



## CONSTITUTIONAL COURT

### JUDGES

**THE HON. CHIEF JUSTICE MARK CHETCUTI  
THE HON. MR JUSTICE GIANNINO CARUANA DEMAJO  
THE HON. MR JUSTICE ANTHONY ELLUL**

**Sitting of Monday, 23<sup>rd</sup> November, 2020.**

**Number: 8**

**Application number: 79/2015 JPG**

**The Police**

**v.**

**Tolga Temuge**

1. The Attorney General filed an appeal from the judgments delivered by the Civil Court, First Hall on the 11th October 2017 and 9th May 2018. The issue concerns a constitutional reference ordered by the Court of Magistrates (Malta) as a Court of Criminal Judicature in the criminal proceedings **The Police v. Tolga Temuge** (Qawra Sitting) following the issue of a protection order. A case dealing with alleged domestic violence, and commenced following a report filed by accused's wife (Caroline Muscat).

**The circumstances of the case.**

2. These proceedings started after the Court of Magistrates (Malta) as a Court of Criminal Judicature upheld the request of the accused in the criminal proceedings and ordered a constitutional reference based on the alleged breach of Article 5 of the European Convention (sitting held on the 30th October 2015). The *proces verbal* of that sitting states:

*“Dr Stephen Tonna Lowell asked the Court to refer a constitutional question to the First Hall of the Civil Court in terms of Article 5 of the European Convention on Human Rights for an alleged violation.*

.....

*“The Court after seeing article 46(3) of the Constitution accedes to the request for a reference to be made to the First Hall of the Civil Court and orders these proceedings to be continued. The case is adjourned for the 13th November 2015 at 12:00 p.m”.*

3. The request for a constitutional reference stemmed from the sitting of the 26th October 2015, when defence for Caroline Muscat requested the Court to issue a provisional protection order. The Court upheld her request and told the accused to sign the protection order in terms of Article 412C of the Criminal Code. The accused refused. The Court explained to the accused the consequences of his refusal and the accused still refused to sign the protection order. The Court decided that the accused was in contempt of court and condemned him to a period of ten days detention.

4. The respondent was detained and sent to prison. On the 30th October 2015 the respondent appeared once more before the same Court, this time assisted by a lawyer. His defence counsel requested the Court to revoke the order whereby respondent was detained. He explained that his client was afraid that if he signed the protection order, the document would be used against him in the pending separation proceedings he had with his wife. Furthermore, he claimed that the punishment inflicted for contempt of court was not in line with the relevant provisions of law in the Code of Organization and Civil Procedure.

5. During that sitting the Court asked the accused whether he would sign the protection order. Once more the accused refused to and the Court ordered that respondent is kept in detention.

6. In a partial judgment dated 11th October 2017 the first Court decided that the constitutional reference will also be considered on the basis of Article 6 and Article 2 of the Seventh Protocol of the European Convention.

7. By final judgment delivered on the 9th May 2018 the first Court decided:

*“For these reasons, the Court therefore responds to the reference of the Court of Magistrates (Malta) as a Court of Criminal Judicature by declaring that the ambiguity of Article 991 of the COCP rendered his detention unlawful in terms of Article 5 of the Convention, that the*

*accused's lack of legal assistance before being found guilty of contempt of court and sentenced to detention was in breach of his right to a fair trial in accordance with Article 6 of the Convention, and that the impossibility of filing an appeal from a finding of contempt under Article 991 COCP, in accordance with Article 1000 COCP, is in breach of the accused's right to appeal as guaranteed under Article 2 of Protocol 7 of the Convention.*

*"The Court orders that the acts be remitted back to the Court of Magistrates (Malta) as a Court of Criminal Judicature for the continuance of the proceedings before it in light of this decision.*

*"Cost shall be borne by Commissioner of Police and the Attorney General".*

8. On the 21st May 2018 the Attorney General filed an appeal from both judgments.

#### **Attorney General's appeal.**

9. With respect to the judgment dated 11th October 2017, the Attorney General complained that the first Court *ex officio* extended the grounds of reference. He claimed that this is not permissible in terms of law, and that the first Court should have only decided on whether or not a breach of Article 5 of the European Convention occurred. Appellant claims that application of the principles outlined by local judgments confirm that:

