



**THE FIRST HALL OF THE CIVIL COURT
(CONSTITUTIONAL JURISDICTION)**

**HON. JUDGE
IAN SPITERI BAILEY LL.M. LL.D.**

Today, Wednesday, 17th April, 2024.

Case No. 1

Application No. 424/2023 ISB

Dr. Paul Scarrow

vs

**Avukat Ġenerali u
Kummissarju tal-Pulizija**

The Court:

Has seen to the request by the plaintiff to subpoena Judge Natasha Galea Sciberras and Magistrate Claire Zammit Stafrace;

Has taken note of its preliminary decree of the 27th March 2024;

Has taken cognisance of the note filed by the plaintiff on the 12th April 2024;

Considers:

That it cannot but observe that the Court was very clear in its decree of the 12th February 2024 wherein it was clearly and unequivocally stated that all evidence by the parties was to be produced during today's sitting;

That the subpoena was filed on the 25th March 2024 and hence, more than 6 weeks following that decree and merely 3 weeks before this sitting;

That despite and irrespective of the above:

The plaintiff is asking leave to produce two witnesses in the names of Judge Natasha Galea Sciberras and Magistrate Claire Zammit Stafrace, thus both holding judicial office.

That from the note of the plaintiff submitted on the 12th April 2024, it is evident that the plaintiff is disputing the way the same members of the judiciary have conducted their work in terms of their office.

That all that the plaintiff has been through in the course of the inquiry as well as the judicial proceedings will result in any case from the acts of the same criminal proceedings which have and will be produced before this Court.

That all argumentation put forward by the plaintiff in the mentioned note of the 12th April 2024 will remain valid for his final submissions and the Court will decide upon same submissions in its final decision.

That in line with what was declared by the Constitutional Court on the 2nd November 2001 in the case **Anthony Pace vs Attorney General**, "*L-Imhallfin u l-Magistrati ma jistghux jkunu mharrkin biex iwiegbu ghal ghemil gudizzjarju tagghom mhux ghaliex din l-immunita` hija xi privilegg tagghom, izda ghaliex hija mehtiega ghall-harsien ta' l-indipendenza tagghom*";

That this Court extends this line of thought equally to the request to have the members of the judiciary testify in proceedings wherein they have conducted such proceedings, and hence, given that these present proceedings were duly filed against the Advocate General and the Commissioner for Police who are answering to the constitutional redress sought by the plaintiff and also given that the proceedings in question have been or will be duly exhibited in the acts of these proceedings, then this Court will be rejecting the request to have the mentioned two witnesses testify before it.

THUS, for the above consideration, the Court rejects the request made by the plaintiff on the 25th March 2024 to have Judge Natasha Galea Sciberras and Magistrate Clair Zammit Stafrace testify in today's sitting and requests the parties to produce any other evidence they deem appropriate today with the scope and aim that during today's sitting the production of evidence is concluded as established and decreed in an earlier instance throughout these proceedings.

The Court furthermore refers to the mentioned note of the 12th April 2024 submitted by plaintiff wherein it was stated that is expected to testify at length for a time of two to three hours, and whereas the Court as duty bound, will give all the necessary time to the plaintiff to testify, the Court however directs the plaintiff to testify on the relevant issues in discussion, relative to the four alleged grievances as listed in the application of the 28th August 2023.

Decree given in open court today 17th April, 2024.

Ian Spiteri Bailey
Hon. Judge

Amanda Cassar
Deputy Registrar