



FIL-QORTI TAL-MAGISTRATI TA' MALTA

MAGISTRAT DR FRANCESCO DEPASQUALE

Seduta ta' nhar it-Tnejn tnax (12) ta' Gunju 2017

Rikors Numru 390/13 FDP

Onorevoli Ministru Evarist Bartolo
(ID 764952M)

vs

Alexander Attard (ID 456067M) bhala editur tal-gurnal 'In-Nazzjon'

Il-Qorti:-

Rat ir-rikors promotur ippresentat fl-20 ta' Dicembru 2013 fejn ir-rikorrent, filwaqt illi ghamel referenza ghall-artikolu illi deher fil-harga ta' **In-Nazzjon** tal-Hamis 24 ta' Ottubru 2013 intitolat '*X'qalilna l-ghasfur*', sahaq illi dak hemm miktub kien libelluz u malafamanti fil-konfront tieghu u kienet intiza li ttellef jew tnaqqas ir-reputazzjoni tieghu, w ghalhekk huwa talab lill-Qorti tiddikjara tali pubblikazzjoni bhala libelluza w malafamanti filwaqt illi tikkundanna lill-intimat ihallas danni a tenur tal-Artikolu 28 tal-Kap 248.

Rat l-artikolu meritu tal-kaz odjern u partikolarment il-parti ta' l-artikolu illi kienet tirrigwarda lir-rikorrent, fejn intqal is-segwenti:

L-Ghasfur qalilna li sal-15 ta' Ottubru s-smart cards kienu ghadhom ma nfethux kollha fl-Universita' u dawk li nfethu hafna minnhom kellhom l-ammont hazin. Xi studenti, wara t-tielet gimgha minghajr smart card, kien qed ikollhom diffikulta' jixtru l-kotba.

"Issa nittama", qalilna l-Ghasfur, "li l-Ministru Evarist Bartolo, li normalment isiru affarjiet minn wara dahru, ma jghidilniex li din ghamilha xi hadd minn wara daru wkoll!" Jew dan xi mod iehor kif jitqammlu mal-istudenti, wara li l-ewwel tentattiv biex ibaghbsulhom l-istipendji, fallhielhom?

Haga tal-iskantament, mal-medicini tal-anzjani u mal-istudenti, dal-Gvern Laburista dejjem jivvinta kif jitqammel. Tghid 'money no problem' ghal mara ta' xi Ministru.

*Fil-canteen tal-Universita', l-Ghasfur sama numru ta' studenti rrabjati jghidu:
"X'haseb Evarist Bartolo: li nsejna kif inkantaw: Shame on you?"*

Izda fil-kaz did-darba, nindirizzawha lilu ghax ma haqqux ahjar! Ha jkollna l-ewwel okkazzjoni u jara!"

Rat id-difiza mqajjma mill-intimat u ppresentata fit 22 ta' Jannar 2014 fejn, filwaqt illi sahaq illi l-artikolu lamentat ma kienx miktub bl-iskop li jtellef jew inaqqas ir-reputazzjon iteghi, insista illi l-artikolu kien jikkonsisti f'fatti verifikabbli u kummenti dwar kwistjonijiet fl-interess pubbliku li ghalhekk jikkonsistu f'fair comment u kritika accettabbli f'socjeta demokratika.

Rat l-affidavit tar-rikorrent **Evarist Bartolo** ippresentat fis-17 ta' Marzu 2014 flimkien mad-dokumentazzjoni hemm annessa.

Semghet ix-xhieda ta' **Tonio Briguglio**, li kien ic-Chairman tal-Bord ta' l-Istipendji bejn l-1 ta' Lulju 2013 u Ottubru 2013, meta huwa rrozenja wara li kienet inqalghet kontroversja dwar decizjoni ta' twaqqif ta' l-istipendji ta' xi studenti, liema xhieda inghatat fit-23 ta' Gunju 2014 u fit-13 ta' Ottubru 2014, flimkien ma' dokumentazzjoni minnu esebita.

Semghet ix-xhieda ta' **Paul Bonello**, illi kien kien ic-Chairman tal-*'Bord ta' Investigazzjoni dwar Stipendji ghal Studenti li jsegwu kors ta' revizjoni fil-livell Ordinarju fi Skejjel post-Sekondarji'*, liema Bord gie mahtur mir-rikorrent wara illi nqalghet il-kontroversja fuq imsemmija, liema xhieda inghatat fl-20 ta' Novembru 2014.