*"... that the First Court was precluded from extending ex officio the constitutional reference to include also an examination of Article 6 of the Convention, and Article 2 of the Seventh Protocol of the same Convention. It is very important to point out that during the proceedings appellant Tolga Temuge never raised this issue or requested the First Court to examine the reference to include article 6 of the European*

*Convention and article 2 of the Seventh Protocol of the same Convention”.*

10. With regards to the final judgment dated 9th May 2018 the appellant claimed that:

- i. The right to liberty is not absolute. The decision that respondent was in contempt of court was based on his attitude and behaviour whereby he challenged the Court’s authority. In the sitting held on the 30th October the respondent once more refused to sign the protection order.
- ii. The respondent was given the opportunity to defend himself and have access to a lawyer. The respondent had refused to be assisted by a lawyer. This was his own free choice.
- iii. Although Article 991 of the Code of Organization and Civil Procedure provides that there is no appeal from a finding of contempt of court, it does not mean that the provision of law is in breach of Article 2 of the Seventh Protocol of the European Convention. That provision grants a right of review for conviction but does not grant a right to appeal on the merits of the judgment.

**Reasons.**

**Appeal from the preliminary judgment.**

11. In the judgment delivered on the 11th October 2017 the court based its reasoning on the judgment delivered by the Constitutional Court on the 18th July 2017, **Il-Pulizija v. Mario Zammit**.

12. In that judgment the Constitutional Court said:-

*“20. Din il-Qorti tibda bl-osservazzjoni li, minkejja li t-termini tar-referenza huma cirkoskritti ghad-dritt ta’ smigh xieraq, id-determinazzjoni ta’ din il-vertenza tinnecissità li tigi ezaminata l-pozizzjoni legali ta’ Mario Zammit fl-ambitu wkoll tad-dritt fundamentali protett bl-artikolu 7 tal-Konvenzjoni.*

.....

*“23. Fil-fattispeci ta’ dan il-kaz din il-Qorti ma tirravizax xi ksur tal-Artikolu 6 tal-Konvenzjoni izda, ghalkemm ir-riferenza li saritilha mill-Qorti riferenti kienet limitata ghall-Artikolu 6 din il-Qorti, in kwantu Qorti Kostituzzjonali, ghandha s-setgha li tissenjala lill-Qorti riferenti l-potenzjal ta’ ksur ta’ xi artikolu tal-Konvenzjoni divers minn dak imsemmi mill-Qorti riferenti fl-ordni ta’ riferenza taghha”.*

13. The Attorney General referred to judgments where the courts confirmed that the court that decides a question made according to the procedure established in Article 46(3) of the Constitution and Article 4(3) of the European Convention Act (Chapter 319) concerning an alleged breach of human rights and fundamental freedoms, has to answer the

question put to it by the court referring the question and not delve into other matters (vide paragraph 11 to 14 of the appeal application). The procedure in terms of Article 46(3) of the Constitution and Article 4(3) of the European Convention Act (Chapter 319) is a special procedure where the court has to decide on the question referred to it. Therefore, the law does not give the deciding court the authority to raise *ex officio* matters that were not included in the original question.

14. In this particular case defence counsel for the accused alleged a breach of Article 5 of the European Convention on Human Rights and asked for a constitutional reference. The Court upheld the request. In the circumstances the Civil Court should have answered the question whether there was a breach of the fundamental right mentioned in Article 5 of the European Convention and not *ex officio* raised different grounds of breaches of fundamental rights.

#### **Appeal from the final judgment of the 9th May 2018.**

15. According to Article 991 of the Code of Organization and Civil Procedure:-

*“It shall be lawful for the judge or magistrate referred to in article 988 forthwith to sentence to a fine (ammenda or multa) or to detention in terms of the Criminal Code, any person who, by any **indecent word or gesture** during the sitting, commits any act of contempt of court, or insults any other person”.*

16. The Maltese version of the words “*indecent word or gesture*” are “*kliem jew eghmil mhux xieraq*”.

17. The first Court reasoned:-

*“The Court therefore agrees with the accused that the Court of Magistrates must have necessarily applied against him Article 991 of the COCP, since this is the only article dealing with contempt of court that could have empowered the court to punish him summarily to detention in excess of 24 hours. The Court thus has to examine whether Article 991 of the COCP was indeed applicable to the accused*

.....

