



FIL-QORTI TAL-MAGISTRATI TA' MALTA

MAGISTRAT DR FRANCESCO DEPASQUALE

Seduta ta' nhar it-Tnejn ghoxrin (20) ta' Frar 2017

Rikors Numru 174/15 FDP

Mark Gaffarena

vs

Daphne Caruana Galizia

Il-Qorti:-

Rat ir-rikors promotur ippresentat fis 17 ta' Gunju 2015 fejn ir-rikorrenti, filwaqt illi ghamel referenza ghall-artikolu intitolat “ ***SLEAZE: Antoine ‘Cavett’ Azzopardi is a drug-dealer and allowed to run that illegal ‘restaurant operation’*** ” ippubblikat fuq is-sit elettroniku www.daphnecaruanagalizia.com fit-12 ta' Gunju 2015, talab lill dina l-Qorti tiddikjara tali publikazzjoni bhala libelluza u malafamanti fil-konfront tieghu u ghalhekk tikkundanna lill-istess intimata thallas lir-rikorrent dannu a tenur tal-Artikolu 28 tal-Kap 248.

Rat l-artikolu meritu tal-kawza odjerna, illi, taht it-titolu ***SLEAZE: Antoine ‘Cavett’ Azzopardi is a drug-dealer and allowed to run that illegal ‘restaurant operation’***, kien jghid dan li gej:

You may wonder why Antoine Cavett uses his family nickname as a surname, rather than using his real name Antoine Azzopardi.

It's because Googling ‘Antoine Azzopardi’ calls up the fact that just seven years ago he was a school minibus driver put on trial for dealing in cocaine and cannabis. He was held on remand as soon as he was arraigned in court, and his assets were frozen.

Even if you hadn't worked out already, just by looking at the photos I uploaded of Cavett's Place, that this sleaze is a drug-dealer and probably also dealing drugs out of Cavett's Place, in partnership with Marco Gaffarena or behind his back in his property (sottolinear tal-Qorti), here is the information you need.

His lawyer was Arthur Azzopardi of the firm Emmanuel Mallia & Associates.

From The Times, 12 August 2008:

MINIVAN DRIVER ACCUSED OF DRUG TRAFFICKING

A minivan driver was yesterday remanded in custody after he pleaded not guilty to trafficking and being in possession of cocaine and cannabis resin on and before July 27.

Magistrate Silvio Meli upheld Police Inspector Pierre Grech's request for the assets of the accused, Antoine Azzopardi, 34, of Mtarfa, to be frozen.

In a request for bail, defence lawyer Arthur Azzopardi told the court that his client has a clean police conduct certificate and has never been arraigned.

After taking into consideration the fact that if found guilty Mr Azzopardi could face up to 10 years in jail, Magistrate Meli turned down the request and remanded him in custody.

As with other criminal cases in which the offices of Emmanuel Mallia & Associates have furnished the defence team, there is absolutely nothing else about this case in the newspapers beyond this report of his initial arraignment, his being held on remand, and his assets frozen.

Later today I will report on a murder involving Marco Gaffarena's sister Romina, of which we have heard nothing since 2008 either. Manuel Mallia was the defence lawyer.

Rat l-eccezzjonijiet ta' l-intimata ippresentati fil-25 ta' Settembru 2015 fejn laqghet ghal dak lilha imputat billi sahqet illi ma kien hemm xejn libelluz fil-konfront tar-rikorrenti fil-pubblikazzjoni filwaqt illi sahqet illi l-pubblikazzjoni tikkontjeni kummenti li ammontaw ghall-*'fair comment'* bbazati fuq fatti sostanzjalment korretti u ghalhekk mhux libelluzi.

Semghet ix-xhieda ta' **Mark Gaffarena** moghtija fit 23 ta' Novembru 2015.

Rat l-affidavit ta' **Antoine Azzopardi** ippresentat fit 28 ta' Jannar 2016.

