Qorti tal-Appell

(Kompetenza Inferjuri)

Imhallef Anthony Ellul

Appell numru: 328/2006

Norman Lowell (appellant)

Vs

Saviour Balzan, Kurt Sansone, Matthew Vella (appellati)

28 ta' Marzu, 2017.

1. B'sentenza tal-5 ta' Ottubru, 2015 il-Qorti tal-Magistrati (Malta) cahdet it-talba tal-attur sabiex jithallas is-somma ta Lm5,000 jew somma inqas, ai termini tal-Artikolu 28 tal-Att dwar l-Istampa minhabba malafama u ngurja li sofra f'artikli pubblikati fl-14 ta' Mejju, 2006 fil-gazzetta Malta Today. L-azzjoni fil-konfront tal-konvenut Sansone kienet giet ceduta (ara nota a fol. 113).

2. Quddiem l-ewwel qorti l-konvenuti kienu ddefendew ruhhom billi argumentaw li:

    i. L-artikli kienu jirrigwardaw fatti ta' natura socjali u politika li jikkoncernaw movimenti radikali politici.
    ii. Il-kumment li saru huma konformi mad-dritt ta' espressjoni u trasmissjoni ta' informazzjoni f'socjeta li hi demokratika, apparti li huma *fair comment*.

3. Fis-sentenza l-ewwel qorti qalet:

"Jirrizulta ippruvat illi ir-rikorrent huwa il-kap ta' organizazzjoni maghrufa bhala Imperium Ewropa li thaddan twemmin li fih tghid illi kull tip ta' immigrazzjoni ghandha tigi respinta minn Malta u kull min hu ta' karnaggion skur ma ghandhux jithalla jidhol f'Malta.

Jirrizulta ippruvat illi ir-rikorrent, f'diversi istanzi, tramite il-mezzi ta' xandir, heggeg lis-segwaci tieghu sabiex ihaddnu u jhaddmu t-twemmin tieghu u jaghmlu minn kollox biex jwaqqfu l-immigrazzjoni filwaqt illi jagixxu kontra l-persuni kollha illi b'xi mod qed jghinu lill-immigranti, liema persuni huwa jsejjah bhala "tradituri".

Jirrizulta ippruvat illi dakinhar illi sehh l-attakk fuq Daphne Caruana Galizia, ir-rikorrent flimkien mas-segwaci tieghu kienu qed jorganizzaw BBQ fil vicinanzi tad-dar taghha u jirrizulta wkoll mhux kontradett illi mhux anqas minn siegha wara li gara l-attakk, ir-rikorrent kien gia jaf bl-attakk peress illi iddikjara illi kien qieghed jiffesteggia l-eroj tieghu billi jixrob ghalihom.

Jirrizulta ampjament ippruvat illi r-rikorrent huwa persuna politika u ghalhekk, skond gurisprudenza ben stabbilita, huwa soggett ghall-livell ta' kritika ampja jekk mhux anke provokattiva, peress illi, ladarba persuna taghzel li taghti servizz fil-hajja pubblika bhala politiku, huwa ghandu jkun lest illi jigi kritikat ghall-kummenti u veduti tieghu, liema kritika tista tkun anke harxa, peress illi huwa essenzjali ghall-pajiz demokratiku bhalma hija dik Maltija illi jigi assikurat li mhux biss kullhadd ghandu d-dritt ta' liberta ta' espressjoni, izda, aktar u aktar, illi kullhadd ikollu wkoll id-dritt illi jigi mgharraf dwar kull informazzjoni u fatt li tista b'xi mod, tolqot il-kredibilita' ta' persuna politika.

Fil-kaz odjern, il-Qorti ma tistax ma tosservax illi l-veduti u twemmin tar-rikorrenti huma tali illi hija haga naturali u mistennija illi jigu kkontrastati b'veduti u kummenti iebsa jekk mhux anke provokattivi, u dana huwa rizultat tal-posizzjoni illi ir-rikorrent ha dwar certi aspetti illi jolqtu s-socjeta in generali, partikolarment l-immigrazzjoni, illi hija suggett li ilha tigi dibattuta sekli shah, jekk mhux millenji, u li ser dejjem issib il-kontroversja fiha.