*“In this case it is clear that the terminology used in Article 991 is ambiguous: it has in fact, already led to conflicting judgements on the precise scope of its application. The Court equally understands that any gudgeant may have easily understood that “*eghmil mhux xieraq*” (roughly translated as improper conduct) could have served as an umbrella clause to include the alleged challenging behaviour of the accused.*

*“However the intention of the legislator, as the Court has already found above, points to a restrictive interpretation of the term “*kliem jew eghmil mhux xieraq*” in the sense of “*indecent words or gestures*”. Considering all this therefore, together with the fact that in criminal matters in case of ambiguity, the interpretation most favourable to the accused must be applied, the Court concludes that Article 991 was not applicable to the accused in the circumstances.*

*“Regarding Article 5 of the ECHR, Schabas opines that:*

*“The notion of ‘lawfulness’ is fundamental to article 5. The introductory portion of article 5(1) sets out the condition that any deprivation of liberty be ‘in accordance with a procedure prescribed by law’. Each of the sub-paragraphs of article 5(1) employs the word ‘lawful’. When it uses the words ‘lawful’ and ‘lawfulness’, the Convention is referring essentially to national law. It sets out an obligation to conform to the substantive and procedural rules of national law”.*

*“The Court has seen that the accused was sentenced to detention following a finding of the Court of Magistrates that he was in contempt for refusing to sign a Protection Order in favour of his wife. **According to Article 5 (1)(a) of the Convention, the deprivation of liberty of an individual is allowed when it is done in accordance with a***



***procedure prescribed by law for the “lawful detention of a person after conviction by a competent court.”*** The Court notes however that according to the jurisprudence of the ECHR, when the detention of an individual is based on the wrong interpretation of a domestic law, such detention will not be considered to be in conformity with national law and will therefore constitute a breach of Article 5 of the Convention.

“Furthermore, the Court notes that detention must not only be lawful in terms of the domestic law of the State, as Article 5(1) requires in addition that any deprivation of liberty should be in keeping with the purpose of protecting the individual from arbitrariness, and that therefore there must also be an assessment of whether the domestic law itself is consistent with the Convention “including the general principles expressed or implied therein, notably the principle of legal certainty”. In this regard, according to the constant jurisprudence of the ECHR that where the deprivation of liberty is at stake it is particularly important that the general principle of legal certainty be satisfied. Legal certainty, according to the jurisprudence of the ECHR, means that the law governing conditions for deprivation of liberty be accessible, clearly defined, and that its application be foreseeable.

“The Court has already found that the provision on the basis of which the accused was sentenced to detention is ambiguous, and that due to its ambiguity there are conflicting judgements of the Maltese courts as to its precise import. In view of this, the Court finds that the law in this case does not satisfy the principle of legal certainty, since the circumstances which may lead to the infliction of a period of detention are not clearly defined, and the ambiguity of the law has rendered the application of the provision unforeseeable. In view of this, the Court holds that the accused’s detention under this Article could have been never been lawful, since the State has failed in its duty to provide an accessible, clearly defined law, the application of which is foreseeable with regards to Article 991 of the COCP.

“The Court therefore finds that the accused’s detention, as ordered on the 26th of October 2015, was unlawful and therefore in breach of Article 5 of the Convention”.

18. In the case **Zelcs v Latvia** (no. 65357/16) the ECtHR explained:

“51. Any deprivation of liberty must, in addition to falling within one of the exceptions set out in sub-paragraphs (a) to (f) of Article 5 § 1, be “lawful”. Where the “lawfulness” of detention is in issue, including the question whether “a procedure prescribed by law” has been followed, the Convention refers essentially to national law and lays down the obligation to conform to the substantive and procedural rules of that law (see *Ilmseher v. Germany* [GC], nos. 10211/12 and 27505/14, § 135,

4 December 2018; *S., V. and A. v. Denmark [GC]*, nos. 35553/12 and 2 others, § 74, 22 October 2018).

“52. In laying down that any deprivation of liberty must be effected “in accordance with a procedure prescribed by law”, **Article 5 § 1 primarily requires any arrest or detention to have a legal basis in domestic law.** However, these words do not merely refer back to domestic law. They also relate to the quality of the law, requiring it to be compatible with the rule of law, a concept inherent in all Articles of the Convention. On this last point, the Court stresses that where deprivation of liberty is concerned it is particularly important that the general principle of legal certainty be satisfied. **It is therefore essential that the conditions for deprivation of liberty under domestic law be clearly defined and that the law itself be foreseeable in its application,** so that it meets the standard of “lawfulness” set by the Convention, a standard which requires that **all law be sufficiently precise to allow the person – if need be, with appropriate advice – to foresee, to a degree that is reasonable in the circumstances, the consequences which a given action may entail** (see *Khlaifia and Others*, cited above, §§ 91-92, and *Del Río Prada v. Spain [GC]*, no. 42750/09, § 125, ECHR 2013, with further references)”.

