



FIL-QORTI TAL-MAGISTRATI TA' MALTA

MAGISTRAT DR FRANCESCO DEPASQUALE

Seduta ta' nhar it-Tnejn sebgha (7) ta' Mejju 2018

Rikors Numru 240/13 FDP

**L-Ispettur Elton Taliana
(ID 146680M)**

vs

Raphael Vassallo

Il-Qorti:-

Rat ir-rikors promotur ippresentat fil-21 ta' Awissu 2013 fejn ir-rikorrent, filwaqt illi ghamel referenza ghall-artikolu intitolat '*Inspector in wrongful prosecution was investigated over 2007 arson...*' ippubblikat fil-gazzetta MaltaToday tal-Erbgha, 21 ta' Awissu 2013, li tieghu l-intimat kien l-editur registrat, talab lill-Qorti tiddikjara tali artikolu bhala libelluz u malafamanti fil-konfront tar-rikorrenti u ghalhekk, talab wkoll lill-Qorti tikkundanna lill-intimat ihallsu danni ai termini tal-Artikolu 28 tal-Kap 248.

Rat l-artikolu meritu tal-kawza odjerna li deher fil-faccata ta' quddiem tal-harga tal-MaltaToday fejn, hdejn ritratt tar-rikorrent, hemm titolu li jghid '*Inspector in wrongful prosecution was investigated over 2007 arson*', imbghad, fi kliem izghar, jinghad "*Elton Taliana was the subject of internal police investigations over allegations of links to criminality*", u wara hemm l-artikolu illi jghid is-segwenti:

" A Police Inspector at the heart of the mistaken arrangement of Daryl Luke Borg on a hold-up is now facing internal scrutiny by the police force over allegations that he may have contacted Borg prior to his testimony in a police inquiry.

The Police Board launched an inquiry last week into Borg's wrongful prosecution, which led to him spending two days in detention at the Mount Carmel forensic unit.

MaltaToday is informed that the police are investigating allegations that Taliana, who arraigned Borg together with three other police inspectors, may have talked to him before Borg gave his testimony to the police board.

Information received by this newspaper has confirmed that Taliana was previously investigated by the former Police Commissioner John Rizzo, in connection with the arson attack on MaltaToday editor Saviour Balzan's residence in 2007. On other occasions he was investigated over his alleged association with criminals.

Documents seen by MaltaToday have confirmed that these investigations took place.

Police Inspector Elton Taliana was one of four police inspectors who remanded Borg, 27, in custody and charged him with a hold-up inside a Birkirkara store on 8 August.

The other inspectors were Keith Arnaud, Joseph Mercieca and Carlos Cordina. A day later, the police arraigned Roderick Grech, 22, of Birkirkara, who pleaded guilty to the crime and was condemned to a 12-month jail term (suspended for four years) and placed under supervisory order.

The police cock-up led Opposition Home Affairs spokesman Jason Azzopardi to call for resignations and for political responsibility to be assumed. Later Azzopardi revealed that Borg had met Home Affairs Manuel Mallia's Chief of Staff, Silvio Scerri, together with his mother and an associate – none other than Charles 'Zambi' Attard, who had been convicted in 1994 on charges of the attempted assassination of Richard Cachia Caruana, the prime minister's personal assistant.

The government has claimed that Scerri was unaware of who Attard was, that he met Borg because the minister was not in Malta and that there had been a request for the meeting.

Prime Minister Joseph Muscat has stood by Scerri, stating that the home affairs ministry was 'duty-bound' to listen to what the victim of the mistaken arraignment had to say.

News that Inspector Taliana may have been in contact with Darryl Luke Borg before his deposition to the police board set off alarms at the police HQ, a source told MaltaToday.

Elton Taliana entered the police force on 24 March 2000 and was subsequently detailed with Tonio Borg, the then-home affairs and justice minister, on 2 December 2002 as a security officer. He was promoted to sergeant in 2004 and inspector in 2008 even though he was investigated on different occasions and on separate allegations. On his personal LinkedIn profile, Taliana states that he is detailed at the Malta Information Technology Agency.

Rat ir-risposta ta' l-intimat ipprezentata fit 23 ta' Settembru 2013 fejn sahaq illi l-esponent mhuwiex il-legittimu kontradittur u ghalhekk ghandu jigi liberat mill-osservanza tal-gudizzju filwaqt illi, dwar l-artikolu, sahaq illi dak illi ntqal ma kienx malafamanti u di piu jammont ghal fair comment.