Rat illi fit 28 ta' Jannar 2016 ir-rikorrent iddikjara illi ma kellux aktar provi x'jipresenta.

Semghet ix-xhieda ta' **Daphne Caruana Galizia** moghtija fis 7 ta' April 2016 u fis 26 ta' Mejju 2016.

Semghet ix-xhieda ta' **l-Ispettur Gabriel Micallef**, stazzjonat id-Drug Squad, moghtija fis 7 ta' Lulju 2016 u rat id-dokumentazzjoni minnu esebita.

Semghet ix-xhieda in ezami u kontro ezami ta' Daphne Caruana Galizia u Mark Gaffarena moghtija fit 3 ta' Novembru 2016.

Rat illi fit 3 ta' Novembru 2016 il-partijiet iddikjaraw illi ma kellhomx aktar provi x'jipresentaw.

Semghet it-trattazzjoni ta' l-abbli difensuri tal-partijiet moghtija fid 19 ta' Jannar 2017, wara liema data il-kawza giet differita ghas-sentenza.

Ikkunsidrat

Jirrizulta, mix-xhieda tar-rikorrent, Marco Gaffarena (li meta giet ippubblikata l-istorja kien qieghed jissema fuq il-mezzi tax-xandir in konnessjoni ma' kaz relatat mal-bejgh ta' sehem ta' propjeta gewwa il-Belt Valletta lid-Dipartiment tal-Lands), illi huwa sid ta' bicca art u kmamar fiha gewwa Tal-Handaq, Hal Qormi.

Jirrizulta ukoll illi huwa habib ta' Antonie Azzopardi, maghruf bhala c-Cavett illi, kif stqarr l-istess rikorrent, kien jopera restaurant minghajr permess gewwa l-Imtarfa u kien imur jiekol ghandu regolarment.

Jirrizulta illi, wara illi sussegwentement l-Awtoritajiet tal-MEPA waqqfu lill Antoine Azzopardi milli jkompli jopera r-restaurant bla permess gewwa l-Imtarfa, avviciinat minn Azzopardi sabiex iselliflu bicca art sabiex ikun jista jibqa jopera l-business tieghu ta' restaurant illi huwa kellu qabel, ir-rikorrent sellfu bicca art illi huwa ghandu gewwa Tal-Handaq, Qormi.

Jirrizulta illi r-rikorrent sellef dina l-art lill Antoine Azzopardi b'xejn u ma huwa qieghed jircievi ebda hlas talli Antoine Azzopardi beda jaghmel uzu tal-post bhala restaurant, liema post isemma minn l-istess Antoine Azzopardi bhala 'Cavett's Place' u qed jigi operat bhala bar and restaurant minn l-istess Antoine Azzopardi.

Jirrizulta illi Antoine Azzopardi, fil-21 ta' Frar 2014, instab hati mill-Qorti tal-Magistrati bhala Qorti ta' Gudikatura Kriminali illi, fl-1 ta' Mejju 2013, kellu fil-pussess tieghu d-droga kokaina.

Jirrizulta ukoll illi, fil-11 ta' Awissu 2008, Antoine Azzopardi tressaq quddiem il-Qorti tal-Magistrati Malta bhala Qorti ta' Gudikatura Kriminali talli fis-27 ta' Gunju 2008 u fl-ghoxrin xahar ta' qabel, forna jew ipprovkura jew offra li jforni jew li jipprovkura d-droga kokaina kif ukoll illi biex jew ittraffika ir-raza mehudha mill-pjanta tal-Cannabis – dawna l-proceduri ghadhom pendenti quddiem il-Qorti.

Jirrizulta wkoll, finalment, illi fl-10 ta' Settembru 2015 u fil-5 ta' Novembru 2015 instab hati talli fis-7 ta' April 2015 u fis-26 ta' Lulju 2015 rispettivament, iggestixxa attivita kummercjali gewwa fond bl-isem Tac-Cavett jew Cavett Place, sitwat fit-tarf ta' Triq il-Prof Carmelo Coleiro, Qasam Industriali tal-Handaq, l/o Hal-Qormi minghajr ma kellu l-permessi mehtiega minghand l-Awtoritajiet kompetenti.

