' ippubblikat fil-5 ta' Frar 2012, '*Journalist confirms NYE party at Malta Enterprise*' u '*The New Year's Eve Party that triggered an invitation*', it-tnejn ppubblikati fit-12 ta' Frar 2012, talab lill-Qorti tiddikjara tali artikoli bhala libelluzi u malafamanti fil-konfront tieghu filwaqt illi talab lill-Qorti tikkundanna lill-istess intimati ihallsuh danni a tenur tal-Artikoliu 28 tal-Kap 248.

Rat l-artikoli meritu tal-kawza odjerna u esebiti mir-rikorrent.

Rat l-eccezzjonijiet ta' l-intimati ippresentati fit 23 ta' April 2012 fejn, filwaqt li talbu lir-rikorrent jindika fejn huwa malafamat fl-artikoli meritu tal-kawza odjerna, sahqu illi ma kien hemm xejn libelluz f'dak li inkiteb illi kien ibbazat fuq ezercizzju tad-dritt gurnalistiku li wiehed jikkummenta dwar fatti sostanzjalment veri filwaqt illi insistew illi dak miktub kien 'fair comment' dwar kwistjonijiet ta' interess pubbliku.

Semghet ix-xhieda ta' **Alan Camilleri** moghtija fl-14 ta' Mejju 2012.

Semghet ix-xhieda ta' **Brian Delicata**, Chief Information Technology Officer tal-Malta Enterprise, moghtija fis 17 ta' Settembru 2012 u fis 16 ta' Novembru 2012 flimkien mad-dokumentazzjoni, ossija CCTV footage tal-ground floor tal-Malta Enterprise mill 10 ta' filghaxija tal-31 ta' Dicembru 2011 'l quddiem u tat-tielet sular tal-Malta Enterprise mis-saghtejn ta' filghodu 'l quddiem.

Rat l-affidavit ta' **Eugenio Camilleri**, habib tar-rikorrenti, ippresentat fis 16 ta' Novembru 2012.

Rat l-affidavit ta' **Marie Claire Galea**, habiba tar-rikorrenti, ippresentat fis-16 ta' Novembru 2012.

Rat l-affidavit ta' **Christian-Octavian Senciuc**, habib tar-rikorrenti, ippresentat fis 16 ta' Novembru 2012.

Semghet ix-xhieda ta' **Joseph Greengrass**, impjegat ma' Cavalier Security bhala 'patrol man', moghtija fit 3 ta' Gunju 2013.

Semghet ix-xhieda ta' **Kasan Kaseb**, impjegat ma' Cavalier Security bhala security', moghtija fit 30 ta' Settembru 2013.

Rat illi fit 30 ta' Settembru 2013 ir-rikorrent iddikjara illi ma kellu ebda provi ohra x'jippresenta.

Semghet ix-xhieda ta' **Dr Alex Sciberras** moghtija fil 15 ta' Novembru 2013.

Semghet ix-xhieda ta' **Jurgen Balzan**, moghtija fil 15 ta' Novembru 213.

Semghet ix-xhieda ta' **Saviour Balzan**, moghtija fl-20 ta' Jannar 2014 u rat id-dokumentazzjoni minnu esebita.

Rat l-affidavit ta' **Elaine Balzan** ippresentat fil 11 ta' Mejju 2015.

Rat illi fil-11 ta' Mejju 2015 l-intimat iddikjara illi ma ghandhux aktar provi x'jippresenta.

Rat illi fid-19 ta' Ottubru 2015 il-kawza giet differita ghas-sottomissjonijiet finali.

Rat in-nota ta' sottomissjonijiet tar-rikorrenti ippresentat fit 3 ta' Dicembru 2015.

Rat in-nota ta' sottomissjonijiet ta' l-intimati ppresentati fit 30 ta' Marzu 2016.

Rat illi fit 2 ta Mejju 2016 il-kawza giet differita ghas-sentenza.

Ikkunsidrat

Jirrizulta, mill-provi prodotti, illi r-rikorrenti kien ic-Chairman tal-Malta Enterprise u Malta Industrial Parks bejn is-sena 2008 u it-12 ta' Mejju 2012, meta huwa waqaf milli jokkupa tali karigi.