Semghet ix-xhieda tar-rikorrent **Elton Taliana** moghtija fis-27 ta' Jannar 2014 u rat id-dokumentazzjoni minnu esebit, fosthom certifikat mahrug mill-Ufficcju tar-Registratur tal-Istampa

fejn huwa ccertifikat li fil-21 ta' Awissu 2013 l-intimat Raphael Vassallo kien l-editur tal-*Maltatoday Midweek*, u allura kien il-legittimu kontradittur fil-kawza odjerna.

Rat illi fis-27 ta' Jannar 2014 ir-rikorrent iddikjara illi ma kellux aktar provi x'jippresenta.

Rat illi fit-30 ta' Mejju 2014 il-partijiet qabblu illi x-xhieda migbura fil-kawza 233/13 fl-ismijiet '*Spettur Elton Taliana vs Alexander Farrugia*'.

Semghet ix-xhieda ta' **Gabriele Degabriele**, rapprezentant tal-Ufficju tar-Rapprezentant tal-Istampa, prodott mill-intimat u moghtija fl-10 ta' Novembru 2014 fejn ikkonferma illi l-intimat Raphael Vassallo kien l-editur tal-gurnal MaltaToday midweek. (fol 35)

Semghet ix-xhieda ta' l-**Assistent Kummissarju Mario Spiteri** moghtija fit-22 ta' Jannar 2015.

Semghet ix-xhieda ta' **Saviour Balzan** moghtija fit 2 ta' Marzu 2015 u rat id-dokumentazzjoni minnu esebita kif ukoll fil 15 ta' Gunju 2015.

Semghet ix-xhieda tal-**Prokuratur Legali Peter Paul Zammit**, gia Kummissarju tal-Pulizija, moghtija fis 27 ta' April 2015.

Rat illi fl-14 ta' Dicembru 2015, ir-rikorrent ippresenta kopja tal-file personali tieghu illi jinsab fil-pussess tal-Pulizija, u dana wara illi l-intimat irrikjeda kopja tal-faile personali tar-rikorrent w il-Kummissarju tal-Pulizija irrifjuta illi jghaddi kopja ta' tali file.

Semghet ix-xhieda tar-rikorrent moghtija fl-14 ta' Dicembru 2015.

Semghet il-kontro ezami tar-rikorrent moghtija fl-20 ta' Marzu 2017.

Rat illi fis-26 ta' Ottubru 2017 l-intimat iddikjara illi ma kellux aktar provi x'jippresenta.

Rat is-sottomissjonijiet ta' l-abbli difensuri tar-rikorrent bil-mitkub illi saru fit 23 ta' Jannar 2018.

Rat is-sottomissjoninijiet tal-abbli difensuri ta' l-intimat bil-miktub illi saru fit 22 ta' Marzu 2018.

Rat illi fit 22 ta' Marzu 2018 il-kawza thalliet ghas-sentenza.

Ikkunsidrat

Jirrizulta, mill-provi prodotti, illi r-rikorrent, huwa Spettur fil-Pulizija, filwaqt illi l-intimat kien l-editur registrat tal-gurnal Maltatoday Midweek meta gie ppubblikat l-artikolu meritu tal-kawza odjerna, u dana kif jidher fic-certifikat mahrug mill-Ufficju tar-Registratur tal-Istampa (fol 16) kif ukoll ix-xhieda tar-rapprezentant ta' l-istess Registratur, Gaetano Degabriele. (fol 31)

Jirrizulta illi r-rikorrent kien Spettur li, fid 9 ta' Awissu 2013, ressaq quddiem il-Qorti lill Roderick Grech quddiem il-Qorti akkuzat talli wettaq hold-up fl-4 ta' Awissu 2013 (fol 19), ghal liema akkuzi l-istess Roderick Grech ammetta minnufih.

Jirrizulta illi, jumejn qabel, fis 7 ta' Awissu 2013, l-Ispetturi Joseph Mercieca u Carlos Cordina kienu ressqu b'arrest lill Darryl Luke Borg akkuzat bl-istess reat, ghal liema akkuzi huwa ma ammettiex.

Jirrizulta illi wara illi tressaq u ammetta Roderick Grech, il-proceduri kontra Darryl Luke Borg twaqqfu u l-arrest tieghu gewwa l-Habs gie revokat.

Jirrizulta illi sussegwentement, l-awtoritajiet kompetenti bdew investigazzjoni quddiem il-Police Board sabiex jigi investigat ghaliex tressqu zewgt persuni differenti fi granet differenti fuq l-istess akkuzi.

Ikkunsidrat

Jirrizulta illi fil-21 ta' Awissu 2013, fuq il-faccata tal-gurnal MaltaToday li johrog nhar ta' Erbgħa, giet ippubblikata storja, fil-faccata ta' l-istess gurnal, b'ritratt kbir tar-rikorrent u varji allegazzjonijiet magħmulha fi-konfront tar-rikorrent da' parte ta' l-artikolist illi ma jidentifikax ruhu.

