



FIL-QORTI TAL-MAGISTRATI TA' MALTA

MAGISTRAT DR FRANCESCO DEPASQUALE

Seduta ta' nhar il-Hamis wiehed u ghoxrin (21) ta' Gunju 2018

Rikors Numru 59/13 FDP

Joseph Cordina (ID 55762G), Carmel Scerri (ID 183165M) u Dr Martin Fenech (ID 536163M)

vs

**Tonio Fenech
(ID 200669M)**

Il-Qorti:-

Rat ir-rikors promotur ippresentat fil 25 ta' Frar 2013 fejn ir-rikorrenti talbu lill-Qorti sabiex l-intimat jigi kkundannat li:

thallas lill-attur dik is-somma li din il-Qorti tiddetermina ai termini ta' l-Att dwar l-Istampa, bhala danni u riparazzjoni tal-malafama li huma sofrew meta nhar il-Hamis 21 ta' Frar 2013, f'xandira diretta fuq Net TV, ghamilt allegazzjonijiet foloz u malafamanti fil-konfront tal-istess atturi bi skop li toffendi l-unur u l-fama taghhom u li ttellifhom jew tnaqqsilhom r-reputazzjoni, il-gieh u l-kredibilita' taghhom, meta allegajt li huma kienu wara l-iskandlu taz-zejt u li kellhom involviment fil-flus ottenuti fit-tixhim fix-xiri taz-zejt tal-Enemalta, meta dina l-allegazzjoni mhijiex minnha.

Rat l-eccezzjonijiet ta' l-intimat Tonio Fenech ippresentati fis-16 ta' Mejju 2013 fejn laqa' ghal dak mitlub billi ressaq is-segweni eccezzjonijiet:

Ili t-talbiet tar-rikorrenti huma nfondati fil-fatt u fid-dritt u ghandhom jigu michuda minn din l-Onorabbli Qorti bl-ispejes kontra -istess rikorrenti, u dan ghas-segweni ragunijiet:

1. *Fl-ewwel lok peress illi ma hemm xejn fid-diskors in kwistjoni li kienet malafamanti. Id-diskors jikkontjeni kummenti permissibbli u giustifikati partikolarment fil-kuntest tal-ahbar, in kwantu ukoll illi kienet ibbazata fuq rapporti u fatti li kienu pubblici.*

2. *Fit-tieni lok illi l-kummenti maghmula referenza ghalihom jikkostitwixxu fair comment in kwantu ukoll illi l-eccippjenti kien qiegħed jesprimi l-fehma u l-kritika tieghu dwar persunaggi pubblici u dwar kwistjonijiet ta' interess pubbliku.*

3. *Fit-tielet lok u minghajr pregudizzju ghas-suespost, illi r-rikorrenti jidhru illi hassewhom malafamati u offiżi bl-allegat diskors "li huma kienu wara l-iskandlu taz-zejt u li kellhom involvment fil-flus ottenuti fit-tixhim fix-xiri taz-zejt tal-EneMalta" - li fl-ewwel lok irid jigi ppruvat illi sar tali diskors u fit-tieni lok qed jigi eccepit illi in effetti tali diskors ma sarx.*

4. *Konsegwentament ma hemm ebda ammont li -intimata esponenti għandha tigi kundannata li thallas lir-rikorrenti.*

Rat l-affidavit tar-rikorrenti **Joseph Cordina** ippresentat fis-7 ta' Frar 2014.

Rat l-affidavit ta' **Charles Scerri** ippresentat fil 21 ta' Marzu 2014.

Semghet ix-xhieda in kontro ezami ta' Joseph Cordina mogħtija fil 21 ta' Marzu 2014.

Rat l-affidavit ta' **Dr Martin Fenech** ippresentat fl 14 ta' Mejju 2014.

Semghet ix-xhieda in kontro ezami ta' Joseph Cordina mogħtija fit 23 ta' Gunju 2014.

Rat ix-xhieda ta' Joseph Cordina mogħtija fl-20 ta' Novembru 2014 kif ukoll id-dokumentazzjoni minnu ppresentati, ossija Dikjarazzjoni mogħtija lill-Pulizija ta' Malta minn Carmelo sive Charles Scerri fit 30 ta' Jannar 2013 (fol 34), dokument mibghut lill Dr Manfred Galdes, Direttur tal-Financial Intelligence Analysis Unit (FIAU), datata 4 ta' Gunju 2013 b'informazzjoni rikjesta mill-istess FIAO (fol 36) u korrisondenza mibghuta mill-FIAU datata 11 ta' Lulju 2013 fejn r-rikrorenti gie mgharraf "*we would like to inform you that the FIAU has no further enquires at this stage.*" (fol 42)

Rat ix-xhieda ta' Carmel Scerri mogħtija fl-20 ta' Novembru 2014.

Rat ix-xhieda ta' Dr Martin Fenech mogħtija fl-20 ta' Novembru 2014.

Rat illi r-rikorrent ddikjara illi ma kellux aktar provi x'jipresenta.

Rat ix-xhieda ta' **Tonio Fenech** mogħtija fis-26 ta' Marzu 2015 u rat id-dokumentazzjoni minnu esebita li tinkludi rapport intitolat '*Powerplan Limited Investigative Audit Report*' redatt minn Joseph Azzopardi ta' FST Consulting Limited u datat 20 ta' Jannar 2011. (fol 93)

Rat illi kopja informali tal-Mandat ta' Inibizzjoni Nru 525/14 fl-ismijiet '*John's Group Limited et vs George Farrugia et*' u annessi fil-11 ta' Gunju 2015.

Semghet ix-xhieda ta' l-intimat **Alexander Attard** mogħtija fis-16 ta' Novembru 2015 u rat id-dokumentazzjoni minnu esebita, ossija t-trascript tal-Konferenza Stampa illi nzammet fil-21 ta' Frar 2013.

Rat ix-xhieda ulterjuri ta' Tonio Fenech moghtija fit 28 ta' Jannar 2016 u d-dokumentazzjoni minnu esebiti.