Certament il-Qorti ma tistax ma tinnutax illi l-agir tar-rikorrent u certi kummenti illi jaghmel fuq il-mezzi tax-xandir u l-internet ma humiex tali illi tista tigi b'xi mod accettata f'socjeta demokratika bhalma hija dik Maltija, fejn id-diversita' u l-multi-kulturalizmu jiffurmaw is-sissien tas-socjeta maltija, kif tista turi l-istess lingwa Maltija, illi hija rizultat ta' hafna influwenzi differenti illi hakmu lill-Malta minn zmien ghal zmien.

Madanakollu, il-Qorti tirrileva illi huwa car, mill-provi kollha prodotti, illi l-kummenti u l-artikoli kollha meritu tal-kawza odjerna huma kollha kummenti gusti dwar fatti ta' natura socjali u politika illi kienu qed jahkmu lill-pajjiz dak iz-zmien u li kienu qajmu thassib serju fil-popolazzjoni in vista ta' incidenti koroh li kienu qed jigru dak iz-zmien u li kienu necessarjament maqghuda mal-kampanjia li kienet ghaddejja dak iz-zmien kontra l-immigrazzjoni, liema kampanja kienet qed titmexxa principalment mir-rikorrent".

4. L-attur appella mis-sentenza. L-aggravji huma:

    i. L-ewwel qorti ma kkunsidratx jekk it-tliet artikli humiex libelluzi.
    ii. Dwar il-principju tal-fair comment.
    iii. Fis-sentenza hemm pregudizzju kontra l-attur.
    iv. Verbozita u rrilevanza tal-parti kbira tas-sentenza.
    v. L-ispejjez tal-proceduri.

5. Il-konvenuti wiegbu li s-sentenza tal-ewwel qorti kienet gusta u ghalhekk kellha tigi kkonfermata.

6. Bhala fatti:-

    i. L-attur imexxi l-organizazzjoni Imperium Ewropa, u hu tal-fehma li l-Ewropa hi post ghall-bojod u m'hawnx post ghal persuni ohra. Mill-provi li tressqu, il-messagg li jaghti hu li m'hemmx post ghal tahlit interrazjali. Il-posizzjoni estremista tieghu tirrizulta minn *blogs* li jidher li saru minnu fuq il-website www.vivamalta.com (ara per ezempju fol.

195 u 199-204)[1]. F'wahda minn dawn il-posts, b'riferenza ghal legislazzjoni li saret fil-Portugall dwar l-immigrazzjoni, kiteb (fol. 195):

"That is what happens when one shows mercy and kindness.
The primitive Black takes it as a weakness – for he understands only force.
We have to be merciless, whiplash in hand – and boot them all out !

We will stop every boat, at 14 miles out.
We will simply refuse to let them pass – costa quel che costa.
We will set a shining example to the rest of Europe.

And then, we will turn on those traitors – and give them and what for !

Saremo spietati.

Imperium
0708".

F'ohra kiteb:

"50 traitors and we got them listed.
And we will go after them till the end of the world
Till we drive wooden stakes in their hateful hearts

Imperium
0709".

Hekk ukoll l-ideologija tirrizulta mid-dokument NL1 (fol. 53) li pprezenta waqt li kien qieghed jixhed fis-seduta tat-28 ta' Mejju, 2007 fejn ikkonferma li l-filosofija u t-twemmin tieghu hu li, *"free institutions are near to impossible in countries made up of different nationalities"*.

ii. Matul il-lejl tat-12 u 13 ta' Mejju, 2006, nies mhux maghrufa taw in-nar lir-residenza ta' Daphne Caruana Galizia. Matul dak il-lejl kien sar barbecue organizzat minn Imperium Ewropa.

iii. F'dak iz-zmien Daphne Caruana Galizia kienet qeghda tikteb artikli fil-gazzetta Malta Independent fejn hadet posizzjoni kontra l-attur u dawk li jsegwuh. Fid-deposizzjoni taghha spjegat kif qabel dan l-incident, *"(….) fit-triq illi twassal ghad-dar tieghi, konna sibna hafna slogans mizbghuin b'zebgha sewda kontrija u kif ukoll kontra l-immigranti llegali"* (fol. 133).

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[1] L-attur xehed: *"Jiena nikkonferma li meta nibblogja fuq Imperium Ewropa jiena nuza bhala isem, Imperium"* (fol. 159).

iv. Fl-14 ta' Mejju, 2006 kienu ppubblikati l-artikli oggett tal-kawza.

