



FIL-QORTI TAL-MAGISTRATI TA' MALTA

MAGISTRAT DR FRANCESCO DEPASQUALE

Seduta ta' nhar it-Hamis erbgha (4) ta' Frar 2016

Rikors Numru 185/10 FDP

Alessandro Cristina
(ID 135380M)

vs

Dr Toni Abela
(ID 482157M)

Il-Qorti:-

Rat ir-rikors ippresentat fid 19 ta' Mejju 2010 fejn ir-rikorrent, filwaqt illi ghamel referenza ghall artikolu intitolat "*Dolores Cristina tonqos issemmi li hu binha li jmexxi l-ufficju li qala camata kbira mill-UE*" ippubblikat fil-harga tal-Kullhadd tas 16 ta' Mejju 2010, li tieghu l-intimat huwa l-EDITOR, talab lill-Qorti tiddikjara illi tali artikolu kien libelluz u malafamanti fil-konfront tieghu u ghalhekk il-Qorti kellha tikkundanna lill intimat thallsu ghad-danni.

Rat l-artikolu meritu tal-kawza odjerna, esebit mir-rikorrenti stess a fol 2 tal-process.

Rat ir-risposta ta' l-intimat ippreentata fil 11 ta' Ottubru 2010 fejn eccepixxa illi, filwaqt li kellu jigi ppruvat li l-intimat kien l-EDITOR tal-gazzetta, l-fatti hemm kontenuti kienu korretti.

Rat ix-xhieda tar-rikorrenti **Alessandro Cristina** moghtija fit 30 ta' Novembru 2010.

Rat ix-xhieda ta' **Silvano Cristauro** moghtija fil 15 ta' Marzu 2011 u li tidher a fol 16 tal-kawza Avviz nru 184/10

Semghet ix-xhieda ta' **Jeffrey Saliba**, prodott mir-rikorrent u moghtija fis 17 ta' Ottubru 2011.

Semghet ix-xhieda ta' **Mauro Pace Parascandalo**, prodott mir-rikorrent u moghtija fis 17 ta' Ottubru 2011.

Rat ix-xhieda ta' **Mario Galea** moghtija fis 16 ta' Jannar 2012 u li tidher a fol 29 tal-kawza Avviz 184/10, u rapport minnu ppresentat.

Rat illi fis 16 ta' Jannar 2012 ir-rikorrent iddikjara illi ma kellux aktar provi x'jipresenta.

Rat ix-xhieda ta' **Dr Christopher Bezzina**, prodott mill-intimat fit-23 ta' April 2012, 22 ta' Gunju 2012 u fis 26 ta' Ottubru 2012 u rat id-dokumenti esebiti waqt ix-xhieda tieghu.

Rat ix-xhieda ta' **Robert Tabone**, prodott mir-rikorrenti fid 29 ta' Settembru 2013, u li x-xhieda tiegu tinstab gewwa il-process 184/10 (fol 202 et seq) flimkien mad-dokumentazzjoni esebita mill-istess Tabone a fol 100 sa 195.

Rat id-dokumentazzjoni addizzjonali ippresentata mir-rikorrent fid 9 ta' Marzu 2015.

Rat illi fit 23 ta' April 2015 il-partijiet iddikjaraw illi ma kellhomx aktar provi x'jipresentaw.

Rat illi fl-10 ta' Settembru 2015 ir-rikorrent ippresenta s-sottomissjoniet tieghu.

Rat illi fl-24 ta' Novembru 2015 l-intimat ippresenta s-sottomissjonijiet tieghu.

Rat illi fl-14 ta' Dicembru 2015 il-kawza giet differita ghas-sentenza ghallum.

Ikkunsidrat

Jirrizulta, mill-provi prodotti, liema provi ingabru kemm fil-kawza odjerna, kif ukoll fil-kawza '**Alessandro Cristina vs Josef Caruana**, Avviz Nru 184/10' li qiegħda tigi deciza kontestwalment mal-kawza odjerna, illi ir-rikorrent, Alessandro Cristina, kien il-Programme Manager tal-Lifelong Learning Project fi hdan il-European Union Programmes Agency (EUPA), u dana sa minn Frar tas-sena 2008.