Semghet ix-xhieda ta' **Victor Camilleri** moghtija fit-28 ta' Jannar 2016 u rat id-dokumentazzjoni esebita mir-rikorrent fil-kawza 67/13 fl-ismijiet '*Joseph Cordina vs Victor Camilleri*' a fol 17 tal-process li ghalha saret referenza fix-xhieda tieghu.

Semghet ix-xhieda ta' **Dr Manfred Galdes** moghtija fit 28 ta' Jannar 2016 u rat id-dokumentazzjoni minnu esebita, ossija Implementing Procedures mahruqa mill-FIAU fl-20 ta' Mejju 2011.

Semghet ix-xhieda in kontro ezami ta' Joseph Cordina moghtija fil-11 ta' April 2016

Semghet ix-xhieda in kontro ezami ta' Carmel Scerri moghtija fis 26 ta' Mejju 2016.

Semghet il-kontro ezami ta' Tonio Fenech moghtija fl-24 ta' Novembru 2016 u fil 25 ta' Jannar 2018.

Rat illi fil 25 ta' Jannar 2018 il-partijiet ddikjaraw illi ma kellhomx aktar provi x'jipresentaw.

Semghet it-trattazzjoni ta' l-abbli difensuri tal-partijiet illi saret fis 26 ta' April 2018, wara liema trattazzjoni il-kawza giet differita ghas-sentenza.

Ikkunsidrat

Il-Qorti tibda biex tghid illi quddiema llum, ma ghandhiex biss il-kawza odjerna, izda ghandha tlett kawzi illi lkoll ghandhom l-istess fattispecie tal-kaz. Jirrizulta, di fatti, illi l-Qorti gahndha quddiemha tlett kawzi:

- Il-kawza odjerna fl-ismijiet Joseph Cordina, Carmel Scerri u Dr Martin Fenech vs Tonio Fenech, Rik Nru 59/13 li tirrigwarda Konferenza Stampa illi inghata mill-istess Tonio Fenech fil 21 ta' Frar 2013;
- Il-kawza fl-ismijiet '*Joseph Cordina vs Victor Camilleri*' Rik Nru 67/13 li tirrigwarda pubblikazzjoni illi saret f'suppliment ippubblikat mal-harga tal-gazzetta Il-Mument tal-24 ta' Frar 2013, u
- Il-kawza fl-ismijiet '*Joseph Cordina vs Alexander Attard*', Rik Nru 58/13 li tirrigwarda artikolu ppubblikat fil-gazzetta In-Nazzjon tat 22 ta' Frar 2013 intitolat '*L-Amministratur Finanzjarju tal-MLP wara l-iskandlu taz-zejt*';.

Jirrizulta illi l-fattispecie tal-kaz, fit-tlett kawzi, huma l-istess, ossija il-kontenut tal-allegazzjonijiet illi saru minn Tonio Fenech, dak iz-zmien Ministru tal-Gvern tal-gurnata, liema allegazzjonijiet saru fil 21 ta' Frar 2013 waqt Konferenza Stampa illi saret fiz-zmien tal-kampanja ghall-Elezzjoni

Generali illi saret fl-10 ta' Marzu 2013, u dana fl-isfond ta' allegazzjonijiet u proceduri kriminali illi kienu hargu u nbdew ffit gimghat qabel, ossija 'l hekk imsejjah 'Skandlu taz-Zejt'.

Jirrizulta illi r-rikorrent, Joseph Cordina, fiz-zmien meta hargu tali allegazzjonijiet, kien l-Amministratur Finanzjarju tal-Partit Laburista kif ukoll kien Kandidat ghall-Partit Laburista gewwa Ghawdex, liema kandidatura huwa sussegwentement irtira rizultat tal-allegazzjonijiet ili kienu saru.

Jirrizulta illi r-rikorrenti Charles Scerri u Dr Martin Fenech, ma kellhom ebda involviment fil-kamp politiku, ghalkemm Dr Martin Fenech, kif snin qabel, ikkontesta varji drabi ghall-elezzjoni genearli f' isem il-Partit Nazzjonalista.

Ikkunsidrat

Jirrizulta illi waqt Konferenza tal-Ahbarjiet illi saret fid-Dar Centrali tal-Partit Nazzjonalista fil-21 ta' Frar 2013 u indirizzata minn Tonio Fenech, fl-eqqel tal-kampanja elettorali, l-intimat Tonio Fenech ghamel referenza ghall-istejjer illi kienu hergin dak iz-zmien in konnessjoni ma' 'l hekk imsejjah 'Skandlu taz-Zejt' u li kienu jinvolvu varji persuni, fosthom certu George Farrugia.

Jirrizulta illi, waqt l-istess Konferenza tal-Ahbarjiet, l-intimat ghamel referenza ghall rapport illi kien gie ppresentat f'proceduri illi kien hemm il-Qorti kontra l-istess George Farrugia intitolat '*Powerplan Limited Investigative Audit Report*', liema rapport gie redatt fl-20 ta' Jannar 2011 minn certa Joseph Azzopardi ta' FST Consulting Limited .

Jirrizulta illi skond hut George Farrugia, illi lkoll flimkien ma' George Farrugia kienu propratarji tal-kumpannija Powerplan Limited, li kienet taqa' taht il-kappa tal-John's Garage Group of Companies, ta' liema kumpannija Powerplan l-istess George Farrugia kien Managing Director, kienu qed jallegaw illi George Farrugia kien qieghed jghaddi xoghol li suppost jinghadda minn Powerplan Limited minn go kumpannija ohra, li kienet tieghu, u li kien jisimha Aikon Limited.

Jirrizulta illi l-kumpannija Aikon Limited, illi tissemma fir-rapport fuq imsemmi, ghandha azzjonist u direttur wiehed, ossija il-kumpannija Intershore Fiduciary Services Limited, ta' liema kumpannija r-rikorrent Joseph Cordina, flimkien ma' Charles Scerri u Dr Martin Fenech huma azzjonisti.