Jirrizulta illi fit-22 ta' Jannar 2012, il-gazzetta Malta Today ppubblikat storja intitolata '***Alan Camilleri silent on NYE party at Malta Enterprise's new offices***', fejn l-istess storja allegat illi fil-lejl ta' l-ahhar tas-sena 2012, ossija bejn il 31 ta' Dicembru 2011 u l-1 ta' Jannar 2012, kien hemm festa illi nzammet fis-sular ta' fuq tal-ufficju tal-Malta Enterprise, fejn anke allegat illi fl-istess ufficini l-godda kien hemm appartament illi fih jghix l-istess rikorrent.

Jirrizulta illi qabel il-pubblikazzjoni ta' tali storja, l-intimat Jurgen Balzan, illi kien qieghed jinvestiga l-istorja, ghamel serje ta' domandi lir-rikorrenti, illi ghalihom ma kien hemm ebda risposta u, sussegwentement, mitkellem dwar tali domandi, r-rikorrent gharraf lill-artikolist Jurgen Balzan illi "*I have nothing to say about your questions. No comment*".

Jirrizulta illi, nelfrattemp, il-Ministeru tal-Finanzi kien irrisponda ghal domandi li kienu saru, u filwaqt illi intqal illi "*no such party took place*", intqal ukoll illi "*security cameras were checked and nobody had entered the offices on Saturday (New Year's Eve), except for the security officer on duty.*"

Jirrizulta illi, madanakollu, l-intimat Jurgen Balzan, ghadda sabiex jippubblika l-istorja dwar il-party flimkien ma' ritratt tar-rikorrent, u wara li pubblika l-kummenti fuq imsemmija, tkellem dwar l-ispiza ta' €3.87 miljun illi intefqu ghar-rilokazzjoni temporanja tal-ufficcji tal-Malta Enterprise fil-post fejn qabel kien hemm l-Institute of Health Care gewwa l-Isptar San Luqa, liema ufficini kien ippjanat illi jigu eventwalment rilokati gewwa l-Mriehel meta jitlesta l-progett tal-hekk imsejha "Corporate Village'.

Jirrizulta illi, sussegwentement, gimghatejn wara, ossija fil 5 ta' Frar 2012, il-gazzetta Malta Today ppubblikat storja ohra, dejjem b'ritratt tar-rikorrent intkluz, intitolat '***Alan Camilleri denies hosting NYE party at Malta Enterprise premises***', fejn din id-darba, taghmel referenza ghall-stqarrija illi kienet intbghatet lill-Malta Today minghand il-Malta Enterprise fejn, inter alia, intqal "*it categorically denies that there was any form of activity at its premises on New Year's Eve, as is being falsely claimed in your article. Any allegations made by so called 'eyewitnesses' are therefore purely fictitious.*"

Jirrizulta illi wara li giet pubblikata tali stqarrija, l-artikolist kompla sabiex jirrepeti dak illi kien gia inkiteb fl-artikolu precendenti, tat-22 ta' Jannar 2012.

Jirrizulta illi gimgha wara, fit-12 ta' Frar 2012, l-gazzetta Malta Today ppubblikat, din id-darba, zewgt stejjer relatati, fejn, fuq l-ewwel pagna tal-gurnal, hemm titolu li jghid '***Journalist confirms NYE party at Malta Enterprise***' filwaqt illi fil-pagna ta' gewwa, hdejn ritratt iehor tar-rikorrenti, hemm storja intitolata '***The New Year's Eve part that triggered an invitation***'.

Jirrizulta illi fl-ewwel artikolu, l-intimat Jurgen Balzan jikkonferma illi huwa kien il-persuna illi, minn post li kien jinsab faccata tal-ufficini tal-Malta Enterprise, fuq in-naha l-ohra tal-yacht marina tal-Msida, fit-tieni artikolu l-istess Jurgen Balzan jirrakkonta vista illi huwa inghata gewwa l-ufficini kollha tal-Malta Enterprise fis 6 ta' Frar 2012.

Jirrizulta illi l-istess Jurgen Balzan sahaq illi wara z-zjara tieghu fl-ufficini tal-Malta Enterprise, seta jikkonkludi illi d-dawl illi huwa ra fil-lejl ta' bejn l-31 ta' Dicembru 2011 u l-1 ta' Jannar 2012 kien gej minn gewwa l-Board Room ta' l-istess Malta Enterprise, liema Board Room kienet tinstab fir-raba sular tal-bini, filwaqt illi osserva illi ghalkemm huwa ddawwar mal-binja kollha tal-ufficini, u sahansitra gie mistieden jitla fuq il-bejn sabiex jaccerta ruhu illi ma kien hemm ebda appartament fil-binja, huwa ma thalliex jiddahhal gewwa l-ufficju privat tar-rikorrent, fatt illi dwaru l-intimat Jurgen Balzan hass illi kien suspettuz bir-rizultat illi huwa kkonkluda l-artikolu tieghu billi jghid:

> *"As I said my goodbyes to my hosts, it felt like their efforts to convince me that no party took place and no apartment exists on the top floor had done nothing to change my mind.*
>
> *Whatever exists behind the chairman's closed office remains a mystery, unless another invitation is issued."*

Jirrizulta illi sussegwentement, fis-17 ta' Frar 2012, giet intavolata il-kawza odjerna u l-gurnal MaltaToday.

Ikkunsidrat

Jirrizulta illi r-rikorrent sahaq illi, meta gie ppubblikat l-ewwel artikolu, ossija dak tat-22 ta' Jannar 2012, huwa ma kellu ebda problema b'dak hemm miktub, ghalkemm huwa kien cahad kategorikament kollox, u dana peress illi kien hemm rrappurtat ic-cahda kemm tieghu kif ukoll tal-Ministeru tal-Finanzi, u ghalhekk haseb illi l-istorja kienet ser tieqaf hemm.

Jirrizulta, madanakollu, hekk kif l-intimati ppersistew bl-istejjer taghhom, ghalkemm kemm hu kif ukoll il-Ministeru tal-Finanzi, kif ukoll, sussegwentement, il-Malta Enterprise stess, kienet cahdet dawk l-allegazzjonijiet, r-rikorrent beda jhossu malafamat b'dak illi kien qieghed jinkteb, peress illi huwa hass li l-intimati kienu qed "*jaghtu x'jifhmu li jien berbaqt flus pubblici fuq attivita privata ghalijja u ghal hbieb tieghi*".

Jirrizulta illi r-rikorrent ipproduca bhala xhud lill Brian Delicata, Chief Information Technology officer fi hdan il-Malta Enterprise, (fol 21A etc) li sahaq illi ftit jiem wara l-ewwel tas-sena, huwa kien intalab jaghmel verifiki fuq is-sistema tas-CCTV jekk kienx hemm xi attivita gewwa l-ufficini tal-Malta Enterprise, u, wara illi huwa ra is-CCTV footage, huwa seta jikkonstata illi ma kien hemm ebda attitiva' gewwa l-ufficini kollha salv illi, ghal habta tal-11.45pm, gie Security Guard minn barra ghal ftit hin sabiex jiccekkja mas-Security Guard fil-post dwar il-post.

Jirrizulta illi r-rikorrenti ipproduca wkoll lill Eugenio Camilleri, Marie Claire Galea u Christian-Octavian Senciuc, lkoll hbieb tar-rikorrenti stess, li lkoll kemm huma kkonfermaw illi fil-lejl ta' l-ahhar tas-sena 2011, ir-rikorrent kien qieghed maghhom ghal lejl kollu gewwa r-restaurant 'Trabuxu' gewwa il-Belt, Valletta.

Jirrizulta, finalment, illi r-rikorrent ipproduva lill Joseph Greengrass u Kasan Kaseb, lkoll security guards ma' Cavalier Security, illi t-tnejn kkonfermaw illi ma kien hemm ebda attivita' gewwa il-binja tal-Malta Enterprise u Kaseb, li kien stazzjonat fuq il-post, kkonferma illi hadd ma dahal ghajr ghal Greengrass illi gie jaghmel spezzjoni ftit qabel nofsillejl.

Ikkunsidrat

Jirrizulta, mill-banda l-ohra, illi l-intimat Jurgen Balzan, apparti x-xhieda tieghu, ressaq ukoll ix-xhieda ta' Dr Alexander Sciberras, illi ghandu kien qieghed jiccelebra l-ahhar tas-sena, u lill Elaine Balzan, li lkoll ikkonfermaw illi mill-fond ta' Dr Sciberras, huma setghu jaraw illi fis-sular ta' fuq tal-binja tal-Malta Enterprise, kienu jidhru d-dwal u l-ufficju kien jidher mixghul.

Jirrizulta, di fatti, illi Dr Sciberras jikkonferma illi huwa ra d-dawl mixghul ghal habta tal 11 ta' bil-lejl u dana baqa hekk sas-saghtejn ta' filghodu filwaqt illi kkonferma illi setghu jaraw illi kien hemm nies gewwa.