Jirrizulta illi, bhala parti mill-funzjonijiet illi huwa kellu, (fol 78) huwa kellu jagħmel supervizjoni tal-Programm innifsu kif ukoll tal-progetti kollha illi kien hemm taht tali Programm u kellu jiehu hsieb illi jikkoordnina l-attivitajiet tal-varji entitajiet lokali u ewropeji konnessi ma' tali proġett u jamministra l-aspett finanzjaru tat-tmexxija ta' tali proġett u l-programmi relatati mieghi, u dana flimkien man-National Co-ordinator tal-EUP u mal-Head of Finance.

Jirrizulta illi taht il-Lifelong Learning Programme kien hemm hames progetti principali, illi kienu Comenius, Erasmus, Grundtvig, Leonard da Vinci u Transversal, u dawna l-proġetti kollha kienu immexxija minn grupp ta' persuni illi, eventwalment kienu jirrispondu lir-rikorrent.

Jirrizulta illi apparti il-Lifelong Learning Programme, kien hemm ukoll programm iehor li jismu Youth in Action, illi kien immexxi minn persuna ohra, Silvano Cristauro, li mieghu kellu grupp ta' nies ohra.

Jirrizulta illi kemm ir-rikorrent, bhala Manager tal-Lifelong Learning Programm kif ukoll Silvano Cristauro, bhala Manager tal-Youth in Action Programme, eventwalment kienu jirrispondu lill Mauro Pace Parascandalo, illi kien in-National Co-Ordinator tal-European Union Programmes Agency (EUPA)

Jirrizulta illi dawna l-persuni kollha, huma lkoll persuni li jahdmu mal-Gvern, u ghalhekk ghandhom jitqiesu bhala persuni pubblici.

Jirrizulta illi f'Gunju 2009, gew ippresentati 'Declaration of Assurance' has-sena 2008, ghaz-zewgt programmi fuq imsemmija, inkluz il-programm mmexxi mir-rikorrenti, ossija Lifelong Learning Programme u il-Kummissjoni Ewropea, fil 5 ta' Awissu 2009, gharrfet lill-Mauro Pace Parascadalo u lir-rikorrent, fil-kapacitajiet taghhom ta' National Co-ordinator u Project Manager Lifelong Learning Programme, illi r-rapport kif redatt ma kienx accettabbli ghalihom peress illi tali rapport *"does not offer a sufficient basis for assurance"*. Tali nuqqasijiet kien jinkludu, fost affarjiet ohra, nuqqasijiet dwar *"checks on grant beneficiaries"* u nuqqasijiet dwar *"documentation on procedures"*.

Jirrizulta illi f'Ottubru 2009 tqabbdet il Internal Audit and Investigations Department (IAID) fi hdan l-Ufficju tal-Prim Ministru sabiex taghmel, fost affarjiet ohra *"a financial audit on the Lifelong Learning Programme and the Youth in Action Programme, focusing on payments to and from beneficiaries, and a systems audit on the internal controls in place for the necessary management and implementation of the Lifelong Learning Programme and the Youth in Action Programme."*

Jirrizulta, madanakollu, illi fit 22 ta' Ottubru 2009, il-Kummissjoni Ewropea baghtet ittra fejn, ghal darba ohra, sahqet varji problemi illi kien hemm u insistiet illi *"as regards the observations rated critical, the Commission expects immediate/urgent remedial action to be taken and reported on by the National Authority. Pending the remedial action, the Commission may apply precautionary measures (such as suspension of commitments or payments)."*

Jirrizulta illi f'Novembru 2009, l-IAID ippresneta r-rapport tieghu fejn gie rilevat illi kien hemm varji problemi ta' natura teknika relatata mal-management u sistemi ta' kontrol kif ukoll irrizulta illi kien hemm kalkoli erroneji fir-rati 'per diem' u fil-mod kif kienu qed jingiebu s-servizzi. Dana wassal biex is-Segretarju Permanenti fi hdan il-Ministeru tal-Edukazzjoni u persuni ohra fl-istess Dipartiment biex iqabbdet lill-kumpannija ta' Auditing privata sabiex taghmel *'audit exercise'* tal-Programmi kollha u progetti ancillari taghhom.

Jirrizulta, madanakollu, illi fis-16 ta' Dicembru 2009, id-Direttur Generali tal-Directorate Generali for Education and Culture within the European Commission, kiteb u gharraf li, filwaqt illi kienu qed isiru xi affarjiet rimedjali, id-'Declaration of Assurance' ghas-sena 2008 kien ghadu ma giex ippresentata mill-gdid u saha illi l-Kummissjoni *"deems this a matter of serious concern given the critical observations issued by the National Authority"*.