7. Fl-ewwel artiklu bit-titlu, ***"Arsonists attack Daphne on same night Norman Lowell organises BBQ"***. Dawn huma l-fatti veri. L-istess jinghad fir-rigward tal-kontenut tal-artiklu li fih jirraporta x'gara. Fl-artiklu jinghad li dakinhar tal-hruq, fl-4 ta' filghodu inkiteb fuq il-website www.vivamalta.com: *"Yes, indeed I have drunk to the dregs and toasted the heroes in my own incorrigible way"*. L-attur xehed li waqt il-barbecue kien xorob hafna u siker. In kontro-ezami xehed (seduta tal-25 ta' Marzu, 2013 - fol. 159):

"Qed nigi mistoqsi jekk jiena attwalment kontx ibblogjajt dakinhar stess fl-4.00 a.m. izda jiena dakinhar kont fis-sakra u ***kont qed niccelebra l-eroj li ghamlu dak li kellhom jaghmlu*** *u nghid illi fejn hemm mitkub toasted the heroes in my incorrigible way, qed nigi mitlub min huma l-heroes* ***li jiena qed naghmel riferenza ghalihom****, u nghid illi* ***min huma dawn il-heroes ma niftakarx****"*.

B'dawn il-kliem l-attur jaghti x'jifhem li kien l-awtur tal-post li nkitbet fl-4.00 ta' filghodu. Kumment li ma jurix li l-attur kien f'sakra ma jarax art, kif qal li kien. Il-qorti lanqas ma temmen lill-attur li ma jiftakarkx min kienu l-eroj. Hu veru li fis-seduta tat-13 ta' Gunju, 2014 l-attur xehed li dak il-kumment ma kienx inkiteb minnu, ghalkemm qrah l-ghada. Il-qorti ma temminx it-tieni verzjoni li ghogbu jaghti l-attur, minghajr ma ggustifika ghalfejn.

Hu minnu li l-artiklu jibda bil-kliem, ***"While neo-Nazi Norman Lowell was hosting a barbecue for his right-wing supporters****……"* L-attur isostni li mhuwiex neo-Nazi; *"(….) I am not a neo-Nazi, I would be booted out of a nazi party within five minutes jiena, I am a libertarian bil-vizjoni libertarja tieghi, I wouldn't stand a chance in a nazi party jien, I am a strong libertarian"* (fol. 13). Fil-fehma tal-qorti il-kelma neo-Nazi fil-kuntest li ntuzat, hi *value judgment*[2]. F'dan il-kuntest il-qorti taghmel riferenza ghas-sentenza tal-Qorti Ewropea tad-Drittijet tal-Bniedem fl-ismijiet **Brosa v. Germany** (applikazzjoni numru 5709/09) tas-17 ta' April 2014, fejn intqal:-

[2] *"In this context, the Court reiterates its established case-law to the effect that, while the existence of facts can be demonstrated, the truth of value judgments is not susceptible of proof. 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 without any factual basis to support it may be excessive (see, for instance, Feldek, cited above, §§ 75-76; Jerusalem v. Austria, no. 26958/95, § 43, ECHR 2001-II; De Haes and Gijsels v. Belgium, judgment of 24 February 1997, Reports of Judgments and Decisions 1997-I, p. 236, § 47; and Oberschlick v. Austria (no. 2), judgment of 1 July 1997, Reports 1997-IV, p. 1276, § 33)"* (**Pfeifer v Austria**, Qorti Ewropea tad-Drittijet tal-Bniedem, 15 ta' Novembru, 2007).

"The Court reiterates that the use of the term "Nazi", like the derivative term "neo-Nazi", is capable of evoking in those who read it different notions as to its content and significance (compare, for the term "Nazi" and its derivative "neo-fascist", Karman, cited above, § 40). It cannot be considered as a mere allegation of facts, as it also carries a clear element of value judgment which is not fully susceptible to proof. This is even more the case for the notion of a "particularly dangerous" neo-Nazi organisation. Thus, the Court cannot accept the view of the German courts that the statement that the association was a particularly dangerous neo-Nazi organisation was a mere allegation of fact".