Semghet ix-xhieda ta' **Dr Romina Cuschieri**, Chairperson ta' l-Istudent's Maintenance Grants Bord, liema kariga hija inghatat wara ir-rizenja ta' Tonio Briguglio, li xehdet fil-5 ta' Frar 2015.

Rat id-dokument ippresentat mill-intimat fit-30 ta' April 2015, wara liema dokument l-istess rikorrent iddikjara illi ma kellux aktar provi x'jippresenta.

Semghet ix-xhieda ta' **Mario Schiavone**, prodott mill-intimat, li kien ic-Chairperson ta' l-Istudent's Maintenance Grants Board qabel ma' lahaq Tonio Briguglio, liema xhieda inghatat fit-23 ta' Novembru 2015.

Semghet ix-xhieda ta' **Diane Debono**, illi kienet Segretarja ta' l-Istudent's Maintenance Grants Board ghal madwar tnax il-sena sas-sena 2014 u kienet acting Chairperson ta' l-istess Bord sakemm gie nominat Tonio Briguglio, liema xhieda inghatat fit-18 ta' April 2016, fit-2 ta' Gunju 2016 u fl-14 ta' Lulju 2016 flimkien ma' dokumentazzjoniu ossija korrispondenza skambjata fiz-zmien meta nqalghet il-kontroversja fuq imsemmija.

Rat illi fl-14 ta' Lulju 2016 il-partijiet ddikjaraw illi ma kellhomx aktar provi x'jippresentaw.

Rat in-nota ta' sottomissjonijiet tar-rikorrent ippresentata fl-20 ta' Frar 2017.

Rat in-nota ta' sottomissjonijiet ta' l-intimat ippresentata fl-24 ta' Marzu 2017.

Rat illi fis 27 ta' Marzu 2017 il-kawza thalliet ghas-sentenza.

Ikkunsidrat

Jirrizulta illi, fi zmien il-pubblikazzjoni meritu tal-kawza odjerna, ir-rikorrent kien il-Ministru ta' l-Edukazzjoni, kariga illi huwa kien inghata f' Marzu 2013 u li zamm sa' l-elezzjoni ta' Gunju 2017.

Jirrizulta illi, fl-1 ta' Lulju 2013, a tenur ta' l-Artikolu 18 (1) tal-Regolamenti dwar Ghotjiet ta' Manteniment ghal Studenti, 2005 vigenti dak iz-zmien, ir-rikorrent, bhala Ministru tal-Edukazzjoni, kien appunta lill Tonio Briguglio bhala Chairperson tal-Bord ghall-Ghotjiet ta' Manteniment (fol 59).

Jirrizulta illi, a tenur tal-Artikolu 20 ta' dawk ir-regolamenti, illi illum gew rimpjazzati bl-Avviz Legali 308 tas-sena 2016 li dahhlu in vigore il-Legislazzjoni Sussidjarja 327.178, il-mansjonijet ta' dana il-Bord huma illi:

(a) jimmanigga u jimmonitorja l-allokazzjoni effettiva u l-hlas tal-ghotjiet ta' manteniment ghall-istudenti;

(b) jiformula u regolarment jirrevedi proceduri rigward l-assessjar, l-allokazzjoni, il-hlas u l-jedd ghall-kisba ta' ghotjiet ta' manteniment;

(c) jistabbilixxi kriterji u jassessja, jiddeciedi u jirrevedi applikazzjonijiet ghal ghotjiet ta' manteniment supplimentari;

(d) jistabbilixxi kriterji u jassessja, jiddeciedi u jirrevedi applikazzjonijiet taht kull skema ohra hekk kif ikun assenjat mill-Ministru minn zmien ghal zmien;

(e) jikkonsidra rapporti mgħoddija lilu minn awtoritajiet edukattivi kompetenti li jirrigwardaw il-progress akkademiku tal-istudenti u japplika sanzjonijiet meta ir-rekwiżiti minimi ma jintlahqux;

(f) jissorvelja l-immangġjar u l-hlasijiet tal-ghotjiet tal-manteniment ghall-istudenti u jiehu kull azzjoni neccessarja biex jigbor lura kull ghotja li ngħatat aktar milli kemm suppost;

(g) jippjana u jimplimenta b' mod effettiv meta paragnat mal-ispiza involuta kull skema ta' esperjenza ta' xogħol tal-istudenti li l-Ministru jista', minn zmien ghal zmien, jiddeciedi li jipprovdi;

(h) jirrakkomanda bidiliet ghal l-politika nazzjonali dwar l-ghajnuna finanzjarja ghal edukazzjoni avanzata u oghla.

