



**QORTI TAL-MAGISTRATI (MALTA)
MAGISTRAT DR.
FRANCESCO DEPASQUALE**

Seduta ta' l-10 ta' Marzu, 2014

Avviz Numru. 39/2008

Seduta ta' nhar it-Tnejn (10) ta' Marzu 2014

Rikors Numru 39/08 FDP

Fl-ismijiet

Perit Jesmond Mugliette
(ID 247163M)

vs

Dr Alfred Sant
(ID 267948M)

Il-Qorti

Rat ir-rikors promotur ippresentat fit 8 ta' Frar 2008 fejn ir-rikorrenti talab lill-Qorti sabiex tikkundanna lill-intimat ihallsu danni u riparazzjoni tal-malafama li sofrta meta l-intimat, waqt konferenza stampa mizmuma barra Kastilja, il-Belt Valletta, it-Tlieta 5 ta' Frar 2008 gie rappurtat li qal is-segwenti kliem - *"Ghandna l-istess kaz tal-Ministru Jesmond Mugliett li hemm kunflitt ta' interess lampanti bejn il-kraiga li kien qed jokkupa ta' Ministru effettivament tal-Public Works u l-kumpannija Sant & Mugliett, kumpannija professjonali u li fiha ghandu shareholding u li hija nvoluta, u ghadha involuta, f'kaz ta' xoghljiet li qed isiru ta' public works, l-aktar per ezempju li kienet fl-ghajnejn f'dan l-ahhar zmien in the public view, il-kwistjoni tal-bini tal-Pont ta' Manwel Dimech"*. Ir-rikorrent sahaq illi tali allegazzjonijiet kienu foloz u malafamanti fil-konfront tieghu, u dana meta insinwa li l-attur qed jaghmel atti ta' korruzzjoni fuq il-progett tal-pont ta' Manwel Dimech, meta dana huwa kollu inheritjer, u dana kien jaf bih anke l-intimat.

Rat il-publikazzjonijiet esebiti mir-rikorrenti fejn dana id-diskors gie rappurtat mill-media lokali fil 5 u 6 ta' Frar 2008.

Kopja Informali ta' Sentenza

Rat ir-risposta ta' l-intimat ippresentat fil 15 ta' Mejju 2008 fejn, filwaqt illi eccepixxa preliminarjaent li r-rikorrent kellu jipprova d-diskors illi huwa ghamel, tali diskors ma kienx libelluz fil-konfront tar-rikorrent peress illi hija kritika politika maghmulha fil-vesti tieghu ta' deputat tal-poplu, fuq materja ta' interess pubbliku, dwar l-amministrazzjoni pubblika.

Huwa stqarr ukoll illi d-diskors kien jikkonsisti f'espressjoni ta' l-opinjoni u apprezzament, jew "value judgment", tal eccipjent, li huwa "fair comment" fuq materja ta' interess pubbliku, ammissibbli kemm taht il-Ligi ta' l-Istampa, kemm taht il-Kosituzzjoni ta' Malta u l-Konvenzjoni Ewropeja dwar id-Drittijiet u l-Libertajiet Fondamentali tal-Bniedem.

Rat l-affidavit tar-rikorrent il-**Perit Jesmond Mugliett** ippresentat fit 28 ta' Ottubru 2008.

Rat ix-xhieda ta' **Robert Sant**, moghtija fit-28 ta' Ottubru 2008, u dokumentazzjoni minnu esebita in konnessjoni mal-kumpannija Design and Technical Resources Limited.

Rat ix-xhieda ta' Dr Duncan Borg Myatt moghtija fl-atti tal-kawza odjerna izda li kienu relatati ma' kawza ohra, fl-ismijiet identici, intavolata mir-rikorrent kontra l-intimat izda li ggib in-numru 203/97, liema kawza kienet qed tinstema fl-istess hin li kienet qed tinstema l-kawza odjerna, liema xhieda ma hijex relevanti ghal kaz odjern u ghalhekk ser tigi skartata ghal fini tal-kawza odjerna.

Rat ix-xhieda ta' **Francis Attard**, Direttur tal-Kuntratti, moghtija fis 16 ta' Dicembru 2008.

Rat ix-xhieda ta' **Dr Alfred Sant** moghtija fid 19 ta' Mejju 2010

Rat illi mid 19 ta' April 2011 sat 23 ta' Settembru 2013, l-intimat kellu tnax-il seduta sabiex iressaq il-provi tieghu, izda dana qatt ma sehh u fil 15 ta' Novembru 2013, il-Qorti iddikjarat il-provi tieghu bhala maghluqa.