Jirrizulta illi l-intimat Jurgen Balzan sahaq illi, hekk kif wara il-festi ta' l-ahhar tas-sena, kien mar lura x-xoghol, huwa kien semma dana l-akkadut lill-Saviour Balzan, l-editur tieghu, u l-istess Saviour Balzan qallu sabiex minnufih jibda jinvestiga l-kaz. L-istess Jurgen Balzan stqarr illi kull ma setghu jaraw minn fejn kien hu, kienu dellijiet ta' persuni jiccaqilqu filwaqt illi kkonferma wkoll

illi, meta gie mistieden sabiex jaghmel vista tal-ufficini tal-Malta Enterprise, seta jikkonferma illi d-dawl illi huwa ra kien gej minn gewwa il-Board Room ta' l-istess Malta Enterprise.

Ikkunsidrat

Jirrizulta illi l-intimati, fl-eccezzjonijiet principali jressqu bhala linja difensjonali dik tal-'*fair comment*' u li dak hemm mitkub ma setax jitqies bhala libelluz u malafamanti fil-konfront tar-rikorrent peress illi kien ibbazat fuq ezercizzju tad-dritt gurnalistiku li wiehed jikkummenta dwar fatti sostanzjalment veri.

Dwar id-dritt tal-liberta ta' l-espressjoni w id-dritt tal-gurnalist, fil-kawza deciza mill-Grand Chamber tal-Qorti Ewropea ghad-Drittijiet tal-Bniedem fl-ismijet **Axel Springer AG vs Germany** deciza fis-7 ta' Frar 2012, intqal is-segwenti:

> *78. Freedom of expression constitutes one of the essential foundations of a democratic society and one of the basic conditions for its progress and for each individual's self-fulfilment. Subject to paragraph 2 of Article 10, it is applicable not only to "information" or "ideas" that are favourably received or regarded as inoffensive or as a matter of indifference, but also to those that offend, shock or disturb. Such are the demands of pluralism, tolerance and broadmindedness without which there is no "democratic society". As set forth in Article 10, freedom of expression is subject to exceptions, which must, however, be construed strictly, and the need for any restrictions must be established convincingly*
>
> *79. The Court has also repeatedly emphasised the essential role played by the press in a democratic society. Although the press must not overstep certain bounds, regarding in particular protection of the reputation and rights of others, its duty is nevertheless to impart – in a manner consistent with its obligations and responsibilities – information and ideas on all matters of public interest. Not only does the press have the task of imparting such information and ideas; the public also has a right to receive them. Were it otherwise, the press would be unable to play its vital role of "public watchdog"*

L-istess Qorti tkompli tghid:

> *81. Journalistic freedom also covers possible recourse to a degree of exaggeration, or even provocation (see Pedersen and Baadsgaard, cited above, § 71). Furthermore, it is not for the Court, any more than it is for the national courts, to substitute its own views for those of the press as to what techniques of reporting should be adopted in a particular case.*

Jirrizulta illi r-rikorrent kien Chairman tal-Malta Enterprise fil-mument illi gew ppubblikati l-artikoli u ghalhekk kellu jitqies bhala persuna pubblika stante illi kellu kariga tal-Gvern, u, kif qalet il-Qorti Ewropea ghad-Drittijiet tal-Bniedem fil-kaz **Voronezhe**,

> *The Court notes that civil servants acting in an official capacity are, similarly to politicians albeit not to the same extent, subject to wider limits of acceptable criticism than a private individual*

Dwar id-difiza ta' '*fair comment*', f'**Gatley on Libel and Slander** jinghad illi :

> *To succeed in a defence of fair comment the defendant must show that the words are comment, and not a statement of fact. He must also show that there is a basis of fact for*

the comment, contained or referred to in the matter complained of. Finally, he must show that the comment is on a matter of public interest, one which has expressly or implicitly put before the public for judgment or is otherwise a matter with which the public has a legitimate concern. If, however, the plaintiff can show that the comment was not made honestly or was actuated by malice, he will defeat the plea.

Kif jghid Lord Justice Scott fil- kawza **Lyon v. Daily Telegraph**:

The right of fair comment is one of the fundamental rights of free speech and writing which are so dear to the British nation, and it is of vital importance to the rule of law on which we depend for our personal freedom.