Jirrizulta illi l-kumpannija Aikon Limited kienet qed tissemma fl-istejjer u fil-proceduri kriminali illi kienu jirrigwardaw l-allegazzjonijiet tal-hekk-imsejjah 'Skandlu taz-Xejt', liema stejjer kienu jimplikaw illi George Farrugia, illi inghata l-Proklama Presidenzjali sabiex ikun jista jixhed dwar kazijiet ta' tixhim illi fihom kien involut hu ma' terzi minghajr ma jinkrimina ruhu, kien ghamel uzu wkoll tas-socjeta Aikon Limited ghal tali tixhim fejnki jircieci hlasijiet.

Jirrizulta illi, in vista tal-fatt illi s-socjeta Aikon Limited kienet socjeta illi fiha kien hemm involuta s-socjeta Intershore Fiduciary Services Limited, f'liema socjeta kienu hemm azzjonisti r-rikorrenti Joseph Cordina, Charles Scerri u Dr Martin Fenech, Tonio Fenech sejjah Konferenza tal-Ahbarjiet fejn qal, fost affarjiet ohra "*wara gimghat li l-PL ilu jipprova jimplika poltikament minghajr success xi ministri f'dan l-iskandlu, issa johrog bic-car li wara dan l-iskandlu hemm l-Amministratur Finanzjarju tal-PL. U se nuri kif wasalna ghal din il-konkluzjoni.*" (fol 116 59/13)

Ikkunsidrat

Jirrizulta illi, sussegwenti għall allegazzjonijiet magħmulha minn Tonio Fenech fil-Konferenza tal-Ahbarijiet, il-gazzetta in-Nazzjon kitbet artikolu fil-faccata tal-harga tagħha tat-22 ta' Frar 2013 fejn jingħad, taht ritratt ta' Joseph Cordina, b'tipi kbar "**L-Amministratur Finanzjarju tal-MLP wara l-iskandlu taz-zejt**"

Jirrizulta ukoll illi, rizultat ta' l-allegazzjonijiet magħmulha minn Tonio Fenech fil-Konferenza tal-Ahbarijiet, il-gazzetta il-Mument ippubblikat suppliment fil-harga tagħha ta' nhar ta' Hadd, f'pubblikazzjoni separata inserita fil-gazzetta, liema publikazzjoni kienet fuq karta ehxen minn dik tal-gazzetta u ta' materjal aktar attraenti, f'liema suppliment, li kien intitolat 'Stejjer tal-Mument', kien hemm storja illi bdiet fil-faccata tas-suppliment u, hdejn ritratt ta' Joseph Cordina flimkien ma' Dr Joseph Muscat, b'tipi kbar kien hemm mitkub "**L-Amministratur Finanzjarju tal-MLP wara l-iskandlu taz-zejt**"

Ikkunsidrat

Jirrizulta illi Tonio Fenech, fil-Konferenza tal-Ahbarijiet illi ttellgħet fil-Kwartieri Generali tal-Partit Nazzjonalista fil 21 ta' Frar 2013, qal is-segwenti:

Il-konferenza stampa li qed naghmlu llum, u l-konkluzjonijiet tagħha huma bbazati fuq dokumenti pubblici li I-PN gabar b'relazzjon mal-iskandlu ta' xiri taz-zejt wara li hareg l-isem tal-kumpanija Intershore li kif se johrog minn din il-prezentazzjoni hi l-kumpanija li kienet responsabbli mill amministrazzjoni proprju tal-kumpanija Icon, il-kumpanija fic-centru ta dan l-iskandlu dwar ix-xiri u l-commissions relatati maz-zejt.

Tajjeb ngħid ukoll qabel ma nidhol fid-dettal ta' din il-prezentazzjoni, lid-dokumenti kollha relatati ma' dak li ser ngħid issa diga ntbagħtu għand il-Kummissarju tal-Pulizija, u kopja tal-istess dokumenti se jingħataw lilkom mill-PN fuq pen drive biex tkunu tistgħu jkollkom intkom ukoll, ikollkom l- evidenza relatata.

X'johrog minn dawn id-dokumenti li jien se nsemmi. Johrog b'mod car li wara l-iskandlu taz-zejt, wara l-kumpanija Icon, fil-perjodu li gara dan l-iskandlu sal-bidu tal-2011, wara dan l-iskandlu hemm l-Amministratur Finanzjarju tal-PL. Wara gimghat li I-PL ilu jipprova jimplika politikamert mingħajr success, xi ministru f'dan l-iskandlu, issa johrog bic-cara li wara dan l-iskandlu hemm l-Amministratur Finanzjarju tal-PL. U se nuri kif wasalna għal din il-konkluzjoni.

Meta l-Malta Today zvelat din l-istorja, kienet tidher fdin l-istorja, kumpanija illi kien jisimha Icon. Kumpanija li kienet qed tircievi xi forma ta kummissjoni mingħand il-kumpaniji taz-zejt. Kumpanija li għandha storja ta' bdil ta' isminijiet. Kumpanija li fl-2002 bdiet bl-isem Mo Ltd; fl-2004, Lulju, bidlet isimha għal Petrotek Ltd; f'Awwissu 2004 bidlet isimha għal Aikon Ltd. Evidenza ta' dan il-bdil ta' isem huma proprju d-dokumenti formali tal- formazzjoni ta' Aikon Ltd li juru proprju l-bdil ta' isem ta'din il-kumpanija li f'dan il-perjodu kienet l-istess kumpanija li kienet amministrata minn din il- kumpanija Intershore.

Kif johrog bic-car anke mill-invoices li gew ipprezentati anke mill-istess gurnal Malta Today, il-kumpanija Aikon Ltd kienet qed tircievi commissions mill-kumpanija taz-zejt Trafigura, gewwa kont New York, jew ahjar f'bank li kien jismu Wachovia. Dawn il-

flus, kienu iddirezzjonati ghal din il-kumpanija Aikon Ltd. Min kien f'dan il-perjodu l-kumpanija proprju responsabbli minn Aikon Ltd? Kienet kunpanija li jisimha Intershore Fiduciary Services Ltd. Li johrog car mill-Memorandum of Articles of Association tal-formazzjoni ta' din il-kumpanija fis-17 ta' Awwissu 2004 Intershore Fiduciary Services Ltd kienet l-uniku shareholder, l-uniku direttur, kellha r-rappreżentanza guridika ta' din il-kumpanija, u kellha r rappreżentanza legali ta' din il-kumpanija. Fi kliem semplici kienet il-factotum. Hekk nghidu bil-Malti. Kienet responsabbli mill-2004 sa Jannar tal-2011. Min huma x-shareholders u d-diretturi wara Intershore Fiduciary Services Ltd.