L-istess Direttur Generali jishaq illi *"This further delay puts at risk the reasonable assurance that we can have with regard to the management of the Lifelong Learning Programme and the Youth in Action Programme in Malta and will oblige us to consider taking more formal measures."*

F'Jannar 2010 tqabbdet ditta privata ta' auditing sabiex taghmel audit biex jinhareg il 'Declaration of Assurance' ghas-sena 2008 illi dwaru kienu qed jinsistu l-Kummissjoni filwaqt illi rapprezentanti tal-Kummissjoni gew Malta sabiex jaghmlu verifikati ulterjuri taghhom.

Jirrizulta illi fid 9 ta' Frar 2010, id-Direttur Generali reggha kiteb u gharraf li, ghalkemm kien hemm xi progress f'certi oqsma, *"significant recurrent weaknesses were still noted in key compliance areas after three years of Programme implementation"*.

Susseggwentement, fid 9 ta' Marzu 2010, wara laqgħa illi saret gewwa Brussel fejn attendew għaliha rapprezentanti mill-Ministeru tal-Edukazzjoni u tal-EUPA, id-Direttur tal-Lifelong Learning

Programme fi hdan id-Direttorat Generali tal-Kummissjoni Ewropeja kiteb u qal “*the most worrying management weaknesses had not been adequately addressed by the National Agency Although the majority were longstanding and raised with the National Agency repeatedly at previous monitoring visits and exchanges*”.

Il-Kummissjoni għaddiet imbghad biex tgharraf illi “*if reliable proof of substantial improvement of the situation would not be provided at short notice, there was a serious risk that both Programmes may be suspended in Malta.*”

Minkejja varji laqgħat, id-Declaration of Assurance baqa’ ma inharigx u fis-26 ta’ April 2010 il-Kummissjoni għarrfet illi kienet qed tirrakkomanda illi l-programm tal-Lifelong Learning u Youth in Action jigu sospizi għax id-dokumentazzjoni ossija ‘Declaration of Assurance’, li kellhom jintbghatu sa’ l-ahhar ta’ Marzu 2010, kienu għadhom ma wasslux.

Fis-7 ta’ Mejju 2010 id-Direttur Generali jikteb lill-Ministru tal-Edukazzjoni, Dolores Cristina, fejn jgharrafha illi il-programmi Lifelong Learning u Youth in Action kienu gew sospizi.

Fl-10 ta’ Mejju 2010 il-Kummissjoni tohrog komunikazzjoni lill kull min hu involtu fil-Lifelong Learning Programm fl-Ewropa, illi tghid is-segwenti:

We regret to inform you that the Commission, as a precautionary measure and in order to protect the European Union’s financial interests, has decided to suspend the implementation of the Lifelong Learning and Youth in Action Programmes in Malta, given the lack of assurance on the management of the EU decentralised action funds in the country.

This implies that, for the Lifelong Learning Programme, the grant applications submitted and not yet granted for the first 2010 selection rounds cannot be supported.

Ikkunsidrat

Il-gazzetta il-Kullhadd, fil-harga tagħha tas 16 ta’ Mejju 2010, harget storja fil-faccata tagħha intitolat “**Dolores Cristina tonqos issemi li hu binha li jmexxi l-ufficju li qala’ camata kbira mill-UE**”.

L-artikolu, imbghad, kif jghid is-segwenti:

Il-Kummissjoni Ewropea tissospendi il-programm Lifelong Learning għax għandha dubji dwar kif qed jitmexxa l-ufficju fil-Ministeru ta’ Cristina, li l-manager tiegħu huwa binha

Il-gazzetta Kullhadd tizvela li l-manager li jiehu hsieb il-programm tal-Unjoni Ewropea Lifelong Learning Youth in Action f’Malta u li fl-10 ta’ Mejju li għadda gie sospiz mill-Kummissjoni Ewropea minhabba dubji dwar il-mod kif qed jitmexxew l-affarijiet, huwa Sandro Cristina, propju iben il-Ministru Dolores Cristina, li politikament hija responsabbli mid-dipartiment li jiehu hsieb dan il-programm.