Din il-Qorti ma tistax ma tirrilevax illi r-rwol importanti tal-gurnalist u d-dritt tal-liberta' ta' l-espressjoni, madanakollu, ghandha tigi bilancjata bi drittijiet u obbligi fuq l-istess gurnalist fil-qadi ta' dmirijietu, u, di fatti, il-Qorti, dwar tali doveri da' parte tal-gurnalist, u ghalhekk, kif tghid il-Qorti Ewropeja ghad-Drittijiet tal-Bniedem fil-kawza Axel Springer fuq imsemmija:

82. However, Article 10 § 2 of the Convention states that freedom of expression carries with it "duties and responsibilities", which also apply to the media even with respect to matters of serious public concern. These duties and responsibilities are liable to assume significance when there is a question of attacking the reputation of a named individual and infringing the "rights of others". Thus, special grounds are required before the media can be dispensed from their ordinary obligation to verify factual statements that are defamatory of private individuals. Whether such grounds exist depends in particular on the nature and degree of the defamation in question and the extent to which the media can reasonably regard their sources as reliable with respect to the allegations.

Tenut kont ta' dawna l-fatti, il-Qorti ghandha tassikura illi jintlahaq bilanc necessarju bejn id-dritt tal-liberta' ta' l-espressjoni u id-dritt tal-protezzjoni tar-reputazzjoni, u sabiex jigi assikurat li hemm tali bilanc, il-Qorti Ewropeja ghad-Drittijiet tal-Bniedem niedet sitt kriterji importanti sabiex jigi assikurat illi, kif tghid il-Qorti, "*the right to freedom of expression is being balanced against the right to respect for private life*".

Tali kriterji huma mhaddna anke mill-Qrati taghna, kif qalet il-Prim Awla tal-Qorti Civili fil-kawza **Dr Louis Galea vs Etienne St John u Felix Agius** deciza fit 30 ta' April 2015, fejn osservat korrettement illi :

dwar l-aspett tad-difiża tal-kumment ġust ilu żmien jingħad mill-Qrati tagħna li, biex id-difiża tal-kumment ġust tkun tgħodd, jeħtieġ li min jistrieħ fuqha jseħħlu juri li (a) l-kumment kien imsejjes fuq fatt li jkun issemma fil-pubblikazzjoni li minnha jitressaq l-ilment; (b) il-fatt imsemmi jrid ikun sostanzjalment minnu; (ċ) il-kumment irid jintwera li jkun ġustifikabbli jew mistħoqq; (d) il-kumment irid ikun tali li jikkwalifika bħala kritika u mhux żebliħ, tgħajjir jew insolenza; u (e) irid jagħti l-fehma onesta tal-kummentatur u li l-pubblikazzjoni ta' dik il-fehma ma saritx b'ħażen jew bil-ħsieb preċiż li jweġġa' lil dak li jkun.

Ikkunsidrat

Il-Qorti tosserva illi l-punt ta' tluq ta' kull difiza relatata mal-kumment gust huwa illi dak li dwaru sar il-kumment kien sostanzjalment veru. Minghajr tali bazi, ebda difiza tal-kumment gusta ma jista jirnexxi.

Issa, fil-kaz odjern, ghalkemm l-intimat sahaq illi huwa ra id-dwal mixghulin fis-sular ta' fuq tal-bini tal-Malta Enterprise fil-lejl ta' l-ahhar gurnata tas-sena 2011, u sahaq illi sahansitra seta jara dellijiet ta' persuni gewwa l-istess post, huwa insinwa illi tali dwal kienu indikazzjoni illi kien hemm 'party' gewwa l-ufficji tal-Malta Enterprise fis-sular ta' fuq, u tali 'party' kien qieghed jinzamm mir-rikorrent, bhala Chairman tal-Malta Enterprise, liema fatti ma jirrizultaw ippruvati, la b'certezza u wisq anqas fuq bazi sostanzjali.

Ghalkemm l-intimat Jurgen Balzan jipproduci zewgt persuni ohra illi mieghu raw id-dawl mixghul u raw ukoll dellijiet gewwa l-istess bini, dana ma jfissirx illi tali dwal kienu indikattivi illi kien hemm party f'tali ufficji u, wisq anqas ma huma prova illi attwalment kien ir-rikorrent li kien qieghed fil-post fid-data u hin illi l-intimat u l-hbieb tieghu raw id-dawl mixghul.