Jirrizulta illi r-rikorrent stqarr illi huwa ma kienx interessat mill-fatt illi Antoine Azzopardi kien inqabad bid-drogi jew illi kien qieghed jigi akkuzat bill-bejgh ta' drogi, ghax dik hija l-hajja tieghu w sa idda Azzopardi ma kienx inqabad jaghmel hekk fl-istabbilment li r-rikorrent kien sellef lill-intimat.

Ikkunsidrat

Jirrizulta, mix-xhieda tar-rikorrent, illi huwa gie mgharraf minn hbieb li l-intimata kienet tellghet *post* in konnessjoni mas-sit Cavett Place u eventwalment nieda l-proceduri odjerni peress illi l-intimata kienet qieghda tallega illi huwa kien qieghed jittraffika d-drogi flimkien ma' Antoine Camilleri.

Jirrizulta, di fatti, mis-sottomissjonijiet ta' l-abbli difensur tar-rikorrent, illi l-parti li dwarha kien qieghed iħossu malafamat ir-rikorrent kienet il-parti fejn l-intimata kitbet "*probably also dealing drugs out of Cavett's Place, in partnership with Marco Gaffarena or behind his back in his property*".

Jirrizulta, mix-xhieda ta' l-intimata, illi hija insistiet li qatt ma allegat illi r-rikorrent kien qieghed ibiegh id-droga hu, izda allegat illi jew Antoine Azzopardi kien qieghed ibiegh id-drogi minn wara dahar r-rikorrent jew inkella bi shab mieghu.

Ikkunsidrat

Jirrizulta illi d-difiza qajjma mill-intimata kienet illi ma kien hemm xejn libelluz f'dak illi inkiteb u illi dak li kitbet hi kien *fair comment* fuq fatti sostanzjalment korretti.

Dwar id-difiza imqajjma mill-intimata tal-'*fair comment*' **Gatley on Libel and Slander** jghid:

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 qalet diversi drabi dina l-Qorti, kif ppresjeduta, huwa fatt indiskuss illi d-“difiza” tal-“*fair comment*” dejjem kienet intiza sabiex tissalvagwardja dritt li hu importanti daqs dak id-dritt illi għandu individwu biex jipprotegi r-reputazzjoni tajba tieghu, u cioe` id-dritt tal- espressjoni hielsa.

Di fatti, kif inghad minn 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.

Fil-kawza **Dr Louis Galea vs Etienne St John u Felix Agius** deciza fit 30 ta' April 2015, intqal:

dwar l-aspett tad-difiza tal-kumment ġust ilu żmien jinghad mill-Qrati tagħna li, biex id-difiza tal-kumment ġust tkun tghodd, jeħtieġ li min jistrieħ fuqha jseħħli 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; (c) il-kumment irid jintwera li jkun ġustifikabbli jew mistħoqq; (d) il-kumment irid ikun tali li jikkwalifika bħala kritika u mhux żebliħ, tghajjir 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 jwegġa' lil dak li jkun.

Tali tagħlim huwa anke rifless f'gurisprudenza estera u, di fatti, fil-kawza **Spiller vs Joseph** deciza mill-Qorti tal-Appell Ingliża fl 1 ta' Dicembru 2010, Lord Phillips għamel is-segwent i konsiderazzjonijiet meta wiehed iqis id-difiza ta' '*fair comment*':

A subsidiary but important issue was what it was that a defendant had to prove in order to establish the defence of fair comment. Counsel for the plaintiff submitted that the

defendant had to establish that: (i) the words complained of were comment; (ii) the comment was on facts; (iii) the facts commented on constituted a matter of public interest; (iv) the comment was objectively “fair”; that is the comment was one that was capable of being honestly founded on the facts to which it related, albeit by someone who was prejudiced and obstinate; (v) the comment represented the defendant’s honest opinion. If he discharged all these burdens, the defence could none the less be defeated by proof of malice on the part of the defendant, but the onus of proving malice lay on the plaintiff. Both the Court of Appeal and the House of Lords held that there was no burden on the defendant to establish the fifth element. The defendant’s honesty was assumed unless the plaintiff could disprove it by establishing malice.