Il-PN, wara li ssemmiet din il-kumpanija, ghamel ir-ricerka tieghu biex naraw min kien wara din il-kumpanija li kienet qed tamministra l-kumpanija Aikon, fic-centru propiru ta' din il-kontroversja. Fic-centru ta' dan l-iskandlu marbut max-xiri taz-zejt. U jissem mew tliet persuni li huma responsabbli ghal din il-kumpanija: Charles Sceri, Dr Martin Fenech u Joe Cordina li huma x-shareholders u d-diretturi ta' din il-kumpanija.

Wiehed jistaqsi: min hu Joe Cordina? Joe Cordina huwa l-Amministratur Finanzjarju tal-PL. Kif turi l-istess website ufficjali tal-PL, li proprju tghid li prezentament huwa I-Financial Administrator of the Malta Labour Party Financial Administrator mhux xi hadd li sempliciment jiffirma c-cekkijiet Financial Administrator huwa l-persuna li fi hdan partit politiku jamministra I-finanzi, jara minn fejn se jgib il-finanzi ghall-PL, jinvesti dawk il-flus, u jaghmel dak kollu li taghtih l-awtorita tat-titlu tieghu biex imexxi 'l quddiem il-qaghda finanzjarja tal-PL.

Mhux biss. Pero s-Sur Joe Cordina hu wkoll id-Direttur, ilu fil-fatt minn Frar tal-2011, id-direttur fil-kumpaniji kollha tal-PL. Il-kumpanija MLP Holdings Ltd, il-kumpanija Sound and Vision, u l-kumpanija Consultancy and Research Ltd. Tliet kumpaniji prinċipali tal-PL li proprju s-Sur Joe Cordina hu d-direttur fuqhom fil-kapaċita tieghu wkoll tal-Amministratur Finanzjarju tal-PL.

U ghalhekk johrog bic-car li kuntrarjament ghal dak li kien qed jiġi implikat, f dan l-iskandlu hemm proprju l-PL. Il-PL li proprju hu fdan ic-centru. Fic-centru ta' operazzjoni shiha ta' dak kollu li kien qed jigri, kien hemm is Sur Joe Cordina, I-Amministratur Finanzjarju tal-PL. Kif turi proprju din l-istampa semplici, il-kummissjonijiet li Trafigura kienet ged tghaddi lil kumpanija Aikon Ltd, li kienu qed imorru gol Bank Wachovia gewwa New York, il-kumpanija li kienet geghda tamministra, topera, taghmel dak kollu amministrattivament, hija responsabbli, u tiehu d-decizjonijiet fdak li kienu l-operazzjonijiet ta' din il-kumpanija, kienet proprju l-kumpanija Intershore Ltd.

U hawn irrid nenfasizza, Intershore Limited ma kinitx biss taghmel secretarial duties. Intershore Ltd kienet is-sole shareholder. Kienet l-uniku direttur, u direttur hu dak li jerfa' r-responsabbilta kollha ta' dak li taghmel il-kumpanija quddiem il-ligi. Kellha wkoll rappreżentanza guridika u rappreżentanza legali.

Proprju fl-Intershore hemm Joe Cordina. Nerga' nenfasizza huwa - Amministratur Finanzjarju tal-PL. U allura l-konkluzjoni ta' din il-konferenza tal-ahbarijiet hija wahda semplici hafna. Wara dan l-iskandlu taz-zejt, issa johrog li hemm proprju I-Amministratur Finanzjarju tal-PL. Il-PL li issa ilu minn Jannar jipprova jimplika xort'ohra, illum johrog bic-car min hemm wara din il-kumpanija. Wara din il-kumpanija hemm proprju Joe Cordina li mhux l-ewwel darba rajnih jipprezenta flus lil Joseph Muscat.

Ikkunsidrat

Jirrizulta illi, wara illi harget l-istorja rizultat tal-Konferenza tal-Ahbarjiet ta' Tonio Fenech, il-Financial Intelligence Analysis Unit talbet informazzjoni minghand ir-rikorrenti u, permezz ta' Ittra datata 4 ta' Gunju 2013, ir-rikorrenti Joseph Cordina, Carmel Scerri u Dr Martin Fenech kellhom dan xi jghidu dwar l-allegazzjonijiet: (fol 36-41 – Rik 59/13)

We refer to your letter of the 17th May, 2013 and hereunder are submitting the information requested.

Mr. George Farrugia ID No 42865 M who was always the ultimate beneficiary shareholder of Aikon Ltd was introduced to us by Mr. Raymond Stafrace B.A. Hons Accty., CPA a registered public accountant and auditor. Mr. Stafrace is known to us as an honest and trustworthy person of high integrity. During the first meeting Mr. Stafrace accompanied Mr. Farrugia to our office.

We performed our due diligence on Mr. Farrugia obtaining a reference and a bankruptcy declaration from him. We also filled in a KYC and signed a fiduciary agreement. At that moment he emerged as the managing director of John's Garage group who is a reputable company and never had any financial problems or issues. Also we monitored the residential address of the beneficiary that never changed since our appointment.

Therefore we had no doubt in accepting him as our client.

Every year we obtained audited accounts of Aikon Ltd which were audited by Mr. Raymond Stafrace. These accounts showed turnover as follows:

2003	Lm 11,071
2004	Lm 19,461
2005	Lm 56,948
2006	Lm 23,892
2007	Lm 21,326
2008	Euro 24,625

These transactions were channeled through Bank of Valletta plc account Lascaris Wharf, Valletta US \$ account no 40013865739. The transactions were vetted by the auditor of the company and tally to the amounts reported in the financial statements.