Rat illi, bi qbil bejn il-partijiet, gew ippresentati xhieda u dokumentazzjoni esebiti fil-kawza *Perit Jesmond Mugliette vs Alfred Sant*, (Avviz Nru 386/07), liema kawza ghadha 'sub judice'.

Rat illi ix-xhieda u dokumentazzjoni esebita kienet tinkludi ix-xhieda tas-segwenti: il-**Perit Robert Zerafa**, Perit fi hdan l-ADT illi kien responsabbli ghall progett tal-pont Manwel Dimech; il-**Perit Paul Buhagiar**, li kien id-Direttur tat-Toroq meta kien qed isir il-progett tal-bridge Manwel Dimech; il-**Perit Robert Sant**; il-kontro ezami tal-**Perit Jesmond Mugliett** u l-intimat **Dr Alfred Sant**;

Rat illi fit 30 ta' Settembru 2013 il-Qorti iddikjarat il-provi intimati bhala maghluqa.

Semghet it-trattazzjoni orali tal-abbli difensuri tal-partijiet moghtija fl-20 ta' Jannar 2014.

Ikkunsidrat

Mill-provi kollha prodotti, jirrizulta illi waqt konferenza stampa mtella' mill-Partit Laburista ftit qabel ma ssejjhet l-Elezzjoni Generali tas-sena 2008 u mizmuma barra Kastilja, fejn huwa semma diversi nuqqasijiet u kazijiet ta' allegat korruzzjoni fi hdan il-gvern tal-gurnata u,

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filwaqt illi semma il-Ministri u Segretarji Parlamentari kollha ta' dak iz-zmien, semma ukoll kazijiet ta' 'kunflitt ta' interess' u, fost affarjiet ohra, semma lir-rikorrent, dak iz-zmien Ministru responsabbli, fost affarjiet ohra, ghat-toroq, u qal is-segwenti:

“Ghandna l-istess kaz tal-Ministru Jesmond Mugliett li hemm kunflitt ta' interess lampanti bejn il-kariga li kien qed jikkupa ta' Ministru effettivament tal-Public Works u l-kumpannija Sant & Mugliett, kumpannija professjonali u li fiha ghandu shareholding u li hija nvoluta, u ghadha involuta, f'kaz ta' xoghlijiet li qed isiru ta' public works, l-aktar per ezempju li kienet fl-ghajnejn f'dan l-ahhar zmien in the public view, il-kwistjoni tal-bini tal-Pont ta' Manwel Dimech”

Jirrizulta illi, mill-provi prodotti, ir-rikorrent, qabel ma gie appuntat Segretarju Parlamentari u, eventwalment, Ministru, kellu ufficju bi shab mal-Perit Robert Sant, bl-isem ta' Sant & Mugliett, gewwa Birkirkara, f'liema ufficju, kemm ir-rikorrent kif ukoll il-Perit Robert Sant kienu jahdmu fi shab flimkien fuq progetti li kellhom.

Jirrizulta illi l-ufficini illi fiha ir-rikorrent u l-Perit Robert Sant kienu joperaw flimkien hija ta' kumpannija taz-zewgt periti bi shab indaqs bl-isem ta' Sant & Mugliett Company Limited, liema kumpannija ma jidhrix illi giet xolta sa llum.

Jirrizulta illi l-partnership illi kien hemm bejn ir-rikorrent u l-Perit Sant, wara illi r-rikorrent lahaq Segretarju Parlamentari, ma gietx rexissa izda baqghet hemm, ghalkemm, kif jiddeskriviha il-Perit Sant “running down” (fol 139).

Jirrizulta illi wara li r-rikorrent spicca mill-kariga ta' Ministru wara l-elezzjoni tas-sena 2008, huwa reggha beda jopera mill-ufficini minn fejn jopera ukoll il-Perit Robert Sant, ghalkemm jidher illi qiegħed jagħmel xogħol ta' konsulent u xogħol 'ad hoc' għal-Perit Sant, bhala impjegat tieghu.

Jirrizulta illi tul il-permanenza tar-rikorrent bhala Ministru, li kien bejn Marzu 2004 u Marzu 2008, ir-rikorrent baqa' hbieb tal-Perit Robert Sant u jiffrekwentaw lill xulxin tant illi kien hemm okkazzjonijiet fejn it-tnejn siefru flimkien sabiex jaraw logħba football, bil-Perit Robert Sant indikat bhala jiffirma parti mid-delegazzjoni tar-rikorrent sabiex jingħata l-istess privileggi fis-safar bħal dawk ta' delegazzjoni ministerjali.