Jirrizulta illi l-artikolu meritu tal-kawza odjerna, fit-titolu, jidentifika lir-rikorrent bhala *“Inspector in wrongful prosecution”*, u jkompli jghid illi huwa kien *“investigated over 2007 arson”*.

Jirrizulta ukoll illi, fis-subtitolu, l-artikolu jkompli jghid illi r-rikorrent *“was the subject of internal police investigations over allegations of links to criminality”*.

Jirrizulta, imbghad, illi fl-artikolu l-artikolist ikompli jghid li r-rikorrent kien qieghed issa jigi investigat *“over allegations that he may have contacted Borg prior to his testimony in a police inquiry.”*

L-artikolist jghid illi r-rikorrent *“was at the heart of the mistaken arraignment of Darryl Luke Borg”* u deskriviet lir-rikorrent bhala l-ispettur *“who arraigned Borg together with three other police inspectors.”*

Jirrizulta illi l-artikolist imbghad jallega illi r-rikorrent seta kien involut f'attak fuq Saviour Balzan meta harquli l-bieb tad-dar, u di fatti jghid is-segwent:

Information received by this newspaper has confirmed that Taliana was previously investigated by the former Police Commissioner John Rizzo, in connection with the arson attack on MaltaToday editor Saviour Balzan's residence in 2007. On other occasions he was investigated over his alleged association with criminals.

Jirrizulta illi r-rikorrent hassu malafamat b'dawna l-allegazzjonijiet kollha u għalhekk nieda l-proceduri odjerni.

Ikkunsidrat

Jirrizulta illi fix-xhieda tieghu, il-PL Peter Paul Zammit, illi fiz-zmien in kwistjoni kien il-Kummissarju tal-Korp tal-Pulizija, jghid is-segwent:

Mitlub nghid min attwalment kien għamel zball li ressq lill-persuna zbaljata: attwalment dawna kienu z-zewgt Spetturi jigifieri Carols Cordina u Joseph Mercieca tas-CID. U l-persuna t-tajba tressqet minn l-Ispettur Elton Taliana.

Jirrizulta, għalhekk, anke mix-xhieda tal-Kummissarju tal-Pulizija ta' dak iz-zmien, illi ma kienx minnu li ir-rikorrent kien *“at the heart of the mistaken arraignment”* jew li kien involut fil

“*wrongful prosecution*”, kif allega l-artikolist, u ghalhekk l-assersjoni illi saret kienet wahda zbaljata u intiza biex taghmel hsara lir-rikorrent.

Ikkunsidrat

Jirrizulta illi fl-artikolu meritu tal-kawza odjerna, l-artikolist jallega wkoll zewgt affarjiet ohra, ossija illi r-rikorrent “*was the subject of internal police investigations over allegations of links to criminality*” kif ukoll illi r-rikorrent kien “*previously investigated by the former Police Commissioner John Rizzo in connection with the arson attack on MaltaToday editor Saviour Balzan residence in 2007*”.

Jirrizulta, di fatti, illi l-artikolist li baqa’ anonimu, kien gie fil-pussess ta’ dokumentazzjoni illi kienu jinsabu fil-file personali tar-rikorrent mizmum ghand il-Korp tal-Pulizija, liema dokumentazzjoni l-istess Korp tal-Pulizija irrifjutaw illi jipproducu quddiem dina l-Qorti, ghalkemm ordnati sabiex jaghmlu dan, taht il-pretest illi “*investigazzjonijiet miftuhim ... potenzjalment jistghu jigu irreparabbilment pregudikati*”. (fol 94)

Jirrizulta illi talli tali dokumentazzjoni spiccat fil-pussess ta’ l-artikolist anonimu, r-rikorrent nieda proceduri kontra id-Data Protection Commissioner u fit-18 ta’ Gunju 2015 l-istess Data Protection Commissioner sab lill Kummissarju tal-Pulizija hati ta’ ksur tal-obbligi legali tieghu u gie mmultat €500. (fol 140)

Jirrizulta illi eventwalment, ghalkemm l-Kummissarju tal-Pulizija oggezzjona illi jghaddi d-dokumentazzjoni relattiva, ir-rikorrent stess ottjena u esebixxa tali file, sabiex jesonera lilu niffsu mill-akkuzi migjuba kontra tieghu.