At no point did we or the auditor have any reason to suspect that Mr. Farrugia was doing the alleged transactions. These accounts were filed with MFSA and the tax authorities and at no point did any government department or authority call upon us to enquire about any wrong doing by the company.

The accounts from 2009 onwards were filed by George Farrugia as a director and audited by Mr. Carmel D'Amato who is not known to us.

Given the limited volume of business and transactions carried out by Aikon Ltd and the constant monitoring and discussion with the auditor and also the fact that the financial statements were submitted regularly to the Inland Revenue and other authorities, we felt comfortable enough that no illegal transactions were being carried out.

In addition, one of the directors of Intershore used to notice Mr. Farrugia at the Sliema Aquatic Club having lunch on Sundays with his family and arriving at the club with a hired car. This used to happen year after year during the summer months. Nothing came to our attention regarding a change in lifestyle or any other matters that would have led us to believe otherwise. Furthermore, we monitored constantly the accounts presented to us and had regular meetings with his auditor that confirmed the authenticity and accuracy of the books of accounts. Furthermore we were constantly checking

The letter sent by Dr. Emmanuel Mallia to Dr. Siegfried Borg Cole and copied to us was taken very seriously. Intershore wrote to Dr. Emmanuel Mallia declaring that it will be carrying out investigations on these claims and asking for evidence to sustain these claims. No reply has been received.

Following our investigations we found out that there was a breach of trust on the part of Mr. Farrugia and we terminated our professional relationship with him on the 1st November, 2010. This breach of trust resulted from commercial transactions that Aikon Ltd was doing with a related company thus having access to insider information. Nothing illegal emerged from our investigations as claimed by Dr. Mallia.

A meeting was held between Dr. Martin Fenech, Charles Scerri, Raymond Stafrace, George Farrugia and Dr. Siegfried Borg Cole (lawyer of Farrugia) at 362 Fleur De Lys Road B'Kara whereby we asked for the information regarding the case that Aikon Ltd (George Farrugia) had with his brothers. We were informed by Mr. Farrugia that Aikon Ltd could be in competition with Power Plan Ltd (company owned by his brothers) and that it carried out some activities in this regard.

We informed George Farrugia that we were terminating the fiduciary relationship with him with immediate effect as he did not have our trust anymore. Transfer of shares and directorship was effected on 1st November, 2010.

During this period an investigative report was being carried out by FST Consulting Limited regarding John's Garage Group. This report was commissioned by the brothers of Mr. George Farrugia and signed by Mr. Joseph Azzopardi director of FST Consulting Limited. This report was dated 20 January, 2011 and was later deposited in the law courts as evidence against Aikon Ltd and Mr. George Farrugia.

From the documentation presented in court and included in this report we come to the conclusion that

(a) Aikon Ltd was issuing legitimate invoices to its clients and channeling them through Bank of Valletta plc Lascaris wharf branch. These were the transactions we and the auditor of the company were aware of.

(b) The alleged illegal transactions were passed through Wachovia Bank NA New York Swift Code PNBPU33NYC in favour of Banque Privée Edmond De Rothschild SA, Geneva, Account number 2000193641387, Swift PRIBCHGG for further credit to Account 700.296 Aikon.

*This account was never opened in the name of **Aikon Ltd** but was opened under **Aikon by Mr. George Farrugia**. This account was never brought to the attention of the auditor of the company nor to the Fiduciary. In fact when specifically asked about the holding*

of any foreign accounts in the meeting of the 2nd November, 2010, he categorically denied having any foreign bank accounts. A declaration to this effect is held in our files.

*Now it is evident that **the intention of fraud on the part of Mr. George Farrugia against the company auditor and the fiduciary** was from the outset. Whereas the invoices issued in respect of regular transactions were channeled through BOV, the others were channeled through Wachovia Bank. We now understand that he was doing parallel operations. We categorically deny having any knowledge of such activity.*

From the documentation presented in court, it resulted that the invoices issued by Mr. Farrugia were purposefully misleading in that the address of the company was given as Maria Dolores Fl 1 Mensija Road San Gwann Malta and the telephone numbers were given as Tel 00356 213747 and Fax 00356 213746.

The correct address and telephone numbers of Intershore Fiduciary Services was Maria Dolores FI 2 Mensija Road San Gwann Malta and the telephone numbers were Tel 00356 21374747 and Fax 00356 21374646.

We suspect that this was also done purposefully so that any third party who tried to contacted the company Aikon Ltd would not be able to do so.

The court case referred to above was filed by Power Plan Ltd, John's Group Limited, Raymond Farrugia, Anthony Farrugia, Gaetano Farrugia, Saviour Farrugia and Emanuel Farrugia (brothers) against George Farrugia his wife Katherine, Aikon Ltd and Intershore Fiduciary Services Limited. Powerplan and George Farrugia arrived at an amicable settlement whereby George Farrugia paid a substantial amount of money case was eventually withdrawn. to Power Plan or his brothers. At no stage was Intershore participant in this agreement. The case was eventually withdrawn.

Please be informed that even though Powerplan Ltd included Intershore Fiduciary Services Limited as one of the defendants, we were assured by the lawyers of the plaintiffs that this was being done for court procedural requirements. In fact when the court case was amicably settled no monies or funds was being done for were paid out by Intershore. At that time, we felt that this was a normal commercial dispute between the members of the Farrugia family, which could not have had a bearing on our license status.

In conclusion, we like to point out that what has been reported in some sectors of the media was purely the result of political allegations. It has now transpired through the sworn evidence of the assistant commissioner of police Mr. Michael Cassar that Mr. George Farrugia under oath admitted the following:

- (1) He carried out parallel trading on his own accord.*
- (2) He never informed Intershore or any of its directors of this parallel activity*
- (3) He issued the false invoices himself*
- (4) He received the funds in his own name.*
- (5) He disposed of these funds without knowledge of Intershore*
- (6) He even declared in court that Intershore could have never known of these facts.*

We feel that we were being politically victimized to the detriment of our personal and company's reputation. We also are of the belief that this victimization has tarnished the

reputation of the financial services industry in general, when considering that the facts show otherwise.