Il-qorti zzid li l-provi li hemm fil-process ma jhallu ebda dubju li l-attur hu kontra l-immigrazzjoni u li x-xewqa tieghu hi li Malta tkun l-ewwel pajjiz fl-Ewropa fejn ma jkunx hawn immigranti. F'post li ghamel f'Novembru, 2013 fis-sit vivamalta, l-attur kiteb kumment dwar ilment li kien sar fi Brussell quddiem it-Tribunal tal-Ewwel Istanza minn tlett immigranti minhabba li allegaw li l-armata Belgana ma kinitx tat assistenza:

"The cheek of these parasites and their NGO traitors.
Putting themselves in danger, risking drowning on rickety boats –
and they have the gall to complain, demand even that they should be rescued.

They should be thankful they are still alive.
In our coming Imperium, they certainly would not be.
We will shoot and sink them mercilessly within our Mare Nostrum.

And there won't be any NGO, traitorous lawyers around, either".

Kumment iehor tal-attur li kiteb fl-istess sit kien b'riferenza ghal ahbar pubblikat fit-Times of Malta (f'Novembru, 2013) li mis-sena 2007 kienu gew rikoverati 500 immigrant f'Mount Carmel. Ir-reazzjoni tal-attur kienet:

"What a shame.
What a waste of taxpayers money !
We will dump them in quarries – stale bread and brackish water".

Fil-fehma tal-qorti ghall-qarrej ragonevoli l-uniku messagg li jaghti l-attur hu dak ta' razzismu, xenofobija u mibgheda. Fic-cirkostanzi, li jigi deskritt bhala neo-Nazi ma jistax jitqies bhala libelluz.

Hu veru li dawn il-kummenti saru snin wara l-pubblikazzjoni tal-artikli oggett tal-kawza, pero' hu veru wkoll li fis-sena 2006 il-hsibijiet tal-attur ma kinux differenti ghal dawk li kienu fis-sena 2013. Fil-fatt f'artiklu pubblikat fil-Malta Today f'Mejju, 2004 (fol. 186), l-attur gie rappurtat li qal:

*"European cities have become jungles of concrete, **infested with trousered apes**. Our women get mugged, beaten and raped. Reverse discrimination goes on unabated, cruelly*

punishing whites while encouraging blacks. Our traitor politicians offer platitudes and Christian cant".

It-ton dispregattiv u iebes ikompli:-

"My election to the European Parliament is the only opportunity to prevent Malta from becoming a Haiti of the Mediterranean, thanks to the priests and monsignors who have succeeded in unleashing these Africans in our midst".

Dikjarazzjonijiet li l-attur qatt ma cahad li ghamel, u li minnhom qarrej ragonevoli jista' jasal ghal konkluzjoni li l-attur hu fanatiku u l-posizzjoni tieghu fir-rigward tal-prezenza tal-immigranti f'Malta hi dik ta' *zero tolerance*. Hu evidenti li dwar dan is-suggett m'hemmx lok ta' diskussjoni mal-appellant. Kliem li jservi biss biex isahhan l-irjus tas-segwaci tieghu u jzid id-doza ta' intollerenza kontra l-immigranti u dawk li jghinuhom. Fil-fehma tal-qorti il-posizzjoni estrema tal-attur tiggustifika dak li kiteb l-Imhallef Schaffer fis-sentenza **Pfeifer v Austria** (App. Numru 12556/03) tal-15 ta' Novembru, 2007[3]:-

*"11. A person affected by criticism who himself or herself has previously gone to the public and expressed harsh criticism also, therefore, **has to tolerate harsh counter-criticism**. This applies to the present case, because the case has to take into account the whole context (and not only the applicant's complaint)"*.

L-awtur tal-artiklu kien Kurt Sansone. L-attur irrinunzja ghall-kawza fil-konfront ta' dan il-konvenut wara li fis-seduta tas-7 ta' Mejju, 2009 xehed:

"Nixtieq niddikjara bil-gurament tieghi quddiem din l-Onorabbli Qorti illi l-artikolu mitkub minni fil-Malta Today fil-kawza in ezami ktibtu fuq fatti li qaluli u minghajr ma vverifikajt tali fatti. Issa wara li smajt lis-Sur Lowell jixhed f'dawn l-atti wasalt ghall-konkluzjoni illi jiena kont zbaljajt fil-konfront tieghu u jisghobija ghal dan kollu. Nghid ukoll li t-titolu tal-artikolu ghamlu l-editur u ghalhekk ma kienx miktub minni. Tieghu ma nistax niehu responsabbilta. Ghaldaqstant nitlob skuza lis-Sur Lowell ta' kull inkonvenjent u mpressjoni zbaljata li stajt tajtu bl-artikolu miktub minni".