Jirrizulta illi, wara li sar Ministru ir-rikorrent, inhareg tender sabiex isiru ix-xoghlijiet ta' riparazzjoni tal-pont Manwel Dimech, liema tender kien jikkonsisti f'zewgt kuntratti, wiehed ta' analizi u disinn tax-xoghlijiet, u iehor tax-xogħol strutturali.

Jirrizulta illi il-kuntratt ta' analizi u disinn tal-bridge, ittiehed minn kumpannija li kellu l-Perit Robert Sant, ifformata ftit wara illi r-rikorrent lahaq Segretarju Parlamentari, bl-isem ta' Design & Technical Resources Limited, liema socjeta kienet topera mill-ufficini illi kellha d-ditta ossija partnership Sant & Mugliett.

Jirrizulta wkoll illi il-kumpannija tal-Perit Robert Sant kienet dahlet fi shab ma' kumpannija Germaniza sabiex tagħmel dana il-progett, liema kumpannija Germaniza kienet topera mill-istess ufficini illi kien jopera minnhom il-Perit Sant u li kienu l-istess ufficini illi kellha l-partnership Sant & Mugliett.

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Jirrizulta illi l-progett originalment kellu jitlesta sal 15 ta' Settembru 2007 u kien ippjanat li jiehu medda ta' ghoxrin gimgħa, illi tieghu il-kumpanija tal-Perit Sant kienet indikata li kienet ser tithallas Lm35,000.

Jirrizulta illi, attwalment, il-progett dam hames darbiet aktar minn dak previst, skond ix-xhieda ta' l-istess Perit Sant, li stqarr li, bhala rizultat, il-kont ghas-servizzi tas-socjeta tieghu kien zdied b'hames darbiet ukoll, minn Lm35,000 għall Lm175,000, ghalkemm huwa stqarr illi l-kwistjoni tat-talba tagħhom ghas-servizzi kienet soggetta għall-arbitragg ghax l-Awtorita' ma riedetx thallas dak rikjest, u l-arbitragg inqata favur tal-kumpanija tal-Perit Sant, ghalkemm għal anqas minn dak rikjest.

Ikkunsidrat

Mill-provi kollha prodotti, jirrizulta illi r-rikorrenti qieghed joggezzjona ghal dak li intqal mill-intimat peress illi kien qieghed jichad li kellu xi interess finanzjarju fil-progett tal-pont ta' Manwel Dimech jew li hu kompartecipi fil-kumpannija illi biha l-Perit Sant rebah it-tender ghal-konsulenza tal-bridge Manwel Dimech.

Ikkunsidrat

Id-difiza li kien qieghed iqajjem l-intimat fil-proceduri odjerni hija illi l-kliem u l-kummenti li ghamel, filwaqt illi kienu parti minn kritika politika illi huwa kien qieghed jaghmel u li kellu obbligu jaghmel lejn ic-cittadini li kienu elegguh bhala rappresnetant taghhomf il-Parlament, kien jikkonsistu fi 'fair comment' u ghalhekk kellhom jitqiesu bhala tali.

Din il-Qorti gia kellha l-opportnita' kawza odjera deciza ftit ilu, ossija '**Dr Joseph Mifsud vs Robert Arrigo**' deciza fl 24 ta' Frar 2014, illi tezamina fir-reqqa il-principju tal-"fair comment" u dwar kif dana zviluppa maz-zminijiet kemm fil-gurisprudenza Ingliza u dik tal-Qorti Ewropeja ghad-Drittijiet tal-Bniedem. Madankollu, ikun opportun illi jigu indikat certi principji bazilari li taghhom ghandha tiehu konsiderazzjoni kull Qorti hekk kif tkun qed tikkunsidra tali difiza.

Kif intqal fil-Qorti Ewropea ghad-Drittijiet tal-Bniedem fil-kawza **Chauvy and Others vs France** deciza fid 29 ta' Gunju 2004,

Freedom of expression constitutes one of the essential foundations of a democratic society and one of the basic conditions for its progress and 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 that pluralism, tolerance and broadmindedness without which there is no "democratic society". As set forth in Article 10, this freedom is subject to exceptions, which must, however, be construed strictly, and the need for any restrictions must be established convincingly.

Dwar il-livel ta' kritika li politiku tista ssirlu, bhalma ma gara fil-kaz odjern, il-Qorti Ewropeja ghad-Drittijiet tal-Bniedem fis-sentenza **Ligens vs Austria** deciza fit 8 ta' Lulju 1986, u abbracjata mill-Qorti Maltin, stabbiliet principji ferm aktar liberali fil-konfront tal-politici mill-individwu kwalsiasi u di fatti qalet:-

..... 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.