Jirrizulta illi Dr Manfred Galdes, dak iz-zmien Direttur tal-Financial Intelligence Analysis Unit, fil 11 ta' Lulju 2013 kiteb lura lill Charles Scerri u qal is-segwenti: (fol 42 – Rik Nru 59/13)

We thank you for the information and documentation provided in your letter dated 4th June 2013 in relation to the actions that Intershore Fiduciary Services Limited had taken to fulfill its obligations under the Prevention of Money Laundering and Funding of Terrorism Regulations, 2008 when providing services to Aikon Limited.

Following careful consideration of the information and documentation provided, we would like to inform you that the FIAU has no further enquires at this stage.

Ikkunsidrat

Jirrizulta illi l-intimat, bhala linja difensjonali qajjem zewgt eccezzjonijiet, ossija wahda illi kellu jigi ppruvat d-diskors illi kien ghamel l-intimat u tiwni wahda illi dak illi ntqal kien fair comment.

Jirrizulta illi gie ppruvat, kemm mit-traskrizzjoni pprovduta minn Alexander Attard fix-xhieda tieghu kif ukoll mid-DVD esebit mir-rikorrenti, illi ma ghandu jkun hemm ebda dubju illi l-kliem intqalu mill-intimat, u ghalhekk l-ewwel eccezzjoni fuq imsemmija ma tirrizultax.

Ikkunsidrat

It-tieni linja difensjonali ta' l-intimat kienet dik relatata mad-dritt illi jesprimi l-opinjoni tieghu bbazata fuq fatti sostanzjalment veri u ghalhekk tammonta ghall- "*fair comment*" jew "*value judgement*" dwar persuna pubblika, u dana huwa dritt ta' kull cittadin protett kemm mill-Kostituzzjoni ta' Malta u kemm mill-Konvenzjoni Ewropea.

Dwar l-principju tad-difiza 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.

Ikkunsidrat dan, il-Qorti tosserva illi, filwaqt li Joseph Cordina, fil-mument meta saret il-pubblikazzjoni kien persuna pubblika peress illi kien Kandidat ghall-elezzjoni generali mal-Partit Laburista meta harget l-istorja meritu tal-kawza odjerna, l-istess ma jistax jintqal fil-konfront ta' Carmel Scerri u Dr Martin Fenech illi ma kellhom ebda involviment fil-kamp pubbliku w ghandhemm ghandhom jitqiesu bhala persuni privati, bil-protezzjoni lilhom misthoqq.

Dwar persuni pubblici, kif intqal fis-sentenza **Ligens vs Austria**, mhaddna mill-Qorti Maltin ukoll:-

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.

Dwar id-difiza imqajjma mill-intimat fejn qieghed jappella ghad-dritt tal-liberta ta' l-espressjoni w id-dritt tal-gurnalist illi huwa kellu, u f'dana il-kuntest il-Qorti taghmel ukoll referenza ghall-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, fejn 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

Il-Qorti tosserva, madanakollu, illi huwa dover taghha illi tassikura illi jintlahaq bilanc bejn id-dritt tal-liberta' ta' l-espressjoni u id-dritt tal-protezzjoni tar-reputazzjoni, u dana sabiex jigi assikurat li hemm tali bilanc, ghal liema 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 gew 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-difiza tal-kumment gust ilu zmien jinghad mill-Qrati taghna li, biex id-difiza tal-kumment gust tkun tghodd, jehtieg li min jistrieħ fuqha jsehħlu 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 gustifikabbli jew mistħoqq;*
- (d) il-kumment irid ikun tali li jikkwalifika bhala kritika u mhux zebliħ, tghajjir jew insolenza; u*
- (e) irid jagħti l-fehma onesta tal-kummentatur u li l-pubblikazzjoni ta' dik il-fehma ma saritx b'ħazen jew bil-ħsieb preciz li jwegga' lil dak li jkun.*

Il-Qorti tqis ukoll illi ghandha taghmel referenza ghal 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 mbaghad tipprova tistahba wara dan id- dritt.

Dwar il-kuncett ta' 'value judgment', il-Qorti taghmel referenza ghal dak illi qalet il-Qorti Ewropeja ghad-Drittijiet tal-Bniedem, fil-kawza **Jerusalem vs Austria** (2003) EHRR 567, para 43, tghid is-segwenti:

... even where a statement amounts to a value judgment, the proportionality of an interference may depend on whether there exists a sufficient factual basis for the impugned statement, since even a value judgment may be excessive if it has no factual basis to support it .”

Jirrizulta car, ghalhekk, mill-gurisprudenza fuq imressqa, illi hemm sabiex id-difiza ta' 'fair comment' u 'value judgment' tirnexxi, irid jigi ppruvat illi dak allegat huwa bbazat fuq fatti sostanzjalment veri.

Ikkunsidrat

Jirrizulta, mill-provi prodotti, illi l-bazi ta' l-istorja kollha ippubblikata mill-intimat Tonio Fenech u eventwalment riprodotta minn mezzi tax-xandir ohra, hija l-esistenza ta' socjeta bl-isem ta' Aikon Limited, liema socjeta kienet sussegwentement allegatament qed tintuza mill-beneficjarju taghha George Farrugia, sabiex tircievi flejjes minn bejjiegha taz-zejt, liema flejjes kienu eventwalment allegatament jintuzaw sabiex jixxahhmu funzjonarji tal-Enemalta biex l-Enemalta tixtri iz-zejt minghand tali kumpanniji esteri.

Jirrizulta illi, in sostenn ta' tali allegazzjonijiet, Tonio Fenech ressaq varji dokumentazzjoni, fosthom rapport intitolat Powerplan Limited Investigative Audit Report datat 20 ta' Jannar 2011 u redatt minn Joseph Farrugia fuq struzzjonijiet ta' John's Garage Group of Companies.