19. The Court rightly stated that Article 991 has never been amended since its introduction. In the Italian original version the words ‘*indecent words or gesture*’ were ‘*parole o gesti indecenti*’. This Court agrees with the first Court that the refusal of the accused to sign the protection order does not qualify as “*indecent words or gesture*”. The respondent simply refused to sign the protection order.

20. This apart from the fact that the relevant provision of law which the Court of Magistrates (Malta) as a Court of Criminal Judicature referred to in its decision (Article 412C of the Criminal Code) does not require that the protection order is signed by the accused. Therefore, the Court sees

no reason why the referring court ordered and insisted that the accused signs the protection order.

21. It is a fact that in the printed protection order (fol. 34) there is a blank space and under the same the word '*Accused*'. However, there is no provision in the law stating that the accused is obliged to sign such an order.

22. Therefore:

- i. There is no provision of law that obliges the accused to sign the protection order. Therefore, the Court's order was not legitimate;
- ii. The accused's refusal to sign the protection order is not an action that is sanctioned under Article 991 of the Code of Organization and Civil Procedure.
- iii. The Court of Magistrates (Malta) as a Court of Criminal Judicature did not quote the section of the law on the basis of which it declared the accused guilty of contempt of court.

23. So, as stated by the first Court the detention of the accused was not according to law and therefore breached Article 5 of the European Convention.

24. On the basis of what this Court has decided with regards to the preliminary judgment of the 11th October 2017, the Court can stop here. However, these proceedings have now been pending for more than five years. In the circumstances, the Court will also consider the complaints under Article 6 of the Convention and Article 2 of the Seventh Protocol of the Convention. This will ensure that in the future no further question will arise with regards to those provisions of law.

25. The appellant argued that:

*“The whole issue of contempt here is not limited to the fact that Mr Temuge refused to sign the protection order but rather him making it very clear to the Court that he was not going to obey the conditions laid down in the Protection Order – reference is made to the testimony given by the Police Inspector Godwin Scerri”.*

26. From the minutes of the sitting held on the 26th October 2010 it is evident that the referring Court declared the accused to be in contempt of court for having failed to sign the protection order. The minutes are the best evidence that respondent was declared to be in contempt for refusing to sign the protection order;

*“The accused refused to sign the protection order.*

*“The Court explained to the accused the consequences of his refusal and gave him time to rethink his decision.*

*“The accused informed the Court that he is refusing to sign the Protection Order.*

*“The Court Finds him in contempt of Court and condemns him to a period of ten days detention”.*

27. This is also confirmed from a reading of the *proces-verbal* referring to the sitting of the 30th October 2010.

28. With regards to the accused’s right to a fair trial (article 6 of the Convention), the first Court stated:-

*“A court faced with an accused who wishes to self-represent must therefore seek to strike a balance between the accused’s wishes and the rest of the other aspects of the right to a fair trial, and it is only if the court considers that the party’s right to a fair trial generally can be guaranteed, that a request to self-represent should be accepted. In particular, the court must ensure that the spirit of Article 6 is protected. As such, when faced with a self-representing accused, a court must determine whether it is in the interests of justice to order an accused to appoint counsel to represent him or to appoint a legal aid lawyer for him if he is unwilling or unable to engage counsel himself. In Maltese law such an obligation also finds a basis in Article 519 of the Criminal Code which states that:*

*“[i]t shall be the duty of the courts of criminal justice to see to the adequate defence of the parties charged or accused...”*

*“The Court notes that in this particular case it was clear that the accused failed to grasp the consequences of his actions, as he himself testified before this Court, that had he understood that he would go to prison if he kept refusing to sign the Protection Order, he would have just signed it. The Court notes further that this testimony was in no way contradicted by the Attorney General. The Court is also mindful of the fact that the accused, who does not have a legal background, and much less a background in Maltese criminal law and procedure, was up against not just one person, but four, that is, the prosecutor and the three lawyers representing his wife.*