Din il-Qorti thoss illi wasal il-mument illi tali regola titwessa aktar fis-sens illi meta jkun hemm dibattitu politiku ghaddej bejn politici, tali livell ta' kritika ghadha interpretata f'livell aktar wiesgha minn dak ipprovdut hawn fuq, peress illi d-dibattitu politiku huwa l-pern ta' socjeta demokratika u, ghalhekk ghandha tigi protetta u stimulata minn dina l-Qorti u mhux imxekkla fl-operat taghha.

Kif intqal mill-Qorti Ewropeja ghad-Drittijiet tal-Bniedem fil-kawza **Petrenko vs Moldova** deciza fit 30 ta' Marzu 2010,

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)."

Dwar in-natura ta' "value judgment", kontrastata mal-kuncett ta' "statement of fact" u jekk din ghandhiex ikollha applikabbli r-regoli tal-"fair comment" jew le, il-Qorti Ewropeja ghad-Drittijiet tal-Bniedem fis-sentenza taghha **Sizma vs Hungary** deciza f'Ottubru 2012, starret is-segwenti:

.... in order to assess the justification of the statements in question, a distinction needs to be made between statements of fact and value judgments, in that, while the existence of facts can be demonstrated, the truth of value judgements is not susceptible of proof. The requirement to prove the truth of a value judgment is generally impossible to fulfil and infringes freedom of opinion itself, which is a fundamental part of the right secured by Article 10 (see, for example, Lingens v. Austria, 8 July 1986, § 46, Series A no. 103; Oberschlick v. Austria (no. 1), cited above, § 63). The classification of a statement as a fact or 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 (see Pedersen and Baadsgaard v. Denmark [GC], no. 49017/99, § 76, ECHR 2004-XI). However, even where a statement amounts to a value judgment, there must exist a sufficient factual basis to support it, failing which it may be excessive (see Jerusalem v. Austria, no. 26958/95, § 43, ECHR 2001-II)."

Dwar in-natura ta' 'fair comment', kif jinghad f'**Gatley on Libel and Slander**, huwa stabbilit illi biex tali difiza tirnexxi :

..... 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.

Dina l-posizzjoni tidher anke riflessja fil-kawza **Spiller vs Joseph** deciza mill-Qorti tal-Appell Ingliża fl-1 ta' Dicembru 2010, fejn 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.

Ikkunsidrat

Abbazi tal-principji stabbiliti mill-Qorti kif fuq spjegat, il-Qorti ser issa tghaddi sabiex tevalwa l-fatti kif pprezentati quddiem dina l-Qorti abbazi tal-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 dwarhom qieghed jilmenta ir-rikorrent kif indikat lill-dina l-Qorti u li intuzaw mill-intimat waqt il-konferenza stampa tal-Partit Laburista maghmulha mill-Kap taghha ta' dak iz-zmien, l-intimat fi-kawza odjerna, u relatata mal-kwistjoni ta' "Good Governance", kienu kummenti ta' l-intimat dwar fatti li kienu a konozzenza ta' kullhadd u li wasslu lill-intimat biex jaghmel il-kumment, kif del resto huwa stess ammetta in-natura ta' kumment fid-difiza tieghu stess.
- (ii) *"the comment was on facts"* - jidher illi l-kumment li fuqu r-rikorrent kien qieghed jilmenta huwa rizultat ta' konklużjonijiet li wiehed seta facilment jasal ghalihom, anke jekk wiehed ma jaghmilx daqstant tfittix u investigazzjoni fil-profond. Kien fatt maghruf illi ir-rikorrent kellu ufficju mal-Perit Robert Sant, maghruf bhala Sant & Mugliette. Kien fatt maghruf illi l-Perit Robert Sant ha il-kuntratt ta' konsulenza ghall-bini tal-pont Manwel Dimech fil-periodu meta

ir-rikorrent kien il-Ministru responsabbli ghat-toroq u l-progett tal-Pont Manwel Dimech kien jaqa' taht id-dikasteru tieghu. Apparti minn tali fatti, gie ukoll ippruvat u mhux kontradett illi l-Perit Sant u l-kumpannija li kienet rebhet it-tender fuq imsemmi kienet baqghet topera mill-ufficini illi kellhom bi shab bejniethom ir-rikorrent u l-Perit Robert Sant, liema ufficini huma propjeta ta' kumpannija li ghadha tghajjat lit-tnejn sal-gurnata ta' llum. Jirrizulta ben ippruvat ukoll illi n-ness bejn ir-rikorrent u l-Perit Robert Sant baqa' ghaddej sal-gurnata ta' llum tant illi, llum il-gurnata, il-Perit Mugliett jahdem mal-Perit Sant bhala konsulent fuq progetti varji fl-istess ufficini illi fihom kienu jahdmu bi shab fid-ditta Sant & Mugliett.