Jirrizulta, di fatti, illi hut George Farrugia kienu qed jallegaw illi l-istess George Farrugia, li kien qieghed imexxi l-kumpannija Powerplan Limited, li kienet wahda mill-kumpanniji fil-grupp ta' kumpanniji John's Garage, kien qieghed attwalment jghaddi xoghol tramite il-kumpannija privata tieghu, Aikon Limited, flok ma uza l-kumpannija Powerplan Limited, u dana biex iqarraq b'hutu.

Jirrizulta illi l-persuna mqabba minn hut George Farrugia sabiex jirredigi rapport biex jipprova illi l-istess George Farrugia kien qieghed iqarraq b'hutu, kellu dan xi jghid, fost affarjiet ohra: (fol 103 – 59/13)

The sole director in Aikon Limited is Intershore Fiduciary Services Limited and it is presumed that a mandate was given by said director to open both bank accounts as indicated above. This would also indicate that the director in Aikon was cognizant of the scope of the business of the company. It is also presumed that Intershore Fiduciary Services Limited being a licenced fiduciary, undertook a know-your-client (KYC) exercise on Mr. George Farrugia prior to the registration of the company which KYC should have been updated on a regular basis. This KYC exercise should have indicated that Mr. George Farrugia was a full time employee and a director of Powerplan Limited, a company that carries on a business identical to that undertaken by Aikon Limited. The fiduciary relationship between Intershore Fiduciary Services Limited and Mr. George appears to have been used to veil a parallel operation in which Mr. George Farrugia had a distinct conflict of interest. As a director in Powerplan Limited Mr. George Farrugia was obliged to act in good faith towards the interest of the company. Chanelling business and funds away from Powerplan Limited to Aikon Limited and using a fiduciary relationship to hide a parallel operation is definitely not in the interest

of Powerplan Limited. It appears that the sole director of Aikon Limited was an accomplice in this structure.

Jirrizulta illi l-intimat fl-ebda mument ma ressaq bhala prova lill dan Joseph Azzopardi u/jew lill George Farrugia sabiex jixhed dwar tali fatti u Tonio Fenech strieh unikament fuq tali dokument minghajr ma ghamel verifiki ulterjuri.

Jirrizulta, mill-banda l-ohra, illi r-rikorrenti Joseph Cordina, Charles Scerri u Dr Martin Fenech, lkoll involuti fis-socjeta Intershore Fiduciary Services Limited, kellhom l-opportunita illi jaghmlu spjegazzjoni dettaljata tal-fatti kollha lill unika entita' lokali awtorizzata sabiex taghmel tali investigazzjonijet, ossija il-Financial Intelligence Analysis Unit (FIAU) u dana permezz ta' ittra dettaljata datata 4 ta' Gunju 2013.

Jirrizulta illi, minn tali spjegazzjoni, jirrizulta illi qabel ma bdew bir-relazzjoni fiducjarja ma' George Farrugia, huma ghamlu l-verifiki taghhom, maghrufa wkoll bhala Know Your Client (KYC), kif ukoll regolarment kienu jaghmlu l-verifiki taghhom u, fl-ebda mument ma deher illi l-istess George Farrugia kien qieghed jagixxi b'mod illi seta b'xi mod iqajjem suspett.

Jirrizulta illi, mument minnhom, fis-sena 2010 is-socjeta Intershore Fiduciary Services Limited giet mgharrfa minn hut George Farrugia illi kien hemm suspett li George Farrugia kien qieghed juza s-socjeta Aikon Limited sabiex iqarraq b'hutu u jappropria ruhu minn flejjes illi kellhom jigu mqieghda f'kumpanija ta' l-ahna, ossija Poweplan Limited.

Jirrizulta illi minnufih is-socjeta Intershore Fiduciary Services Limited bdiet taghmel l-investigazzjonijiet taghha u, kif tghid l-istess socjeta Intershore Fiduciary Services Limited lill FIAU, *“Following our investigations we found out that there was a breach of trust on the part of Mr. Farrugia and we terminated our professional relationship with him on the 1st November, 2010”*.

Jirrizulta wkoll, kemm mill-ittra tas-socjeta Intershore Fiduciary Services Limited lill FIAU kif ukoll minn dokumentazzjoni ippresentata minn Tonio Fenech, illi George Farrugia kien qieghed juza bank iehor illi ma kienx il-bank tas-socjeta Aikon Limited, ossija il-Bank ta' New York, Wachovia Bank, u dana sabiex it-transazzjonijiet ma jigux registrati mas-socjeta Aikon Limited, tant hu illi l-istess invoices esebiti minn Tonio Fenech (fol 73 sa 75) juru li d-dettalji innizzla ma humiex tas-socjeta Aikon Limited, izda Aikon.

Jirrizulta illi l-Financial Intelligence Analysis Unit, wara illi qieset d-dokumentazzjoni kollha pprovduta mis-socjeta tar rikorrenti, gharrfet lill-istess socjeta illi *“Following careful consideration of the information and documentation provided, we would like to inform you that the FIAU has no further enquires at this stage.”*

Jirrizulta, ghalhekk, illi l-Financial Intelligence Analysis Unit, illi hija l-entita' ufficjali inkarigata mill-istharrig ta' transazzjonijiet suspetti ta' kumpaniji u persuni involuti f'tali kumpaniji, ikkonkludiet illi ma kellha ebda investigazzjoni ulterjuri x'taghmel abbazi tad-dokumentazzjoni u informazzjoni mghoddija, indikazzjoni li ma sabet xejn irregolari dwar l-agir tas-socjeta Intershore Fiduciary Services Limited, a differenza ta' dak illikien qieghed jigi allegat.

Ikkunsidrat

Jirrizulta illi l-intimat, fil-Konferenza tal-Ahbarjiet tieghu, jishaq illi r-rikorrent Joseph Cordina kien *“fic-centru ta' operazzjoni shiha ta' dak kollu li kien qed jigri”* filwaqt illi jghid ukoll illi *“wara dan l-iskandlu taz-zeht, issa johrog li hemm proprju l-Amministratur Finanzjarju tal-PL”*.