*“The Court also notes that the accused was not at least given time by the Court to consult the law so that he could be in a better position to defend himself. Having said that, considering the Court’s finding above about the ambiguity of the law, and worse still, the clear dissonance between the English and Maltese text, the Court is of the opinion that since the accused, being non-Maltese speaking, could have only consulted the English text, he could not have been in a position to*

*anticipate that Article 991 could be given such a wide interpretation due to the wording of the Maltese text, making it even less likely that he could have effectively represented himself.*

*“The Court considers that it requires no stretch of the imagination to consider that in such a situation, it is near impossible for the accused’s right to equality of arms to be adequately protected without legal representation. Of particular importance is the fact that the law does not provide a right to lodge an appeal against a detention order following a finding of contempt, which also means that the detention order would become effective immediately, which makes it all the more imperative to ensure that the accused’s right to effective representation remains practical and effective.*

*“The Court notes furthermore that when the Court of Magistrates was considering finding applicant in contempt, the applicant was not asked whether he wanted at this point to be represented by a lawyer, nor informed that he had a right to have legal aid appointed for him to represent him free of charge, since he was facing the imposition of a period of detention, the duration of which could be up to two months, effective immediately and which he would not have the opportunity to appeal.*

*“In light of the above this Court considers therefore that when the Court of Magistrates was considering finding applicant in contempt and sentencing him to a period of detention, the interests of justice necessitated that the accused be ordered to engage counsel, or have a legal aid lawyer appointed for him, if he was unable or unwilling to engage counsel himself”.*

29. The minutes of the sitting held on the 26th October 2015 state:-

*“Deher l-imputat mhux assistit li ddikjara li m’għandux bżonn l-assistenza ta’ avukat u talab li dawn il-proċeduri jitkomplew bil-lingwa Ingliża.*

.....

*“The Court requested the accused to sign the Protection Order in terms of section 412C of the Criminal Code after explaining to him the consequences of contravening such order.*

*“The accused refused to sign the protection order.*

***“The Court explained to the accused the consequences of his refusal and gave him time to rethink his decision.***

*“The accused informed the Court that he is refusing to sign the Protection Order.*

*“The Court finds him in contempt of Court and condemns him to a period of ten days detention”.*

30. From the above it is very clear that the Court explained to the accused what would happen if he insists on refusing to sign the protection order. Evidently the accused did not take heed of the Court’s warning and once more refused to sign the protection order. Therefore, the Court does not agree with the first Court’s conclusion that *“... the accused failed to grasp the consequences of his actions”*.

31. There is no evidence that at some point in time during the sitting of the 26th October 2015 the accused informed the Court that he wanted to be assisted by a lawyer.

32. An accused person has the right to self-represent himself during criminal proceedings. From the very first sitting the accused chose to defend himself. He had every right to do so. As stated in the judgment delivered on the 4th April 2018 by the ECtHR, **Correia de Matos v Portugal** (56402/12) , Article 6(3) of the Convention:

*“121. Article 6 § 3 (c) confers on a person charged with a criminal offence the right “to defend himself in person or through legal assistance of his own choosing”. Notwithstanding the importance of the relationship of confidence between a lawyer and his client, the latter right is not absolute. The Court has held that it is necessarily subject to certain limitations where free legal aid is concerned and also **where it***

***is for the courts to decide whether the interests of justice require that the accused be defended by counsel appointed by them (see Dvorski v. Croatia [GC], no. 25703/11, § 79, ECHR 2015 and the authorities cited therein)***".

33. This Court does not agree with the first Court that the fact that the accused was not assisted by a lawyer, then "*.... it is near impossible for the accused's right to equality of arms to be adequately protected without legal representation*". It was the accused's personal choice not to be represented by a lawyer.

34. Furthermore, during the sitting of the 30th October 2015 the respondent was assisted by a lawyer. The minutes of that sitting state: "*The Court has again asked the accused whether he is willing to sign the provisional protection order*". Once more the accused refused to sign the protection order. So evidently, being assisted by a lawyer in the following sitting was of no consequence.