F’ittra formali, il-Kummissjoni Ewropea qalet li d-Dipartiment li jiehu hsieb dan il-programm f’pajjizna naqas li jagħti l-garanziji mehtiega dwar kif suppost għandhom jitmexxew il-fondi. B’kollox huwa stmat li bejn is-sena 2007 u s-sena 2013, dan id-dipartiment ha jkun responsabbli mill-amministrazzjoni ta’ kwazi 7 miljun ewro f’fondi

Ewropej.

Dan id-dipartiment, li jaqa' taht ir-responsabbilità ministerjali ta' Dolores Cristina, huwa l-Agenzija Programmi tal-Unjoni Ewropea. L-iskop ta' din l-agenzija suppost hu li tamministra bl-ahjar mod l-fondi li ghandha disponibbli ghalha.

Wiehed mill-iktar progetti importanti u li ghalih l-Unjoni Ewropea tivvota ammont sostanzjali ta' miljuni ta' euros jismu l-Lifelong Learning and Youth in Action Program.

Skont il-lista ufficjali tal-impjegati li jahdmu f'dan id-dipartiment illi jaqa' taht Dolores Cristina, il-manager tieghu huwa bin il-ministru, Sandro Cristina li ghandu tahtu 5 impjegati ohra responsabbli minn progetti ferm izghar.

Fl-ittra taghha, l-Kummissjoni Ewropea kkritikat bil-kbir lil dan l-ufficcju ghall-mod kif qed jigu amministrati l-fondi tal-Unjoni Ewropea.

Fil-fatt, qalet il-Kummissjoni Ewropea, il-garanziji li nghataw ma jserhulhiex rasha li l-affarijiet qed jimxu sew.

Fis-sighat li ghaddew il-Ministru Dolores Cristina wiegbet bi stqarrija ghal dak li qalet il-Kummissjoni Ewropea, fejn qalet illi jiddispjacieha ghal dak li gara u talbet lill-ufficjali responsabbli biex jirrimedjaw is-sitwazzjoni.

Ghad mhux maghruf x'wassal lill-Ministru Dolores Cristina li f'kaz li jirrigwardja direttament l-ufficcju li jmexxi binha, naqset li tiddikjara dan il-kunflitt ta' interess u minflok inxethet ir-responsabbiltà ghal dak li gara fuq is-Segretarju Permanenti tal-Ministeru taghha.

Intant il-bierah il-Forum Zghazagh Laburisti fi stqarrija esprimha d-dizappunt tieghu wara li thabbar li Malta giet sospiza milli tippartecipa fil-programmi edukattivi tal-Unjoni Ewropea li jaqghu taht il-Youth in Action.

Dan id-dizappunt huwa akkumpanjat ukoll minn rabja u kundanna ghal dawk kollha responsabbli, wara li fl-ittra mibghuta mill-Kummissjoni Ewropea gie specifikat li dan il-pass ittiehed minhabba nuqqas ta' garanziji li bih tmexxew dawn il-fondi tal-Unjoni Ewropea mill-ufficcju fi hdan il-Ministeru ta' Dolores Cristina. Minhabba f'hekk numru kbir ta' zghazagh se jkun mcahda minn opportunitajiet li joffru dawn il-programmi.

Il-Forum Zghazagh Laburisti awgura li din is-sitwazzjoni tirrisolvi ruhha kemm jista' jkun malajr ghall-gid tal-ghaqdiet taz-zghazagh kollha, u barra minhekk il-persuni responsabbli minn din is-sitwazzjoni imbarazzanti, ghandhom ihallsu ta' ghemilhom.

Ikkunsidrat

Ir-rikorrenti iddikjara illi huwa jhossu malafamat bil-kontenut ta' dak hemm mitkub peress illi ma kienx minnu dak illi l-intimat kien qieghed jallega li huwa kien responsabbli ghal xi tahwid jew tbazwir finanzjarju kif qed jigi allegat.

L-intimat, da parte tieghu, laqa ghal dak lilu imputat billi, in liena preliminari, sahaq illi irid jigi ppruvat illi huwa l-editur tal-gazzetta filwaqt illi, fil-meritu, dak illi nkiteb kien bbazat fuq il-verita' tal-fatti.