Fil-kawza '**Axel Springer AG vs Germany**', deciza mill-Grand Chamber tal-Qorti Ewropeja ghad-Drittijiet tal-Bniedem fis-7 ta' Frar 2012, saret referenza ghall-principji generali li jirregolaw il-liberta' ta' l-espressjoni, kif ukoll gew introdotti serje ta' kriterji li kellhom jigu kkunsidrati sabiex jigi meqjus il-bilanc li ghandu jitlahaq bejn il-liberta' ta' l-espressjoni u d-dritt tal-individwu privat li jkollu r-reputazzjoni tieghu protetta, fejn il-Qorti qalet is-segweni:-

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.

Fuq ir-rwol li ghandu jkollu gurnalist fil-qasam tal-liberta ta' l-espressjoni, l-Qorti tghid is-segweni:

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”.

80. This duty extends to the reporting and commenting on court proceedings which, provided that they do not overstep the bounds set out above, contribute to their publicity and are thus consonant with the requirement under Article 6 § 1 of the Convention that hearings be public. It is inconceivable that there can be no prior or contemporaneous discussion of the subject matter of trials, be it in specialised journals, in the general press or amongst the public at large. Not only do the media have the task of imparting such information and ideas; the public also has a right to receive them. (sottolinear ta' dina l-Qorti)

81. Journalistic freedom also covers possible recourse to a degree of exaggeration, or even provocation. 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.

Ir-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, tghid hekk:

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-konsiderazzjonijiet, 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”*.

Dawna l-kriterji, kif stabbiliti mill-Qorti Ewropeja ghad-Drittijiet tal-Bniedem fil-kawza **Axel Springer** gew deskritti kif gej:

(a) Contribution to a debate of general interest

90. An initial essential criterion is the contribution made by photos or articles in the press to a debate of general interest. The definition of what constitutes a subject of general interest will depend on the circumstances of the case. The Court nevertheless considers it useful to point out that it has recognised the existence of such an interest not only where the publication concerned political issues or crimes, but also where it concerned sporting issues or performing artists. However, the rumoured marital difficulties of a president of the Republic or the financial difficulties of a famous singer were not deemed to be matters of general interest

(b) How well known is the person concerned and what is the subject of the report?

91. The role or function of the person concerned and the nature of the activities that are the subject of the report and/or photo constitute another important criterion, related to the preceding one. In that connection a distinction has to be made between private individuals and persons acting in a public context, as political figures or public figures. Accordingly, whilst a private individual unknown to the public may claim particular protection of his or her right to private life, the same is not true of public figures. A fundamental distinction needs to be made between reporting facts capable of contributing to a debate in a democratic society, relating to politicians in the exercise of their official functions for example, and reporting details of the private life of an individual who does not exercise such functions.

Whilst in the former case the press exercises its role of “public watchdog” in a democracy by imparting information and ideas on matters of public interest, that role appears less important in the latter case. Similarly, although in certain special circumstances the public’s right to be informed can even extend to aspects of the private life of public figures, particularly where politicians are concerned, this will not be the

case – even where the persons concerned are quite well known to the public – where the published photos and accompanying commentaries relate exclusively to details of the person’s private life and have the sole aim of satisfying the curiosity of a particular readership in that respect. In the latter case, freedom of expression calls for a narrower interpretation.