35. In the circumstances this Court concludes that during the sitting held on the 26th October 2015 respondent's right to a fair hearing was not breached.

36. The first Court also found a breach of Article 2 of the Seventh Protocol of the Convention which states:-

*"1. Everyone convicted of a criminal offence by a tribunal shall have the right to have his conviction or sentence reviewed by a higher tribunal.*



*The exercise of this right, including the grounds on which it may be exercised, shall be governed by law.*

*“2. This right may be subject to exceptions in regard to offences of a minor character, as prescribed by law, or in cases in which the person concerned was tried in the first instance by the highest tribunal or was convicted following an appeal against acquittal.”*

37. The first Court referred to Article 1003(1) of the Criminal Code which provides:

*“No appeal shall lie from any sentence passed under article 990 or 991, and any such sentence may be carried into execution forthwith”.*

38. The Court went on to declare:

*“Of relevance to this examination is also Article 12 (2) of the Criminal Code, according to which, when it is not otherwise stated, a period of detention can last for a maximum of two months. By application of this article, a person found in contempt of court under Article 991 of the COCP can therefore be sentence to detention for a period of up to two months. It is clear therefore, in light of the above considerations, that due to the punishment for contempt of court prescribed under Article 991 COCP cannot be considered as being of a ‘minor character’, and that therefore a right of appeal must be given to those sentence under this Article.*

*“The Court notes that with the amendments to Article 1000 by Act XXIV of 1995 it has now become possible for the court which awarded the punishment to commute or remit the punishment. This however is not enough to render the State compliant with Article 2 of Protocol 7, principally for three reasons. First and foremost, it is the law itself that recognises, in Article 1003 (1), that there shall be no appeal from decisions of the Court under Articles 990 and 991. Secondly, the review must be conducted by a higher tribunal, and therefore Article 1000 clearly does not satisfy the obligations imposed by Article 2 of Protocol 7. Finally, appeal proceedings must comply with Article 6, meaning that, apart from other things, the appellate court must be impartial within the meaning of the Convention, and as stated in *Oberschlick v. Austria*, if the Court of Appeal comprises any judge who has previously dealt with the case in first instance, the appellate court’s impartiality is open to doubt. It follows that Article 1000 is not enough to satisfy the*

*requirements of the right to appeal in cases of contempt of court. It is clear therefore, that a finding of contempt under Article 991 of the COCP is not amenable to appeal as required by Article 2 of Protocol 7 to the European Convention of Human Rights.*

*“In light of the above, the Court therefore finds that Article 1003 (1) as applied to Article 991 of the COCP violates the right to appeal as established in Article 2 of Protocol 7 to the European Convention of Human Rights”.*

39. Since the first Court concluded that Article 991 of Chapter 12 of the Laws of Malta does not apply to the case under review, it should have stopped there and not considered whether Article 1003(1) is in breach of Article 2 of Protocol 7.

For these reasons this Court with respect to the Attorney General’s appeal:-

1. Rejects the first and second complaint.
2. Upholds appellant’s complaint with regards to the preliminary judgment delivered by the Civil Court, First Hall on the 11th October 2017, varies the judgment and declares that the constitutional reference made by the Court of Magistrates (Malta) as a Court of Criminal Judicature should have only been examined under Article 5 of the European Convention on Human Rights.

3. For all intents and purposes, upholds the third and fourth complaint and varies the judgment delivered by the first Court on the 9th May 2018 by revoking that part of the judgment which found a breach of respondent's fundamental rights under Articles 6 and 2 of Protocol 7 of the European Convention, and declares that:-

- i. There is no breach of the right to fair trial (article 6 of the European Convention);
- ii. There is no need to consider whether Article 1003 of the Code of Organization and Civil Procedure is in breach of Article 2 of Protocol 7 of the European Convention, since Article 991 of Chapter 12 of the Laws of Malta does not apply to the case under review.

4. Confirms the rest of the judgment.

5. Judicial costs regarding the appeal are to be paid in equal shares by both parties.

Appeal Number: 79/15

The Registrar is to ensure that the acts of the proceedings are transferred to the Court of Magistrates (Malta) as a Court of Criminal Judicature, and a copy of this judgment is inserted in the acts of the proceedings.

Mark Chetcuti  
Chief Justice

Giannino Caruana Demajo  
Judge

Anthony Ellul  
Judge

Deputy Registrar  
gr