Jirrizulta illi, fit-30 ta' Settembru 2013 (13.12pm), Tonio Briguglio kiteb lir-rikorrent, bhala Ministru u gharrfu b'dan li gej: (fol 125)

Minister

During a meeting held with MCAST and the Maintenance Grants Section this morning, I was informed of certain concessions and decisions, which were taken by the Chairperson, and about which the current Board was not informed. It appears that such

decisions/concessions were not only taken by the previous Chairperson, without consultation with the Board, but in certain cases they were taken ultra vires.

One particular case was that relating to students who either resign/abandon courses and pursue others courses at the same level with the same academic institution or different institution. Clause 12 of the Legal Notice 72/2005 clearly states that Students pursuing a second or subsequent course after having completed or partially followed another course at the same level shall not be entitled to receive a maintenance grant for that period of time that is equivalent to the period spent in the previous course if for that previous course they were in receipt of a maintenance grant. Such students shall only be entitled to a maintenance grant for the remaining period of time after termination of the first period without a maintenance grant

The previous Chairman had informed MCAST and the Maintenance Grant Section that such students should be granted a stipend and smart card top up in full even if they pursue another course at the same level, but this concession was to be granted for a one time only. The present Board is of the opinion that such concession goes against the provision of the Legal Notice. However, the students attending MCAST courses had already been informed of this concession and MCAST has been applying it.

If the Clause 12 is to be applied, and therefore the concession retracted, it will definitely effect a considerable number of students attending MCAST. MCAST has informed the Board that if the concession is not applied, it would effect hundreds of students. Besides, there is also the political aspect of the decision since it would definitely attract criticism on government.

MCAST is requesting that such particular concession remains applicable in these circumstances.

You may wish to consider the above recommendation from MCAST.

Jirrizulta illi l-ghada, 1 ta' Ottubru 2013 (07.20am), l-intimat irrisponda billi ta s-segweni struzzjonijiet:

find it and quantify how many students fall in this category and what the financial implications are and then we will discuss

but please get the statistics

We need it

thanks

Jirrizulta illi, dakinhar stess, fil 08.40 am, (fol 124) Tonio Briguglio kiteb lill persuna responsabbli tal-MCAST, Chris Agius kif ukoll lill Diane D'Alessandro, illi kienet is-Segretarja tal-Bord u kienet ilha hemm ghal hafna snin qabel, u gharrafhom dan li gej:

Further to yesterday's meeting with MCAST, as agreed I have referred the matter re students pursuing a second course at the same level, the Minister would like to have the actual number of students who change course and are granted a stipend for a one time only.

Jirrizulta illi ftit minuti wara, fil 8.57, Diane D'Alessandro kitbet lill Tonio Briguglio u staqsietu s-segwenti:

Mr Briguglio,

With regards to the student who are following a revision course at Higher Secondary, are these going to receive a stipend please?

Jirrizulta illi, ghal dina r-rikjesta, Tonio Briguglio fl-10.05am irrisponda lill Diane D'Alessandro billi qalilha s-segwenti:

Diane,

Please note that the Legal Notice 372/2005 has been amended in the year 2012 and by these amendments, no stipend is to be paid to SEC/O Level Revision Course.

The Board will abide by such an amendment.

Jirrizulta illi sussegwentement, dakinhar stess, fil 14.59 pm, Diane D'Alessandro kitbet lill Tonio Briguglio fejn, filwaqt illi għaddiet kopja tad-decizjoni tal-Bord precedentement kompost datat 23 ta' Lulju 2007 (fol 121), gharrfitu b'dan li gej:

I have just confirmed with Mr Schiavone that, as per attached, it was decided that the concession was not given ONLY to Mcast students.

