



## **QORTI TAL-MAGISTRATI (MALTA)**

**MAGISTRAT DR.  
FRANCESCO DEPASQUALE**

Seduta tal-11 ta' Novembru, 2013

Avviz Numru. 336/2006

**L-Onor. Dr. Leo Brincat (ID 861749M)  
vs  
Gordon Pisani (ID 389573M) u Simon Cassar (ID  
27882M)**

Illum 11 ta' Novembru 2013

Il-Qorti,

Rat l-avviz ippresentat fis-6 ta' Novembru 2006 mirrikorrenti fejn ghamel referenza ghal Stqarrija ghall-Istampa mahruqa mill-Partit Nazzjonalista fit 30 ta' Ottubru 2006 intitolata 'Deputat Laburisti u kuntratturi li kienu Dubai huma bicca wahda' sussegwentement ippubblikata fuq il-media ta' l-istess Partit Nazzjonalista koncernanti zjara illi ghamel l-attur f'Dubai f'Gunju 2006 bhala delegat tal-Partit Laburista flimkien ma membri oħra tal-Partit Laburista u xi kuntratturi u tablab lill-Qorti tiddikara illi tali Stqarrija kienet libelluza u malafamanti fil-konfront tieghu u ghalhekk talab lill-Qorti tikkundanna lill-intimati Gordon Pisani u Simon Cassar ihallsuhom dak l-ammont illi jidhriha xierqa l-Qorti bhala danni.

Kopja Informali ta' Sentenza

Rat ir-risposta ta' l-intimati ippresentata fit 30 ta' Novembru 2006 fejn l-intimati Gordon Pisani u Simon Cassar saħqu illi dak minnhom pubblikat kien 'fair comment' u għalhekk certament mhux libelluz.

Rat ix-xhieda ta' **Leo Brincat** mogħtija fil 15 ta' Mejju 2007 u fit 28 ta' Mejju 2007, fejn esebixxa ukoll serje ta' dokumenti biex jissustanzja t-talba tieghu.

Rat illi fit 22 ta' Ottubru 2007 ir-rikorrent iddikjara illi ma kellux aktar provi x'jippresenta.

Rat ix-xhieda ta' **Simon Cassar** mogħtija fit 22 ta' Ottubru 2007.

Rat ix-xhieda ta' **Gordon Pisani** mogħtija fit 22 ta' Ottubru 2007 u dokumentazzjoni minnu ppresentata.

Rat illi Dr Alfred Sant, fit 23 ta' April 2009, kien debitament ingunt sabiex jidher quddiem dina l-Qorti fis 7 ta' Mejju 2009, għal liema seduta ma deherx.

Rat illi fis-seduta tas 16 ta' Novembru 2012 l-intimati ippresentaw DVD b'zewgt programmi illi fih attenda Dr Alfred Sant u sarulu mistoqsijiet dwar il-kaz meritu tal-kawza odjerna kif ukoll gew annessi t-traskrizzjonijiet ta' l-istess programmi.

Rat illi fis 26 ta' April 2013 l-intimati iddikjaraw illi ma kellhomx aktar provi x'jippresentaw.

Semghet it-trattazzjoni ta' l-abbli difensuri tal-partijiet li saret fl 14 ta' Gunju 2013, wara liema data il-kawza giet diferita għas-sentenza għas 7 ta' Ottubru 2013 u, sussegwentement għallum.

## **Ikkunsidrat**

Il-kawza odjerna tirrigwarda Stqarrija illi hareg l-intimat Gordon Pisani bhala Direttur Informazzjoni PN fit 30 ta'

Ottubru intitolat "*Deputati laboristi u kuntratturi li kienu Dubai huma bicca wahda*" fejn intqal, fosta hafna affarjiet ohra, illi "*Il-Partit Laborista qiegħed jiddefendi l-iskandlu li għamel, meta f'delegazzjoni li marret Dubai, id-deputati laboristi kellhom magħhom kuntratturi li huma involuti f'kumpanniji kummercjali ma' l-istess deputat laboristi.*"