Ikkunsidrat

L-ewwel linja difensjonali ta' l-intimat, ghalkemm kienet wahda illi seta jqajjem l-intimat, hija wahda inutili u, kwazi frivola. Din il-Qorti tosserva illi la darba jaf illi huwa l-editur tal-gazzetta, huwa ghandu jiddesisti milli jaghmel tali tip ta' linji difensjonali illi jigu kkontrastati b' dokument tad-Dipartiment tal-Infommazzjoni illi juri illi attwalment l-intimat huwa l-editur – tali eccezzjonijet ma jaghmlu ebda gieh lill proceduri quddiem il-Qorti stante illi huwa car illi huwa eccezzjonijet mqajjma unikament sabiex jinku lir-rikorrent u jdejjqu lill dina l-Qorti.

Ikkunsidrat

Fuq il-meritu, l-intimat eccepuxxa illi dak minnu mitkub huwa kumment gust. Ghalhekk, il-Qorti trid tezamina dana l-artikolu fl-ottika ta' tali principju.

Madanakollu, qabel ma tghaddi biex taghmel tali konsiderazzjonijet, il-Qorti tosserva illi r-rikorrent, kien impjegat tal-European Union Programmes Agency illi, minnha innifsha, hija entita pubblika ili tamministra flejjes pubblici fl-interess pubbliku. Ghalhekk, kull persuna impjegata maghha ghandu jitqies bhala persuna impjegata ma' entita' pubblika u, ghalhekk, kif qalet il-Qorti Ewropea ghad-Drittijiet tal-Bniedem fil-kaz **Voronezhe**,

..... civil servants acting in an official capacity are, similarly to politicians albeit not to the same extent, subject to wider limits of acceptable criticism than a private individual (see, mutatis mutandis, Janowski v. Poland [GC], no. 25716/94, § 33, ECHR 1999-I).

Dana qieghed jinghad ghax il-livell ta' kritika illi setghet issir lir-rikorrent, fil-kariga ufficjali tieghu ta' Manager tal-Lifelong Learning Program fi hdan il-European Union Programmes Agency setghet tkun oghla minn dik ta' individwu privat, izda certament ma tistax tkun gholja daqs dik ta' persuna politika illi huwa suggett ghall-livell ta' kritika ferm oghla.

Il-Qorti qedtaghmel tali accenn stante illi huwa accettat illi l-gurnalisti ghandhom obbligu illi jzommu lill-pubbliku infurmat b'dak kollu illi qieghed jigri u li jista jkun ta' interess pubbliku, u huwa fatt illi l-gurnalisti huma issa maghrufa bhala il 'public watchdog' tal-politici u persuni pubblici biex jigi assicurati illi l-operat ta' dawn il-persuni jkun fl-ahjar interess tal-pajjiz u tal-pubbliku in generali.

Jirrizulta, illi madanakollu, illi flimkien mad-drittijiet tal-gurnalisti, hemm l-obbligi, illi huma necesarji sabiex jassikuraw bilanc ekwu fir-rappurtagg, u di fatti, kif qalet il-Qorti Ewropeja fil-kaz **Axel Springer**

...freedom of expression carries with it "duties and responsibilities", which also apply to the media even with respect to matters of serious public concern. These duties and responsibilities are liable to assume significance when there is a question of attacking the reputation of a named individual and infringing the "rights of others". Thus, special grounds are required before the media can be dispensed from their ordinary obligation to verify factual statements that are defamatory of private individuals. Whether such grounds exist depends in particular on the nature and degree of the defamation in

question and the extent to which the media can reasonably regard their sources as reliable with respect to the allegations

Ikkunsidrat

Bhalma gia gie rilevat aktar il-fuq, id-difiza mqajjma mill-intimat fil-kawza odjerna kienet illi l-kummenti illi saru kienu ‘*fair comment*’ fuq fatti sostanzjalment veri illi kienu ta’ interess pubbliku u ghalhekk ma setghux jitqiesu bhala malafamanti.

Ikun utili, ghalhekk, illi wiehed ezamina fil-qasir l-principji tad-difiza tal-‘*fair comment*’ bil-ghan illi wiehed ikun jista jikkunsidra l-fatti kif fuq stabbiliti fl-ottika tal-principji generali tad-difiza tal-‘*fair comment*’.

Dwar tali difiza **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.