Jirrizulta, minn harsa lejn il-file amministrattiv tal-Korp tal-Pulizija, illi l-investigazzjonijiet kollha illi dwarhom jaghmel referenza ghalihom l-artikolist u li jissemew fil-file personali tar-rikorrent huma lkoll rapporti ibbazati fuq “*informers*” u fl-ebda istanza ma ittiehdu xi provvedimenti kontra r-rikorrent.

Jirrizulta wkoll illi r-rikorrent jikkontendi illi l-persuna illi attwalment kienet l-hekk imsejha “*informer*” tal-Pulizija ma kienet hadd aktar milli l-ex mara tieghu, illi kontriha kellu proceduri ta’ annullament ghaddejin u di fatti, fil-file personali tal-Pulizija, jidher illi l-vera kopja originali tas-sentenza ta’ annullament kif iffirmata mill-Gudikant giet ippresentata lill-Pulizija minn dina l-“*informer*” dakinhar stess illi sar ir-rapport.

Jirrizulta, finalment, illi ghalkemm l-artikolist jikkontendi illi r-rikorrent kien investigat in konnessjoni “*with the arson attack on MaltaToday editor Saviour Balzan residence in 2007*”, jigi rilevat illi, l-ewwel u qabel kollox, illi kienet l-istess “*informer*” fuq imsemmija illi gharrfet il-Pulizija b’tali allegazzjoni u, aktar importanti, hemm notament tal Pulizija illi jghid is-segwenti:

“*Office Note:*

Mr Saviour Balzan was contacted today 28th instant (March 2011) regarding this case. He was informed that informed never said that Insp Taliana was involved in the alleged throwing of paint and nor in the arson which he suffered way back – Papers are to be treated as very confidential and to be kept in relative dossier.”

Jirrizulta, ghalhekk, illi mhux talli ma kienx vera illi r-rikorrent seta kelli xi konnessjoni ma' xi attacki illi saru lill-Saviour Balzan, izdda talli l-istess Saviour Balzan kien mgharraf mill-Pulizija li r-rikorrent qatt ma semma bhala li kellu xi konnessjoni fihom.

Ghalhekk, ma jista jkun hemm ebda dubju illi l-fatt illi ssemwew tali allegazzjonijiet fil-konfront tar-rikorrent fl-artikolu meritu tal-kawza odjerna kienu intizi unikament sabiex jimmalfamaw u jaghmlu hsara lir-reputazzjoni tar-rikorrent.

Ikkunsidrat

Jirrizulta, mill-provi prodotti, illi r-rikorrent, fil-mument tal-pubblikazzjoni meritu tal-kawza odjerna, kien Spettur tal-Pulizija, liema kariga huwa ghad ghandu sa llum, 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).

Ghalhekk, il-livell ta' kritika illi setghet issir lir-rikorrent, fil-kariga ufficjali tieghu ta' Spettur tal-Pulizija, u ghalhekk persuna b'kariga pubblika, setghet tkun oghla minn dik ta' individwu privat, izda certament ma tistax tkun oghla minn dik ta' persuna politika illi huwa suggett ghall-livell ta' kritika ferm oghla.

Ghandu jinghad wkoll 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-poltici u persuni pubblici biex jigi assikurat 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

Jirrizulta illi d-difiza mqajjma mill-intimat fil-kawza odjerna kienet illi l-kummenti illi saru kienu '*fair comment*' fuq fatti sostanzjalment veri u verifikabbli u ghalhekk ma setghux jitqiesu bhala malafamanti.

Dwar id-difiza ta' “fair comment”, **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 jsehhlu 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 zeblih, tghajir jew insolenza; u (e) irid jaghti l-fehma onesta tal-kummentatur u li l-pubblikazzjoni ta' dik il-fehma ma saritx b'hażen jew bil-ħsieb preciz li jwegga' 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.

Kif intqal ukoll recentement il-kawza '**Spettur Elton Taliana vs Alexander Farrugia**', Rikors Nru 233/13, deciza mill-Qorti tal-Appell fit 30 ta' Gunju 2017, li tirrgwarda meritu simili ghal dak odjern,

Huwa minnu li l-eccezzjoni sollevata mill-appellat hija precizament dik ta' verita' tal-fatti u mhux tal-kumment gust. Jinghad pero' li n-natura nfisha ta' dawn iz-zewg difizi tirrikjedi l-piz tal-prova fuq l-appellat biex juri li l-fatti attribwiti minnu fl-artiklu huma sostanzjalment minnhom.