L-istqarrija tkompli tghid li "*Il-Partit Laborista, fil-Konferenza ta' l-Ahbarjiet u fl-istqarrijiet li hareg dwar din iz-zjara, qatt ma semma l-kuntratturi li marru Dubai mad-delegazzjoni laborista mmexxija minn Charles Mangion. Kieku l-Partit Laborista hass li qed jagħmel xi haga tajba, kien johrog jiftahar biha u mhux jahbiha, kif prova jagħmel.*"

L-istqarrija imbghad tagħmel referenza għal artikolu illi kien inkiteb minn Joe Sammut fejn "*iddefenda d-delegazzjoni sigrieta u attakka lill-Partit Nazzjonalista għax tkellem dwar skandlu*", skond l-istqarrija mahruga mill-intimati u tghid illi "*kuntratturi li kienu Dubai mad-delegazzjoni laborista huma involuti f'kumpanniji kummercjali ma' Charles Mangion u Charles Buhagiar li kienu jiffurmaw parti mid-delegazzjoni. Kuntrattur iehor hu involut ma' deputat laborista iehor filwaqt li kuntrattur iehor jigi minn deputata laborista*"

Skond ix-xhieda tar-rikorrent, delegazzjoni tal-Malta Labour Party għamlet zjara gewwa Dubai biex tosserva l-procedura ta' reklamazzjoni ta' l-art peress illi kienet ta' interess għal Malta. Jidher illi magħhom telghu erbgha kuntratturi fuq l-istess ajruplan u għadu fl-istess lukanda bħalhom, izda dawna kellhom programm separat għal dak tad-delegazzjoni, għajr għal laqgħa illi kien hemm mas-socjeta T-Com, illi kienet qed tinvesti fi Smart City, li għaliha attendew ukoll il-kuntratturi magħhom.

L-istess rikorrent jistqarr illi filwaqt illi huwa ma għandu ebda relazzjoni kummercjali mal-kuntratturi, ma setgħax jeskludi illi l-membri l-ohra tad-delegazzjoni kellhom konnessjonijiet kummercjali magħhom.

Gordon Pisani, dak iz-zmien Direttur Informazzjoni tal-Partit Nazzjonalista, stqarr illi mill-informazzjoni illi huwa kien ottjena, kumpannija estera bl-isem ta' 'Lama Desert Tourism & Cargo LLC' kienet irriservat kmamar fil-lukanda Movenpick Hotel fit 18 ta' Gunju 2006, liema lista kienet telenka tmien persuni b'kollox, li kienu jinkludu Dr Charles Mangion, indikat bhala Deputy Leader, Dr Joe Mifsud, indikat bhala International Party Secretary, ir-rikorrent Leo Brincat u Charles Buhagiar flimkien ma' l-erba kuntratturi, ossija Dennis Baldacchino, Carmelo Penza, Patrick Dalli u Ray Vella.

Huwa stqarr ukoll illi fil-konferenzi stampa moghtija qabel mad-delegazzjoni telqet ghal Dubai, qatt ma semmew l-erbgha kuntratturi li kienu telghin mad-delegazzjoni tal-Partit Laburista. Huwa stqarr wkoll illi fl-istqarrija mahruga gew identifikati in-Nutar Charles Mangion u il-Perit Charles Buhagiar bhala l-persuni illi kellhom interessi f'diversi negozji mal-kuntratturi illi telghu magghom filwaqt illi r-rikorrenti Leo Brincat qatt ma ssemma.

### **Ikkunsidrat**

Id-difiza ta' l-intimati, fuq il-meritu, hija dik ta' "fair comment". Ghalhekk, ikun opportun illi jigu indikati elementi li ghandhom jitqiesu mill-Qorti sabiex tistabilixxi jekk kumment jistax jitqies bhala "fair" jew le, liema elementi gew stabbiliti mill-Qrati ta' pajjizi ohra illi fuqha ahna nibbazaw kemm il-legislazzjoni kif ukoll il-gurisprudenza taghna.