Jirrizulta illi sussegwentement, fit 15.10pm, (fol 120) Tonio Briguglio irrisponda għall email ta' Diane D'Alessandro billi qalilha s-segwenti:

... Mr Mario Schiavone had no power to give instruction or issue directives, make concessions which are indirect contrast to the provisions of the legal notice. Clause 12 clearly stipulates the contrary what Mr Schiavone had advised. Until the Board clarifies the matter, the Board will abide with the provisions of the Legal Notice.

Jirrizulta illi, għal dan, fis-17.29pm, Diane D'Alessandro irrispondiet billi qalet: (fol 120)

I would like to point out that we only followed the instruction by the Chairman at the time. Since you are the new Chairman of the Board, we will definitely abide with your instructions.

Jirrizulta illi sussegwentement, dina d-decizjoni giet kkomunikata lill Awtoritajiet tal-Higher Secondary.

Jirrizulta illi l-ghada, 2 ta' Ottubru 2013, id-Dipartiment tal-Infommazzjoni hareg **Press Release** Nru PR 2135 fejn għarraf is-segwenti:

Ic-cirkolari li nharget dwar stipendji, datata l-1 ta' Ottubru 2013, saret minn wara dahar il-Ministeru tal-Edukazzjoni u x-Xogħol u minghajr ebda approvazzjoni politika. Dina giet irritata immedjatament hekk kif giet għall-attenzjoni tal-Ministeru għall-Edukazzjoni u x-Xogħol.

Il-Ministeru qatt ma awtorizza, jew intalab jawtorizza, tnaqqis jew tnehhija ta' xi forom ta' stipendji fil-Higher Secondary tan-Naxxar jew fis-Sixth Form ta' Ghawdex. L-istess

jghodd ukoll ghal dawk l-istudenti li qed isegwu xi kors fl-MCAST, Junior College, Higher Secondary jew Sixth Form ta' Ghawdex. Dan jghodd ghal kull istituzzjoni edukattiva fejn l-istudenti jircievu stipendju.

Il-Ministeru ghall-Edukazzjoni u x-Xoghol qieghed jinvestiga x'wassal biex tinhareg din ic-cirkolari li ma kellha ebda forma ta' approvazzjoni Ministerjali.

Il-politika tal-Gvern dwar l-istipendji hi li dawn jissahhu, kif fil-fatt dab il-Gvern inghata l-mandat li jaghmel.

Jirrizulta illi, sussegwentement, fl-4 ta' Ottubru 2013, ir-rikorrent appunta Bord ad hoc sabiex jinvestiga tali kaz, liema Bord, li kien immexxi minn Paul Bonello bhala Chairperson, ippresenta r-rapport finali tieghu fis 17 ta' Ottubru 2013.

Jirrizulta illi f'tali rapport (fol 18-27), il-Bord ha nota tal-fatti kollha tal-kaz u tad-dokumentazzjoni relatativa, u fil-“Konkluzjonijiet ta' Fatti” (fol 23), jghid is-segwent:

i. Huwa evidenti mid-dokumenti kollha li gabar u kkonsidra l-Bord, kif ukoll mill-Minuti tal-Bord tal-Istipendji, li ma kienx il-Bord tal-Istipendji li ddecieda li jwaqqaf l-istipendju lill istudenti li kienu qed jaghmlu l-kors ta' revizzjoni tal-O levels fl-iskejjel sekondarji. Id-decizjoni hadha ic-Chairman tal-Bord wahdu u minkejja l-attentati u l-pariri tas-Sinjura D'Alessandro, Kap tat-Taqsima tal-Istipendji u tac-Chairman ta' qabel, is-Sur Schiavone. Il-Bord tal-Istipendji qatt ma kkonsidra jew iddiskuta dan it-tip ta' stipendju. Din il-konkluzjoni issib il-konferma mis-Sur Briguglio stess.

ii. Huwa evidenti u minghajr dubju mill-evidenza li ngabret li l-Ministru qatt ma gie ikkonsultat dwar it-tnehhija tal-istipendju suggett ta' dan il-Bord ta' Investigazzjoni. Dan gie konfermat mis-Sur Briguglio inniffsu

Anzi, f'cirkostanzi analogi li gew riferuti lill-Ministru ghall-interpretazzjoni anqas favorevoli ta' stipendji ohra eziztenti, u dana fil-granet u l-gimghat ta' qabel ma' qam dan l-incident, id-direzzjoni tal-Ministru kienet cara li l-ebda tnaqqis fl-applikazzjoni tal-istipendji eziztenti ma tigi approvata.