Jirrizulta ukoll illi l-intimat, jghid ukoll illi s-socjeta Aikon kienet ‘*fic-centru proprju ta’ din il-kontroversja u jissemmew tlett persuni li huma responsabbli ghal din il-kumpannija: Charles Scerri, Dr Martin Fenech u Joe Cordina li huma x-shareholders u d-diretturi ta’ din il-kumpannija.*”

Jirrizulta ukoll, fuq domanda ta’ gurnalist li kienet tgħid “Martin Fenech x’ghamel hazin”, l-intimat irrisponda kif gej: (fol 127)

Martin Fenech huwa wkoll diettur fl-Intershore Fiduciary Services Ltd bhalma hu Charles Scerri u Joe Cordina. Huma t-tliet persuni resposabbli minn Intershore Services li hi direttur, ix-shareholder tal-kumpannija Aikon illi jidhirli sa Jannar tal-2011 kienu qed jassumu r-responsabbiltajiet kollha mill-2004 sakemm imbghad sar it-trasferiment tal-ishma lil George Farrugia.

Jirrizulta ukoll illi johrog car illi l-intenzjoni tal-allegazzjonijiet illi qajjem l-intimat kienu unikament sabiex titfa dell ikrah fuq ir-rikorrenti, u dana għar-ragunji segwenti:

- il-Konferenza għall-Istampa saret fl-21 ta’ Frar 2013 filwaqt illi l-Elezzjoni Generali kellha ssir fid 9 ta’ Marzu 2013, ossija anqas min gimghatejn wara;
- ir-rapport li abbazi tieghu saru l-allegazzjonijiet kien rapport redatt fl-20 ta’ Jannar 2011, ossija aktar minn sentejn qabel;
- l-allegazzjonijiet saru in risposta għal allegazzjonijiet illi kienu qed isiru fil-konfront ta’ varji esponenti tal-Gvern ta’ dik il-gurnata w il-Partit Nazzjonalista in konnessjoni mal-hekk imsejja ‘Skandlu taz-zejt’

Jirrizulta car illi t-tentattiv ta’ l-intimat fil-kaz odjern kien illi jipprova jikkrea storja sabiex jattakka lura lill-Partit Laburista li, dak il-hin, kien qiegħed jattakka l-Partit Nazzjonalista bl-istorja magħrufa bhala ‘Skandlu taz-Zejt’, illi kienety inharget mill-Malta Today.

Jirrizulta ukoll illi l-intimat wasal għal-konkluzjonijiet tieghu abbazi ta’ rapport ex parte redatt minn certu Joseph Zammit illi kien tqabba mill-ahwa ta’ George Farrugia biex juri illi l-istess George Farrugia kien qiegħed iqarraq bihom, liema rapport, minn natura tieghu, kellu bilfors jitqies bhala rappurtagg minn naha wahda biss.

Il-Qorti ma tistax ma tosservax illi r-rikorrenti Dr Martin Fenech u Charles Scerri qatt ma kellhom jissemmew mill-intimat, u dana peress illi hareg car illi l-unika involviment tagħhom kienet illi huma kellhom kumpannija flimkien ma’ Joseph Cordina, u ma kien hemm assolutament ebda raguni illi jissemmew mill-intimat.

Jirrizulta ukoll, finalment, illi fir-rigward tar-rikorrent Joseph Cordina, il-hsara mixtieqa fil-konfront tieghu attwalment saret, stante illi r-rikorrent irtira l-kandidatura tieghu għall-elezzjoni generali li kienet ser issir gimghatejn wara fejn kien hierieg għan-nom tal-Partit Laburista.

Ikkunsidrat

Finalment, il-Qorti tixtieq tagħmel is-segweni konsiderazzjoni fejn tirrigwarda danni. Għalhekk ma jirrispondu ma pproducew ebda dokumentazzjoni sabiex jissustanzjaw xi telf illi huma jikkontendu li sofrew, jirrizulta ben car illi r-rikorrenti Charles Scerri u Dr Martin Fenech għandhom jigu kkunsidrati differenti minn Joseph Cordina, u dana peress illi filwaqt illi dana ta’ l-ahhar kien persuna pubblika u għalhekk suxxettibbli għall-kritika, liema kritika izda kellha tkun wahda sostanzjalment vera, ir-rikorrenti Charles Scerri u Dr Martin Fenech kienu persuni privati u, bhala

tali, ma kellhomx ikunu suggetti għall kritika, aktar u aktar meta dak lilhom attribwit ma kienx minnu.

Il-Qorti, mill-banda l-oħra, tifhem illi l-intimat kien qiegħed jaqdi d-dmirijiet tiegħu bħala persuna pubblika u fil-politika, fejn kien qiegħed jgħaddi kummenti, għalmemm skorretti, dwar informazzjoni illi kienet ingħatatlu mill-Partit Nazzjonalista li, skond ma qal l-istess intimat, kienet għamlet l-istharrig hi.

Jirrizulta car illi l-intimat ibbazata ruhu fuq fatti illi kienu skorretti u ma kienux jirrizultaw fattwalment u għaldaqstant l-intimat huwa responsabbli tali mmalafama lir-rikorrenti, u ta' dana għandu jhallas danni.

Konkluzjoni

Il-Qorti,

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 għalhekk, filwaqt illi

Tiddikjara illi l-allegazzjonijiet illi għamel l-intimat Tonio Fenech fil-konfront tar-rikorrenti Joseph Cordina, Charles Scerri u Dr Martin Fenech waqt Konferenza tal-Istampa illi saret il-Hamis 21 ta' Frar 2013 u mxandar diretta fuq Net TV kienu libellużi u malafamanti fil-konfront tar-rikorrenti.

Tikkundanna lill-intimat ihallas lir-rikorrent Joseph Cordina is-somma ta' elf u hames mitt Euro (€1,500) lir-rikorrenti Charles Scerri is-somma ta' tlett elef Euro (€3,000) u lir-rikorrenti Dr Martin Fenech is-somma ta' tlett elef Euro (€3,000), lkoll bħala danni a tenur tal-Artikolu 28 tal-Kap 248.

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

Magistrat Francesco Depasquale

Rita Sciberras

Deputat Registratur