Fl-ktieb **Gatley on Libel and Slander** (Sweet & Maxwell (London), 1981 jinghad hekk dwar in-natura ta' kumment:

*A comment is a statement of opinion on facts. It is comment to say that a certain act which a man has done is disgraceful or dishonourable; it is an allegation of fact to say that he did the act so criticised. "A libellous statement of fact is not a comment or criticism on any thing". But while a comment is usually a statement of opinion as to*

*the merits or demerits of conduct, an inference of fact may also be a comment. There are, in the cases, no clear definitions of what is comment. If a statement appears to be one of opinion or conclusion, it is capable of being comment. (para. 697, pagna 294).*

Illi, minn naha l-ohra, dwar id-difiza ta' 'fair comment', kif jinghad f'**Gatley on Libel and Slander** :

*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.*

Huwa fatt illi d-“difiza” tal-“fair comment” dejjem kienet intiza sabiex tissalvagwardja dritt li hu importanti daqs dak li individwu jipprotegi r-reputazzjoni tajba tieghu, u cioe`id-dritt tal- espressjoni hielsa.

Kif inghad minn Lord Justice Scott fil- kawza **Lyon v. Daily Telegraph**:

*The right of fair comment is one of the fundamental rights of free speech and writing which are so dear to the British nation, and it is of vital importance to the rule of law on which we depend for our personal freedom.*

Fil-kawza **Spiller vs Joseph** deciza mill-Qorti tal-Appell Ingliza fl 1 ta' Dicembru 2010, Lord Phillips ghamel is-segwenti konsiderazzjonijiet meta wiehed iqis id-difiza ta' 'fair comment':

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

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

Kif kompla jghid l-istess Lord Phillips fl-ezami tieghu tal-posizzjoni mehudha mill-Qorti Ewropeja tad-Drittijiet tal-Bniedem, huwa stqarr is-segwenti

*76. The relevant principles are helpfully summarised at paras 28 and 29 of *Sorguc v Turkey* (Application No 17089/03) (unreported) given 23 June 2009. Freedom of speech may be restricted in order to protect reputation where this is necessary in a democratic society to meet a pressing social need. Thus a test of proportionality has to be applied. In applying that test there is a significant distinction between a statement of fact and a value judgment. A statement of fact will be true or untrue and the law can properly place restrictions on making statements of fact that are untrue. A value judgment is not susceptible of proof so that a requirement to prove the truth of a value judgment is impossible to fulfil, and thus infringes article 10.*

*"However, 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 – *Jerusalem v Austria* (2003) 37 EHRR 567, para 43."*

*In Lindon. Otchakovsky-Laurens and July v France (2007) 46 EHRR 761 the Grand Chamber went further, stating at para 55:*

*“The classification of a statement as a fact or as a value judgment is a matter which in the first place falls within the margin of appreciation of the national authorities, in particular the domestic courts. However, even where a statement amounts to a value judgment, there must exist a sufficient factual basis to support it, failing which it will be excessive.”*

*77. In Nilsen and Johnsen v Norway (1999) 30 EHRR 878, para 50 the court equated the imputation of improper motives or intentions with value judgments rather than statements of fact, having regard to the fact that from the wording of the statements and their context it was apparent that they were intended to convey the applicants' own opinions.*

*78. The Strasbourg Court also attaches importance to the extent to which the subject of a publication is a matter of public interest. The limits of acceptable criticism are wider in relation to politicians acting in their public capacity than in relation to private individuals – Jerusalem v Austria (2001) 37 EHRR 567, para 38. In Hrico v Slovakia (2004) 41 EHRR 300, para 40g the court observed that there was little scope under article 10(2) of the Convention for restrictions on political speech or on debate on questions of public interest.*

### **Ikkunsidrat**

Tenut kont tal-veduti kif enuncjati minn Qrati li fuqhom dawna il-Qrati regolarment jaghmlu referenza u bazi, il-Qorti thoss illi jkun opportun illi jigi ezaminati l-hames elementi imsemmija minn Lord Philips sabiex jigi stabbilit jekk, fil-kaz odjern, dak illi intqal kienx 'fair comment' jew le.