Fil-kawza **Dr Louis Galea vs Etienne St John u Felix Agius** deciza fit 30 ta’ April 2015, tali principji gew minnha mhaddna u spjegati kif gej :

... dwar l-aspett tad-difiza tal-kumment gust ilu zmien jinghad mill-Qrati taghna li, biex id-difiza tal-kumment gust tkun tghodd, jehrieg 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 misthoqq; (d) il-kumment irid ikun tali li jikkwalifika bhala kritika u mhux zebliħ, tghajir jew insolenza; u (e) irid jagħti l-fehma onesta tal-kummentatur u li l-pubblikazzjoni ta’ dik il-fehma ma saritx b’ħażen jew bil-ħsieb preçiz li jwegġa’ lil dak li jkun.

Tali taghlim huwa anke riflessa fil-kawza **Spiller vs Joseph** deciza mill-Qorti tal-Appell Ingliza fl 1 ta’ Dicembru 2010, fejn Lord Phillips ghamel is-segwenti konsiderazzjonijiet meta wiehed iqis id-difiza ta’ ‘*fair comment*’:

... 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.

Finalment, dwar il-kuncett ta' 'value judgment', 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 impressqa, 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

Minn qari akkurat ta' l-artikolu illi dwaru ir-rikorrent hassu malafamat, jirrizulta illi l-fatti kollha kif rappurtati kienu sostanzjalment korretti.

Jirrizulta, di fatti, illi r-rikorrent kien il-Manager li jmexxi il-Lifelong Learning Programme hawn Malta.

Jirrizulta ukoll illi l-Unjoni Ewropea kienet ikkiritikat bi kbir l-ufficju illi tieghu ir-rikorrent kien jiffirma parti, ta kif kienu qed jigu amministrati l-fondi tal-Unjoni Ewropea.

Jirrizulta wkoll illi l-Ministru tal-Edukazzjoni ta' dak iz-zmien, Dolores Cristina, kienet naqqset milli tghid illi r-rikorrent, illi huwa t-tifel taghha, kien imexxi l-ufficju tal-Lifelong Learning Programme fi hdan il-European Union Programmes Agency.

Jirrizulta wkoll illi, fiz-zmien illi inqalghu il-problemi li wasslu ghas-sospensjoni tal-programmi da parte tal-Unjoni Ewropeja, il-Ministeru tal-Edukazzjoni kien involut direttament fit-tmexxija u implimentazzjoni tal-programmi, u dana kif wera bic-car l-involviment tas-Segretarju Permanenti ta' l-istess Ministeru fid-diskussjonijet kollha li eventwalment wasslu ghas-sospensjoni, liema involviment wassal sabiex eventwalment tintala ir-rizenja ta' l-istess Segretarju Permanenti flimkien ma' persuni ohra fil-Ministeru.

Jirrizulta, finalment, illi dina s-sitwazzjoni kienet certament sitwazzjoni imbarazzanti hafna ghal Malta u kiene sitwazzjoni illi kellha twassal ghall kull min kien responsabbli, b'xi mod, fit-tmexxija tal-programmi, jirrienza – f'dan il-kaz, kienu biss is-Segretarju Permanenti fi hdan il-Ministeru tal-Edukazzjoni u Direttur fl-istess Dipartiment kif ukoll il-Kap tal-European Union Programmes Agencies illi rrienzjaw. Iz-zewgt persuni responsabbli mill-amministrazzjoni kollha tal-programmi li gew sospizi, li wiehed minnhom kien ir-rikorrent, qatt ma irrienzjaw.

Ikkunsidrat

Mill-fatti kollha kif esposti fl-artikolu kif ukoll kif impressqa quddiem dina l-Qorti, jirrizulta ben car illi l-fatti imsemmija fl-artikolu kienu sostanzjalment veri. Il-fatt illi seta issemma isem hazin tal-programm fil-bidu ta' l-artiklu ma jnehhi xejn mill-verita' tal-fatti kif esposti fl-artikolu, liema artikolu kien necessarju ghall-poplu biex jifhem kif kienu qed jitmexxu l-progetti illi ghalihom huma kienu qed ihallsu u jibbenefikaw.

Konkluzjoni

Wara illi rat il-provi kollha prodotti quddiemha u wara illi rat is-sottomissjonijiet ta' l-abbli difensuri tal-partijiet

Tghaddi biex taqta u tiddeciedi l-kaz billi

Tilqa l-eccezzjonijiet kollha ta' l-intimat,

Tichad it-talbiet attrici.

Spejjez tal-proceduri kollha ikunu a kariku tar-rikorrent.

Magistrat Francesco Depasquale

Marisa Bugeja
Deputat Registratur