Jirrizulta, mill-banda l-ohra, illi r-rikorrenti ressaq varji persuni sabiex jikkonfermaw, l-ewwel u qabel kollox, illi huwa ma kienx fl-ufficini tal-Malta Enterprise fil-lejl ta' l-ahhar tas-sena tal-2011 meta l-intimat Jurgen Balzan ra id-dawl fl-ufficji kif ukoll illi ma kien hemm ebda attivita' gewwa l-istess ufficini dakinhar, fatt illi gie kkonfermat minn diversi persuni illi kienu presenti dakinhar fil-blokk tal-ufficji.

Jirrizulta, ghalhekk, illi ghalkemm l-intimat jishaq illi kien hemm party gewwa l-ufficji tal-Malta Enterprise, tali assersjoni giet kontradetta minn varji provi mhux kontradetti.

Jirrizulta wkoll illi, ghalkemm l-intimat kien a korrent ta' tali fatt qabel ma ppubblika l-ewwel artikolu, huwa ppersista illi jaghmel tali asserzjonjiet u sahansitra, wara illi eventwalment mar gewwa l-ufficini u zar il-post kollu, baqa jinsisti illi kien hemm party ghalkemm il-fatti kollha kienu juru mod iehor. Tali posizzjoni certament ma tistax tigi protetta bid-difiza tal-fair comment illi qajjmu l-intimati. Kif gie osservat mill-Qorti tal-Appell (Sede Inferjuri) fis-sentenza '**Sylvana Debono vs Alexander Farrugia**', deciza fis-27 ta' Jannar, 2016.

Id-dritt tal-liberta tal-espressjoni m'huwiex licenzja biex thammeg ir-reputazzjoni ta' haddiehor u mbaghad tipprova tistahba wara dan id- dritt.

Il-Qorti, finalment, tosserva illi ghalkemm huwa d-dover tal-gurnalist illi jgharraf u jzomm lill-pubbliku w il-qarrejja a korrent ta' kull informazzjoni relatata ma' agir ta' persuni pubblici, kemm politici kif ukoll persuni fis-servizz civil u f'posizzjonijiet importanti fis-socjeta civili, huwa ferm aktar importanti illi l-gurnalist jassikura ruhu illi l-fatti kif minnu indikat huma sostanzjalment veri u, f'kaz illi huwa ma jkollux konfort ta' provi sufficjenti, ghandu jzomm lura milli jippubblika tali stejjer, stante illi l-pubblikazzjoni ta' l-istess jwasslu sabiex il-kredibilita' tal-gurnal u l-gurnalist tigi pregudikata u, aktar importanti, il-pubbliku in generali jinghata informazzjoni illi ma jkunx minnu, fatt illi, minnu nniffsu, huwa ta' hsara kemm lill-persuna illi dwarha qed issir l-istorja u, aktar u aktar, lill-gurnalizmu il-generali, li jisthoqqlu rispett ghax-xoghol siewi u ta' utilita' kbira ghas-socjeta demokratika hajja illi Malta tgawdi illum il-gurnata.

Konkluzjoni

Wara illi rat il-provi kollha prodotti quddiemha,

Wara illi rat is-sottomissjonjiet bil-miktub tal-abbli difensuri tal-partijiet

Tghaddi biex taqta u tiddeciedi l-kaz billi

Tichad l-eccezzjonjiet kollha ta' l-intimati, u ghalhekk

Tilqa t-talbiet attrici kif dedotti u

Tiddikjara illi l-erbgha artikoli illi dehru fil-gazzetta Malta Today illi tieghu l-konvenut Saviour Balzan huwa l-editur, liema artikolui kienu miktuba minn Jurgen Balzan u kienu '*Alan Camilleri silent on NYE part at Malta Enterprise's new offices*' ippubblikat fit 22 ta' Jannar 2012, '*Alan Camilleri denies hosting NYE party at Malta Enterprises premises*' ippubblikat fil-5 ta' Frar 2012, '*Journalist confirms NYE party at Malta Enterprise*' u '*The New Year's Eve Party that triggered an invitation*', it-tnejn ppubblikati fit-12 ta' Frar 2012, bhala malafamanti u libelluzi fil-konfront tar-rikorrent, u ghalhekk

Tikkundanna lill-intimati in solidum bejniethom, in linea ta' danni a tenur ta' l-Artikolu 28 tal-Kap 248, ihallas lir-rikorrent is-somma ta' elfejn Euro (€2,000).

Spejjez tal-proceduri odjerni u imghax dovut mid-data tas-sentenza sad-data tal-pagament effettiv, ikunu kollha a kariku ta' l-intimati.

Magistrat Francesco Depasquale

Marisa Bugeja
Deputat Registratur