(c) Prior conduct of the person concerned

92. The conduct of the person concerned prior to publication of the report or the fact that the photo and the related information have already appeared in an earlier publication are also factors to be taken into consideration. However, the mere fact of having cooperated with the press on previous occasions cannot serve as an argument for depriving the party concerned of all protection against publication of the report or photo at issue.

(d) Method of obtaining the information and its veracity

93. The way in which the information was obtained and its veracity are also important factors. Indeed, the Court has held that the safeguard afforded by Article 10 to journalists in relation to reporting on issues of general interest is subject to the proviso that they are acting in good faith and on an accurate factual basis and provide “reliable and precise” information in accordance with the ethics of journalism.

(e) Content, form and consequences of the publication

94. The way in which the photo or report are published and the manner in which the person concerned is represented in the photo or report may also be factors to be taken into consideration. The extent to which the report and photo have been disseminated may also be an important factor, depending on whether the newspaper is a national or local one, and has a large or a limited circulation.

Ikkunsidrat

Tenut kont tal-principji kif fuq stabbiliti, il-Qorti ser tghaddi biex taghmel is-segwenti konsiderazzjonijiet:

Huwa fatt mhux kontestat illi l-vizzju tad-droga w kwistjonijiet relatati mal-bejgh u konsum tad-droga huwa certament qasam illi huwa ta’ interess pubbliku, peress illi l-problema tad-droga qieghda timmina serjament is-socjeta in generali w tidher illi hija problema illi ma tistax tinstab soluzzjoni taghha ghalkemm l-Awtoritajiet qieghdin jaghmlu li jistghu – ghalhekk, certament is-suggett illi dwaru tkellem l-intimata, ossija id-drogi, kienet ta’ interess pubbliku.

Huwa fatt certament mhux kkontestat ukoll illi l-operazzjoni ta’ entitajiet kummercjali b’mod illegali f’zoni fejn dana ma huwiex permess huwa wkoll ta’ interess pubbliku, peress illi jidher illi dina hija problema li qieghda, fis-snin, tipprolifera ruhha minghajr ebda kontrol, u ma jidhirx illi qieghdin isiru sforzi sufficienti mill-Awtoritajiet kompetenti sabiex dina titrazzan – ghalhekk l-operazzjoni ta’ “restaurant” illegali huwa ta’ interess pubbliku wkoll.

Dwar ir-rikorrent, filwaqt illi ma huwiex ikkontestat illi huwa persuna privata, u ghalhekk ghandu jinghata l-protezzjoni mehtiega minn dawna l-Qrati bhala tali, jirrizuta mhux kontestat ukoll illi fix-

xhur qabel il-pubblikazzjoni ta' dina l-istorja, huwa kien involut f'kontroversja relatata ma' akkwist u bejgh ta' propjetajiet in konnessjoni mad-Dipartiment ta' l-Artijiet, liema kontroversja saħansitra wasslet għar-rizenja tas-Segretarju Parlamentari responsabbli mid-Dipartiment tal-Artijiet ta' dak iz-zmien. Għalhekk, għalkemm l-intimat hu u jibqa dejjem persuna privata, certament ma jistax ma jinghadx illi tali kontroversji, kif ukoll illi fatt illi l-art msemija mill-intimata issemmiet wkoll f'tali kontroversja, kienu tali illi c-cittadin kellu kull dritt illi jigi mgharraf dwar l-informazzjoni illi l-intimata kellha u li hasset illi kellha tqassam lill-pubbliku in generali.

Għandu jkun fatt mhux kkontestat ukoll illi Antoine Azzopardi, maghruf bhala ic-Cavett, instab hati talli kellu fil-pussess tieghu drogi, kif ukoll kien gie akkuzat, fis-sena 2008, illi ttraffika d-droga kokaina u kannabis, liema akkuzi għadhom pendenti quddiem il-Qorti, u għalhekk huwa korrett illi jigi rilevat li Azzopardi huwa mcappas bi kwistjonijiet relatati ma' l-uzu u bejgh tad-drogi.