(iii) "*the facts commented on constituted a matter of public interest*" - ma hemm assolutament ebda dubju illi l-fatti li dwarhom tkellem l-intimat u dwarhom ilmenta ir-rikorrent kienu ta' interess pubbliku, peress illi x-xoghlijiet ta' ritstruturar tal-pont Manwel Dimech u l-infieq oltre dak originament ippjanat ma jistax ma jitqiesx bhala ta' interess pubbliku.

(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 tal-fatti kif fuq indikati, il-Qorti ma tistax ma tinnutax illi l-kummenti kif maghmulha kienu kummenti oggettivament gusti, peress illi bbazati fuq konsiderazzjonijiet fondati u ippruvati. Apparti minn hekk, fil-kamp politiku, bhalma hija anke fil-kamp gudizzjarju, wiehed ma jridx biss jghid illi huwa indipendenti u distakkat minn kull interess kummercjali, izda irid juri dana bil-fatti. Il-fatt li d-ditta Sant & Mugliett ma gietx rexissa, kif stqarr il-Perit Sant, wara li r-rikorrent lahaq Segretarju Parlamentari w eventwalment Ministru, u il-fatt illi l-Perit Sant baqa' jopera mill-ufficini li kellu bi shab mar-rikorrent, f'liema ufficini ir-rikorrent irritorna jahdem wara illi spicca mill-kariga ta' Ministru, huwa sufficjenti sabiex wiehed, oggettivament, jasal ghal konkluzjoni illi ir-rikorrent, b'xi mod, kien ghadu involut mal-Perit Robert Sant u ghalhekk, anke indirettament, involut fil-progetti li jkollu l-Perit Robert Sant, inkluz dak tal-Pont Manwel Dimech.

Kif stqarret il-Qorti Ingliza fil-kawza **Merivale v Carson (1887) 20 QBD 275, 280-281**: "*Mere exaggeration, or even gross exaggeration, would not make the comment unfair. However wrong the opinion expressed may be in point of truth, or however prejudiced the writer, it may still be within the prescribed limit. The question which the jury must consider is this – would any fair man, however prejudiced he may be, however exaggerated or obstinate his views, have said that which this criticism has said of the work which is criticised? If it goes beyond that, then you must find for the plaintiff; if you are not satisfied that it does, then it falls within the allowed limit, and there is no libel at all.*"

(v) "*the comment represented the defendant's honest opinion.*" - Fil-kaz odjern, il-Qorti hija konvnita illi l-kumment illi ghamel l-intimat ma' kienx bbazat fuq malizzja da parte tieghu izda kiene l-opinjoni onesta tieghu dwar kif kien qiegghed jifhem li graw l-affarjiet, liema opinjoni, huwa kellu kull dritt illi jaghmel, aktar u aktar in vista tal-fatt illi kien Deputat tal-Poplu elett sabiex jirrappresenta c-cittadin u l-interessi tieghu.

Kopja Informali ta' Sentenza

Tenut kont tal-konsiderazzjonijiet kollha hawn fuq magħmulha, il-Qorti thoss illi l-kliem li intuzaw mill-intimat waqt id-dibattitu politiku illi huwa kien qiegħed jindirizza u li kienet tirrigwarda l-possibiltà ta' kunflitt ta' interess illi r-rikorrent seta kellu fil-pusizzjoni li kellu huma 'value judgment' ta' l-intimat li għandhom jitqiesu bhala 'fair comment', u għalhekk ma jistghux jitqiesu bhala libellużi fil-konfront tar-rikorrent.

Konkluzjoni

Il-Qorti

Wara illi rat il-provi kollha prodotti u semgħet it-trattazzjoni ta' l-abbli difensuri tal-partijiet

Tgħaddi biex taqta u tiddeiciedi billi

Tilqa l-eccezzjonijiet ta' l-intimat u tiddikjara illi l-kliem li ntqalu mill-intimat għewwa Konferenza Stampa illi saret barra Kastilja, il-Belt, nhar il-5 ta' Frar 2008 jikkonsistu f'espressjoni ta' opinjoni u apprezzament tal-fatti li għandhom jigu kkunsidrati bhala 'fair comment' fuq materja ta' interess pubbliku, u għalhekk

Tichad it-talbiet attrici kollha

In vista tad-dewmien inutili da parte ta' l-intimat biex jagħlaq il-provi tiegħu, liema provi ingħalqu biss fuq ordni tal-Qorti, kull parti għandha tbaġhti l-ispejjeż tagħha.

< Sentenza Finali >

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