Dikjarazzjoni li pero ma' tfissirx li l-artiklu hu libelluz, kif jidher li jaghti x'jifhem l-attur. Dik hi posizzjoni li ghazel li jiehu dan il-konvenut, pero ma jfissirx li l-konvenut Balzan bhala editur tal-gazzetta hu marbut biha jew b'daqshekk ifisser li l-artiklu kien libelluz.

8. It-tieni artiklu ghandu t-titlu, ***"Lowell's neo-nazis hit out at press after arson attack"***. F'dan l-artiklu gie rapportat x'inkiteb fis-sit elettroniku www.vivamalta.com mill-attur u nies ohra wara l-hruq mar-residenza ta'

[3] *Dissenting opinion.*

Caruana Galizia. Hu evidenti li dak li gie rapportat li ntqal minn persuni ohra wara l-incident, huma nies li jissimaptizzaw mal-fehma tal-attur. Ghalhekk il-qorti ma tistax tifhem x'inhi l-oggezzjoni tal-attur (ara affidavit, tieni paragrafu a fol. 16 tal-process). Fl-affidavit, l-attur jaghti x'jifhem li dak li gie rapportat li kiteb f'dak is-sit, fil-fatt kitbu (ara fol. 17). Zied li ma kellu l-ebda animu personali kontra Daphne Caruana Galizia. Il-qorti ma temminx meta tqies li kiteb li Caruana Galizia ghad trid thallas ghal dak li kien jikkunsidra li hu tradiment fl-eghmil taghha. Bla dubju l-attur ma kienx qieghed ixerred il-kelma ta' tolleranza u rispett lejn il-proxxmu, izda dik ta' firda u riperkussjonijiet ghal dawk li jghinu u jiktbu favur il-kawza tal-immigranti.

Fl-affidavit, l-attur joggezzjona ghal dak li gie rapportat fl-artiklu ghaliex:

"(.....) l-artiklu huwa malizzjuz ghax qed jaqbad kwotazzjonijiet tieghi, goodness knows meta ghidthom, it could be weeks, months before, biex imbaghad jakkuzani bihom ghal dak li gara sussegwentement. This is unfair and unprofessional in my view and it carries on where Kurt Sansone left off".

Jibqa' l-fatt li l-attur jaccetta li qalhom. L-awtur tal-artiklu sahansitra semma d-dati meta l-attur kiteb il-kummenti li gew rapportati fl-artiklu. Kummenti li kienu qeghdin jincitaw lin-nies kontra Caruana Galizia. Wiehed mill-kummenti dwarha jaghlaq, ***"how many lamposts".*** Din hi l-kundanna li l-attur ippropona ghal Caruana Galizia, li akkuzaha u fl-istess hin sabha hatja ta' tradiment lejn il-Maltin. Ma tridx tkun xi professur biex tifhem il-messagg tal-attur. Kliem ta' theddid u intimidazzjoni, u mbaghad jippretendi li l-media titrattah b'ingwanti tal-harir. Dan hu proprju kaz ta' persuna li titfa' l-gebla u wara tahbi jdejha.

L-attur jilmenta li fl-artiklu hemm ritratt tieghu, ritratt ta' post fejn kien hemm tyre u tahtu l-kliem, *"Dwejra: Where Lowell and his followers met on the night of the arson attack on Caruana Galizia's residence".* Hu fatt li fil-kaz tar-residenza ta' Caruana Galiza in-nar tqabbad permezz ta' numru ta' tyres. Wiehed jista' jargumenta li b'dawk ir-ritratti kien qieghed jigi suggerit li hemm ness bejn l-attur u l-hruq mad-dar ta' Caruana Galizia. Il-qorti tosserva:

i. Il-barbecue kien qieghed isir mhux il-boghod mid-dar ta' Caruana Galizia.
ii. Qabel l-attakk fuq ir-residenza ta' Caruana Galizia, kienet kitbet artikli fil-gazzetta The Malta Independent fejn ikkritikat lill-attur u ohrajn li jhaddnu l-istess fehma bhalu dwar l-immigrazzjoni.
iii. F'dak iz-zmien kien hawn dibattitu pubbliku dwar is-suggett tal-immigrazzjoni, fejn saru wkoll protesti minn dawk li jopponu il-prezenza ta' immigrant f'Malta. F'artiklu pubblikat fit-23 ta' Jannar 2005

fl-istess gazzetta, gie rraportat x'intqal waqt rally gewwa Safi li matulha l-attur kien wiehed mill-kelliema. L-attur gie rapportat li qal, *"Our house is burning and **we continue bringing in more black coal**"*.

iv. F'dik l-epoka kien hemm incidenti ohra li jikkoncernaw persuni li kienu jitkellmu favur u jghinu lill-immigranti. Fil-fatt ftit qabel inharqu numru ta' karrozzi tal-Gizwiti, li jmexxu l-*Jesuit Refugee Service*.

F'dawn ic-cirkostanzi li gurnalist u l-editur jipprezentaw l-artiklu kif gie pubblikat, ma kienx barra minn postu.

9. It-tielet artiklu ghandu t-titlu: ***"Get the bastards now, before it is too late"***. Dan l-artiklu hu bazat fuq l-opinjonijiet tal-awtur. Il-kelma 'bastards' qeghda tirreferi ghall-persuni spjacevoli u li wiehed ghandu jistmerr. Fil-kuntest li ntuzat il-qorti ma tqiesx li hi libelluza. L-awtur kiteb dwar incident gravi, l-attentat hruq tad-dar ta' Daphne Caruana Galizia li kienet kitbet dwar movimenti estremisti bhala dak imwaqqaf mill-attur. L-uzu ta' kliem li jista' jitqies bhala iebes, kien mistenni meta tqies l-attakk kodard li kien twettaq fuq id-dar ta' Caruana Galizia. Qarrej ragonevoli kellu jifhem li t-titlu qieghed jistieden lill-awtoritajiet biex jaqbdu lil min kien wara dawk l-attakki, qabel ma jkun hemm xi vittma. Il-konvenut fl-ebda parti tal-artiklu m'akkuza lill-attur li wettaq jew ta ordni li jinghata n-nar lid-dar ta' Daphne Caruana Galizia. L-awtur semma li f'dak il-lejl kien sar barbecue organizzat mill-attur, u zewg kilometri 'l boghod inghata n-nar lid-dar ta' Caruana Galizia. Kompla jghid:

"There is nothing to prove the connection, but I will leave it to your imagination to figure out who has the militaristic precision and persistence for such terrorism".

Dan hu biss il-hsieb tal-awtur li stieden lill-qarrejja biex jirriflettu u jiddeciedu ghalihom. L-awtur ikompli bi kritika dwar l-operat tal-pulizija. Hekk per ezempju kkritika lill-Kummissarju tal-Pulizija li mar id-dar ta' Caruana Galizia xi ghaxar sighat wara l-incident, u kif ma kienx qieghed isir progress f'proceduri kriminali li kien hemm pendent kontra l-attur. Hu minnu li fl-artiklu Balzan kiteb: *"Well, here I go. **Lowell and his bunch are a menace to society**"*. Pero' dan hu *value judgment* iehor tal-awtur, bazat fuq il-posizzjoni estrema li l-attur u shabu hadu dwar l-immigrazzjoni. Fic-cirkostanzi l-qorti tikkonkludi li hawn ukoll m'hemmx bazi ghall-ilment tal-attur.

Il-qorti taghlaq billi taghmel riferenza ghal dak li nkiteb f'pubblikazzjoni tal-Council of Europe Journalisma at Risk (2015):

*"When people who are not public figures engage in hate speech, it might be wise to ignore them entirely. Freedom of speech is a right for everyone, including politicians and public figures, and it is the job of the journalist to ensure that everyone has their say, **but that***

does not mean granting a licence to lie, to spread malicious gossip or to encourage hostility and violence against any particular group. When people speak out of turn, good journalism should be there to set the record straight for all" (pagna 217).

Ghal dawn il-motivi tichad l-appell bl-ispejjez kontra l-appellant.

Anthony Ellul.