Jirrizulta, ghalhekk, kemm mid-dokumentazzjoni esebita quddiem dina l-Qorti waqt il-provi migbura, kif ukoll skond il-konkluzjoni tar-rapport hawn fuq citat, illi r-rikorrent, bhala Ministru tal-Edukazzjoni, qatt ma gie involut f'ebda decizjoni illi b'xi mod wasslet ghat-tnehhija ta' stipendju lill studenti ghal certa zmien, liema decizjoni giet irtirata minnufih.

Ikkunsidrat

Jirrizulta illi fl-artikolu illi tieghu qieghed jilmenta ir-rikorrent, l-artikolist jaghmel kummenti dwar diversi kwistjonijiet relatati mal-operat tal-Gvern in generali u ta' varji personalitajiet involuti fil-Gvern tal-gurnata.

Jirrizulta illi f'parti minnha, taht it-titolu “**Il-Ministru li jridha ta' champion**”, li hdejha hemm ritratt tar-rikorrent, l-artikolist jitkellem dwar l-istipendji u smart cards illi jiehd u l-varji studenti.

Jirrizulta illi sussegwentement, l-artikolist ghamel referenza għall-kwistjoni ta' l-istipendji fuq imsemmija, għal problema li studenti ta' l-Universita' kienu qed jiffaccjaw dwar Smart Cards mhux funzjonanti, ghamel asserzjoni fil-konfront tar-rikorrent fejn qal is-segwent:

"Issa nittama", qalilna l-Ghasfur, "li l-Ministru Evarist Bartolo, li normalment isiru affarjiet minn wara dahru, ma jghidilniex li din ghamilha xi hadd minn wara daru wkoll!" Jew dan xi mod iehor kif jitqammlu mal-istudenti, wara li l-ewwel tentattiv biex ibaghbsulhom l-istipendji, fallhielhom?

L-istess artikolisti jaghlaq il-parti tal-artikolu tieghu illi kienet tikkoncerna lir-rikorrent billi ghamel is-segwent rimarka:

Fil-canteen tal-Universita', l-Ghasfur sama numru ta' studenti rrabjati jghidu: "X'haseb Evarist Bartolo: li nsejna kif inkantaw: Shame on you?"

Izda fil-kaz did-darba, nindirizzawha lilu ghax ma haqqux ahjar! Ha jkollna l-ewwel okkazzjoni u jara!"

Ikkunsidrat

Jirrizulta illi, l-intimat, fid-difiza tieghu, qajjem l-argument illi dak illi intqal kien "fair comment" ibbazat fuq fatti verifikabbli.

Fuq tali difiza, **Gatley on Libel and Slander** jghid is-segwent,:

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.

Mill-banda l-ohra, ghandu jigi osservat ukoll illi, kif intqal fis-sentenza **Ligens vs Austria**, mhaddna mill-Qorti Maltin ukoll:-

Freedom of the press furthermore affords the public one of the best means of discovering and forming an opinion of the ideas and attitudes of political leaders. More generally, freedom of political debate is at the very core of the concept of a democratic society which prevails throughout the Convention.

The limits of acceptable criticism are accordingly wider as regards a politician as such than as regards a private individual. Unlike the latter, the former inevitably and knowingly lays himself open to close scrutiny of his every word and deed by both journalists and the public at large, and he must consequently display a greater degree of tolerance. No doubt Article 10 para. 2 (art. 10-2) enables the reputation of others - that is to say, of all individuals - to be protected, and this protection extends to politicians too, even when they are not acting in their private capacity; but in such cases the requirements of such protection have to be weighed in relation to the interests of open discussion of political issues.

Lokalmment, il-Qrati taghna dejjem hadu linja cara dwar id-difiza ta' kumment gust, liema difiza hija carent rrapurtata fis-sentenza **Dr Louis Galea vs Etienne St John u Felix Agius** deciza fit 30 ta' April 2015, fejn intqal is-segwenti:

dwar l-aspett tad-difiza tal-kumment gust ilu zmien jinghad mill-Qrati taghna li, biex id-difiza tal-kumment gust tkun tghodd, jehtieg li min jistrieħ fuqha jsehhlu juri li (a) l-kumment kien imsejjes fuq fatt li jkun issemma fil-pubblikazzjoni li minnha jitressaq l-ilment; (b) il-fatt imsejjes jrid ikun sostanzjalment minnu; (c) il-kumment irid jintwera li jkun gustifikabbli jew misthoqq; (d) il-kumment irid ikun tali li jikkwalifika bhala kritika u mhux zebliħ, tghajir jew insolenza; u (e) irid jagħti l-fehma onesta tal-kummentatur u li l-pubblikazzjoni ta' dik il-fehma ma saritx b'hażen jew bil-ħsieb preċiż li jwegġa' lil dak li jkun.