**(i)** *"the words complained of were comment"* - ma hemmx dubju illi l-kliem li intuzaw kienu kumment dwar dak li gie a konoxxenza tal-Partit Nazzjonalista, ossija illi flimkien mad-delegazzjoni tal-Partit Laburista siefu erbgha kuntratturi illi ghandhom simpatija mal-Partit

Laburista u li, uhud minnhom, ghandhom konnessjonijiet kummercjali sahansitra ma zewgt membri tal-Parliament illi kienu jiffurmaw id-delegazzjoni, ossija Charles Mangion u Charles Buhagiar. Jirrizulta wkoll illi tali kwistjoni kienet ukoll giet rappurtata fi programm televiziv illi kien ittella ftit gimghat qabel fejn Dr Alfred Sant, dak iz-zmien mexxej tal-Partit Laburista, gie mistoqsi dwar zjara illi saret minn delegazzjoni tal-Partit Laburista u li maghha attendew erbgħa kuntratturi b'simpatiji lejn il-Partit Laburista, dak iz-zmien imsejja Malta Labour Party.

**(ii)** *"the comment was on facts"* - jidher, mill-fatti kif prodotti, illi ghalkemm huwa minnu li l-erbgħa kuntratturi ma kienux parti mid-delegazzjoni, jirrizulta wkoll bhala fatt indisputabbli illi l-kuntratturi telghu flimkien mad-delegazzjoni tal-Partit Laburista, għadu fl-istess lukanda fejn kienu l-erbgħa delegati tal-Partit Laburista, kif jidher mill-'Booking Form' esebita mill-intimati u attendew għal-laqgħat flimkien mad-delegazzjoni Laburista, kif stqarr del resto l-istess rikorrent. Jirrizulta ukoll mhux disputat illi uhud mill-membri tad-delegazzjoni tal-Partit Laburista, ossija Dr Charles Mangion u Charles Buhagiar kellhom konnessjonijiet kummercjali ma uhud mill-kuntratturi, kif ammess mill-istess rikorrent ukoll.

**(iii)** *"the facts commented on constituted a matter of public interest"* - ma hemmx dubju illi l-fatt delegazzjoni ta' Partit li għandu membri tiegħu fil-Parliament, liema delegazzjoni kienet tinkludi tlett Membri tal-Parliament fost l-erbgħa membri tad-delegazzjoni, inkluz id-Deputat Mexxej tal-Partit dak iz-zmien, ossija Dr Charles Mangion telgħet biex tagħmel vista ufficjali għewa Dubai kienet, minnha innifisha, tikkostitwixxi kwistjoni ta' interess pubbliku, anke in vista tal-fatt illi saret Konferenza Stampa appositament sabiex dina tixxandar fil-pubbliku. Tali interess, naturalment, jizdied in vista tal fatt illi, flimkien ma' tali delegazzjoni, telghu erbgħa kuntratturi illi kellhom simpatiji lejn il-Partit Laburista, li għalihom ma saret ebda referenza għaliha fil-Konferenza Stampa ta' l-istess delegazzjoni, u, aktar u aktar, li uhud minn dawna l-kuntratturi kellhom interessi kummercjali ma' xi membri tad-delegazzjoni.



(iv) *"the comment was objectively "fair"; that is the comment was one that was capable of being honestly founded on the facts to which it related, albeit by someone who was prejudiced and obstinate;"* - in vista ta' dak għa stabbilit fuq it-tieni kriterju, peress illi l-fatti kif stabbiliti kienu, prima facie, korretti u kien jagħtu stampa ta' dak li attwalment sehh allura wiehed ma jistax ma jikkonkludix illi tali kumment kien oggettivament 'fair comment', peress illi l-bazi tiegħu kien fuq fatti illi gew korroborati minn dokumentazzjoni fil-pussess ta' l-intimati. Apparti minn hekk, jigi rilevat illi, għalkemm huwa minnu illi t-titolu ta' l-Istqarrija kienet wahda generika, il-kontenut ta' l-istqarrija imbgħad issemi bic-car minn kienu l-persuni li kienu bicca wahda mal-kuntratturi, u r-rikorrent ma jissemma imkien fl-istqarrija.