Għandu jkun ukoll fatt mhux kkontestat illi fit-12 ta' Gunju 2015, ossija meta saret il-pubblikazzjoni, l-operazzjoni ta' restaurant gewwa il-fond tar-rikorrent misluf lill-Antoine Azzopardi kien wiehed illegali, u di fatti l-istess Azzopardi instab hati talli kien qieghed jagħmel dan fis 7 ta' April 2015 u fis 26 ta' Lulju 2015 (fol 37).

Finalment, ma jistax ma jigix osservat illi fl-artikolu meritu tal-kawza odjerna, l-unika referenza illi saret fil-konfront tar-rikorrenti hija meta l-intimata stqarret li Antoine Azzopardi huwa involti fid-drogi u li huwa *“probably also dealing drugs out of Cavett's Place, in partnership with Marco Gaffarena or behind his back in his property.”*

Għandu jirrizulta car, mill-qari ta' tali frazi, illi l-intimata ma kienetx qieghed takkuza jew tallega illi l-intimat kien qieghed ibiegh id-drogi, kif jidher illi inghata l-impressjoni ir-rikorrent Gaffarena meta nqratlu dak li nkiteb dwaru, izda illi, fil-fond tieghu, setghet kienet qed tinbiegh id-droga, liema bejgh seta kien qieghed isir jew minn wara dahru jew bi ftehim mieghu.

Ma għandhu jkun ebda dubju illi l-fond Cavett's Place huwa propjeta tar-rikorrenti, liema rikorrenti għarraf lill Qorti illi għadda l-istess fond lill Azzopardi mingħajr ebda hlas u mingħajr ma jithallas xejn.

Ma għandu jkun hemm ebda dubju wkoll illi Antoine Azzopardi kien gia involut fil-kamp tad-drogi u jinsab akkuzat talli, snin qabel ma inghata il-fond mir-rikorrenti, huwa kien inqabad ibiegh u jitraffika d-droga, għalkemm tali kawza għadha sub judice sa llum.

Għalhekk, filwaqt illi l-Qorti tifhem li r-rikorrent jista jhoss ruhu urtat mill-fatt illi ismu qed jisemma fejn jidhol il-bejgh ta' drogi, il-Qorti ma tistax ukoll ma tosservax illi r-rikorrent ma jistax ma jifhmix ukoll illi l-fatt li post tieghu qieghed jigi operat minn persona illi gia gie implikat f'kwistjonijiet relatati mad-drogi w instab hati talli kellu fil-pussess tieghu tali droga locaina ser awtomatikament twassal għall-konkluzjoni, lill kull cittadin normali, li b'xi mod ir-rikorrent jista jkun implikat u/jew involut f'xi kwistjoni relatata mad-drogi – aktar u aktar meta jisma illi tali fond inghata lill-Azzopardi b'xejn u r-rikorrent ma huwa qed jithallas xejn mingħand Azzopardi talli qed juzah bhala restaurant.

Il-Qorti ma tistax ma tasalx għall-konkluzjoni illi l-kumment illi għamlet l-intimata, u li dwaru ilmenta quddiem dina l-Qorti ir-rikorrent, huwa bbazat fuq fatti sostanzjalment korretti, li cittadin kwalumke kien jasal għall-istess konkluzjonijiet bħalma wasslet għalihom l-intimata, u għalhekk għandu jitqies bhala 'fair comment'.

Konkluzjoni

Wara illi rat il-provi kollha prodotti quddiemha,

Wara illi semgħet it-trattazzjoni ta' l-abbli difensuri tal-partijiet

Tghaddi biex taqta u tiddeciedi l-kaz billi

Tilqa l-eccezzjonijiet kollha ta' l-intimata, u għalhekk

Tichad it-talbiet attrici.

Spejjez tal-proceduri odjerni għandhom ikunu kollha a kariku tar-rikorrenti.

Magistrat Francesco Depasquale

Marisa Bugeja

Deputat Registratur