Applikati tali principji għall-kaz odjern w il-kummenti illi dwaru hass ruhu aggravat ir-rikorrent, il-Qorti ma tistax ma tinnutax illi, abbazi tad-dokumentazzjoni pprovdata lill dina l-Qorti, kif ukoll ir-rapport redatt fuq istruzzjoni tar-rikorrent stess tal-*'Bord ta' Investigazzjoni dwar Stipendji għal Studenti li jsegwu kors ta' revizjoni fil-livell Ordinarju fi Skejjel post-Sekondarji'*, hareg car illi r-rikorrent, bhala Ministru, qatt ma kien a korrent tad-decizjoni li ttiehdet li jitnehhew xi stipendji għal xi studenti. Għalhekk, il-kumment li għamel l-artikolist fejn, sarkastikament, ta' x'jifhem li kienet skuza tar-rikorrent meta qal li d-decizjoni saret minn wara daru, ma kienx kumment gust fil-konfront tar-rikorrent.

Apparti minn hekk, il-Qorti ma tistax ma tosservax illi, appartu tali kumment sarkastiku tal-artikolist, l-istess artikolist sussegwentement għadda biex jimputa responsabbilta' fuq ir-rikorrent tal-fatt illi xi studenti kienu qed ikollhom xi problemi fuq xi smart cards, liema argument ma jsib ebda bazi fattwali u ma ngiebu ebda provi sabiex jissustanzjaw tali allegazzjoni – jidher car illi tali allegazzjoni hija bbazata fuq l-allegazzjoni l-ohra li t-twaqqif tsa' l-istipendji ma sarx minn wara dahar ir-rikorrent izda bil-permess tar-rikorrent, liema allegazzjoni, madanakollu, ma ssib ebda komfort ta' provi.

Il-Qorti, appartu minn dan, ma tistax ma tosservax illi l-intimat kien ben a korrent tal-fatt illi fis 17 ta' Ottubru 2013 kien hemm rapport ta' Investigazzjoni li wera bic-car li r-rikorrent ma kien involut bl-ebda mod, u seta facilment, waqt il-mori tal-kawza, jippubblika kjarifika ta' l-allegazzjonijiet magħmulha mill-artikolist, sabiex itaffi l-ħsara illi kienet saret lir-rikorrent – madanakollu, dana qatt ma sar u issa, erbgha snin wara l-pubblikazzjoni, dina l-Qorti ser ikollha tagħti r-rimedji opportuni lir-rikorrent.

Din il-Qorti ma tistax ma tagħmilx referenza għal dak li 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 mbagħad tipprova tistahba wara dan id- dritt.

Konkluzjoni

Wara illi rat il-provi kollha prodotti quddiemha,

Wara illi rat is-sottomissjonijiet ta' l-abbli difensuri tal-partijiet,

Tgħaddi biex taqta u tiddeciedi l-kaz billi

Tichad l-eccezzjonijiet kollha ta' l-intimat,

Tilqa it-talbiet attrici, u ghalhekk, filwaqt illi

Tiddikjara il-kontenut tal-artikolu illi deher fil-harga ta' **In-Nazzjon** tal-Hamis 24 ta' Ottubru 2013 intitolat '*X'qalilna l-ghasfur*', bhala libelluz u malafamanti fil-konfront tar-rikorrenti.

Tikkundanna lill-intimat ihallas lir-rikorrenti bhala danni a tenur tal-Artikolu 28 tal-Kap 248 is-somma ta' elfejn Euro (€2,000).

Spejjez u Imghax fuq is-sorti mid-data tas-sentenza sad-data tal-pagament effettiv a karigu ta' l-intimat.

Magistrat Francesco Depasquale

Marisa Bugeja
Deputat Registratur