(v) *"the comment represented the defendant's honest opinion."* - bħalma saħqu kemm il-Qorti tal-Appell Ingliza kif ukoll il-House of Lords, ma kienx obbligu tal-intimat illi jipprova li ma kellux malizia fil-kumment tiegħu. Kif stqarr Lord Nichols fil-kawza **Cheng** [2001] EMLR 777

*"Proof of malice is the means whereby a plaintiff can defeat a defence of fair comment where a defendant is abusing the defence. Abuse consists of using the defence for a purpose other than that for which it exists. The purpose for which the defence of fair comment exists is to facilitate freedom of expression by commenting on matters of public interest. This accords with the constitutional guarantee of freedom of expression. And it is in the public interest that everyone should be free to express his own, honestly held views on such matters, subject always to the safeguards provided by the objective limits mentioned above. These safeguards ensure that defamatory comments can be seen for what they are, namely, comments as distinct from statements of fact. They also ensure that those reading the comments have the material enabling them to make up their own minds on whether they agree or disagree."*

Ma hemm xejn li jwassal il-Qorti tiddubita illi l-intimati, fil-mument illi inkitbet l-Istqarrija, ma kienux jemmnu onestament li dak minnhom miktub attwalment sehh.

Illi, konsidrat dana kollu, il-Qorti ma tistax ma tinnutax illi r-rikorrent huma persuna pubblika, u aktar, Membru tal-Parliament, u ghalhekk ghandu jkun soggett ghal livell ta' kritika ferm oghla minn persuna privata peress illi, la darba huwa involut fil-kamp politiku, qiegħed jissuggetta ruhu ghal skrutinju pubbliku ta' kull azzjoni illi huwa jagħmel u, ghalhekk, kritika, kemm kostruttiva kif ukoll distruttiva, għal dak illi l-istess politiku jagħmel.

Kif gie stabbilit fid-decizjoni tal-Qorti Ewropeja tad-Drittijiet tal-Bniedem fis-sentenza **Ligens vs Austria**, u abbracjata mill-Qorti Maltin, intqal illi:-

*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.*

Għalhekk, in vista tal-fatt illi r-rikorrent huwa politiku, huwa suggett għal livell ta' kritika ferm oghla minn ta' persuna privata u, kull azzjoni illi huwa jagħmel, anke jekk huwa konness magħha indirettament, hija soggetta għal kritika, liema kritika hija naxxenti mid-dritt tal-liberta' ta' l-espressjoni illi għandu gurnalist u li hija l-bazi ta' kull

socjeta' demokratika u li ghandha tigi protetta sa fejn possibbli.

Kif stqarret il-Qorti Ewropeja tad-Drittijiet tal-Bniedem fil-kawza PETRENCO v. MOLDOVA (Application no. 20928/05) deciza fit-30 ta' Marzu 2010

*"The Court reiterates that freedom of expression constitutes one of the essential foundations of a democratic society and that the safeguards afforded to the press are of particular importance. Although it must not overstep certain boundaries, in particular in respect of the reputation and rights of others, its duty is nevertheless to impart – in a manner consistent with its obligations and responsibilities – information and ideas on all matters of public interest. Not only does the press have the task of imparting information and ideas, the public also has a right to receive them. Were it otherwise, the press would be unable to play its vital role of “public watchdog” (see, inter alia, Observer and Guardian v. the United Kingdom, 26 November 1991, § 59, Series A no. 216; Bladet Tromsø and Stensaas v. Norway [GC], no. 21980/93, § 59, ECHR 1999-II; and Flux v. Moldova (no. 6), no. 22824/04, § 24, 29 July 2008). Accordingly, journalistic freedom covers possible recourse to a degree of exaggeration, or even provocation (see Von Hannover v. Germany, no. 59320/00, § 58, ECHR 2004-VI). In this respect, it is clear from the Court's case-law that the right to freedom of expression 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 the State or any sector of the population. Such are the demands of that pluralism, tolerance and broadmindedness without which there is no “democratic society” (see, inter alia, Handyside v. the United Kingdom, 7 December 1976, § 49, Series A no. 24; and Nilsen and Johnsen v. Norway [GC], no.*

23118/93, § 43, ECHR 1999-VIII). This freedom is subject to the exceptions set out in Article 10 § 2, which must, however, be construed strictly. The need for any restrictions must be established convincingly (see, for example, *Lingens v. Austria*, 8 July 1986, § 41, Series A no. 103; *Nilsen and Johnsen*, cited above, § 43; and *Tammer v. Estonia*, no. 41205/98, § 59, ECHR 2001-I)."

Finalment, il-Qorti thoss illi jkun opportun taghmel referenza ghal dak illi gia gis stabbilit mill-Qrati lokali dwar gurnalizmu investigativ. Kif kien stqarret il-Prim'Awla tal-Qorti Civili fil-kawza **Dr. Louis Galea vs Dr. Joe Mifsud** fit-23 ta' Marzu, 2009,

*"f'kawzi bhal prezenti, u cioe f'kawza ta' libell, hemm bilanc li ghandu jinzamm bejn id-dritt f'socjeta' demokratika li wiehed jghid u jesprimi ruhu u jsemmi l-opinjoni tieghu bl-aktar mod liberu u bejn id-dritt ta' kull cittadin li jgawdi reputazzjoni u l-isem tajjeb tieghu u dan dejjem fl-isfond ta' socjeta demokratika."*

Il-Qorti tal-Appell, imbgħad, fl-istess kawza deciza fit-3 ta' Frar, 2012 ziedet tghid li

*"gurnalizmu investigattiv ghandu jinghata ampja protezzjoni f'socjeta' demokratika, anke jekk certi allegazzjonijiet jigu michuda minn dak milqut, il-gurnalist dejjem jibqalghu d-dritt li jinvestiga u jistharreg fuq allegazzjoni anke jekk tibqa' allegazzjoni mhux pruvata kif trid il-Ligi. F'dak li jsir gurnalizmu investigattiv serju, anke meta jirrizulta zball genwin, jista' wkoll ikun tollerat."*

Fil-kawza odjerna, huwa car u minghajr ebda dubju illi l-istqarrija kienet wahda li kienet bbazata fuq fatti korretti u

Kopja Informali ta' Sentenza

ghalhekk ir-rikorrenti, la darba kien assocjat ma tali fatti in vista tal-fatt illi huwa attenda ma' tali delegazzjoni, siefer ma' tali kuntratturi u sahansitra ghex fl-istess lukanda ma' tali kuntratturi u attenda ghal laqghat flimkien magghom, ma kellux ihossu malafamat talli gie assocjat ma fatti li kienu jirrigwardaw membri ohra tad-delegazzjoni illi magghom huwa kien, peress illi l-fatt li huwa kien prezenti kien sufficjenti, tenut kont tal-fatt li huwa politiku, li jigi assocjat. Dana qieghed jinghad ghalkemm hareg car tul il-provi li imkien fl-Istqarrija ma qatt issemma ir-rikorrent bhala involut mal-kuntratturi, liema fatt, aktar u aktar, iwassal ghall konvinciment li huwa ma setghax ikun malafamat bil-kontenut ta' l-Istqarrija.

## **Konkluzjoni**

Il-Qorti

Wara illi rat il-provi kollha prodotti u d-dokumentazzjoni kollha imressqa

Wara illi kkunsidrat il-fatti kollha w il-gurisprudenza dwar il-fatti u difizi kif migjuba,

Tghaddi biex taqta' u tiddeciedi billi

Tilqa l-ecezzjonijiet kollha ta' l-intimati u

Tichad it-talbiet attrici.

Spejjez tal-proceduri kollha ikunu a karigu tar-rikorrenti.

**< Sentenza Finali >**

-----TMIEM-----