*Dwar id-difiza tal-exceptio veritatis, fil-kaz **Brian Ebejer vs Dennis Degiorgio** deciz fid-29 ta' Settembru 2011 il-Qorti qalet hekk –*

"Illi dwar id-difiza tal-verita' tal-fatti ("plea of justification"), irid jinghad li meta l-parti mharrka tistrieħ fuq eccezzjoni bhala dik, tiffa' fuqha nnifisha r-responsabbilta' kollha tal-malafama mahluqa bil-pubblikazzjoni li tkun. Fl-istess hin, tidhol għall-piz li turi kif jixraq li l-fatti msemmiya f'tali publikazzjoni jkunu sostanzjalment minnhom. Huwa f'dan ir-rigward stabil

li “in order to succeed upon a plea of justification the onus lies upon the defendant to prove that the whole of the defamatory matter complained of that is to say the words themselves and any reasonable inference to be drawn from them, are substantially true for the defence to be successful it is not necessary that every ‘t’ should be crossed and every ‘i’ dotted; it is sufficient if the substance of the libellous statement be justified.”

Illu huwa meqjus li s-suċċess tal-prova ta’ din it-“tingiża” tal-libell ma jseħħx biss billi wieħed jallega fatti ġeneriċi jew mhux marbuta mal-kliem użat fil-pubblikazzjoni impunjata, iżda jridu jkunu fatti li jsejsu dak li jkun inkiteb. Il-fatt pruvat irid ikun ġrajja li seħħet u mhux sempliċi stħajjl f’moħħ min ikun fassal il-pubblikazzjoni, ikun kemm ikun konvint li jemmen dak l-istħajjl. “A writer of libellous matter sometimes seeks to excuse himself by saying that he believed in the truth of the imputation; but this belief – however honest – is wholly irrelevant in regard to deciding upon liability, although such belief may be of value as evidence in mitigation of damages”.

L-oneru tal-prova tal-verita’ tal-fatti kien fuq il-konvenut.

Ghalhekk, jirrizulta li mill-gurisprudenza fuq imressqa, illi hemm sabiex id-difiza ta’ ‘fair comment’ tirnexxi, irid jigi ppruvat illi dak allegat huwa bbazat fuq fatti sostanzjalment veri.

Ikkunsidrat

Jirrizulta, mill-provi prodotti, illi ghalkemm l-intimat jishaq illi l-allegazzjonijiet tieghu kienu attwalment verifikabbli, tali verifiki ma ngabux, u ghalhekk d-difiza ta’ “fair comment” minnu mressqa ma tissusistix stante illi dak minnu allegat ma jistax jitqieq bhal li huwa bbazat fuq fatti “sostanzjalment veri”, kif tali difiza tenhtieg.

Kif gie osservat mill-Qorti tal-Appell (Sede Inferjuri) fis-sentenza ‘**Sylvana Debono vs Alexander Farrugia**’, deciza fis-27 ta’ Jannar, 2016.

Id-dritt tal-liberta tal-espressjoni m’huwiex licenzja biex thammeg ir-reputazzjoni ta’ haddiehor u mbaghad tipprova tistahba wara dan id- dritt.

Il-Qorti ma tistax ma taqbilx pjenament mal-osservazzjoni gusta illi ghamlet il-Qorti tal-Appell u tishaq li ma huwiex gust u korrett li tintuza tali difiza biex tipprova tiddefendi posizzjoni indifendibbli, bhalma hija dik ta’ akkuza bhal dik attribwita lir-rikorrenti illi kienu jinkludu li kien qieghed jiffrekwenta l-kriminali u kien gie investigat fuq allegazzjonijiet illi haraq il-bieb ta’ Saviour Balzan, akkuza illi jirrigwardaw azzjonijiet illi r-rikorrent, fil-kariga ufficjali tieghu ta’ Spettur, huwa obligat illi jipprevjeni u jiddefendi s-socjeta minnhom.

Konkluzjoni

Wara illi rat il-provi kollha prodotti quddiemha,

Wara illi semghet it-trattazzjoni ta’ l-abblu difensuri tal-partijiet

Tghaddi biex taqta u tiddeciedi l-kaz billi

Tichad l-eccezzjonijiet kollha ta' l-intimat,

Tilqa it-talbiet attrici, u ghalhekk

Tiddikjara l-artikolu intitolat ‘*Inspector in wrongful prosecution was investigated over 2007 arson...*’ ippubblikat fil-gazzetta MaltaToday tal-Erbgha, 21 ta’ Awissu 2013, li tieghu l-intimat Raphael Vassallo kien l-editur registrat,, bhala libelluz u malafamanti fil-konfront tar-rikorrenti u ghalhekk

Tikkundanna lill-intimat sabiex ihallas lir-rikorrent is-somma ta' elfejn Euro (€2,000) in linea ta' danni a tenur tal-Artikolu 28 tal-Kap 248.

Spejjez tal-proceduri odjerni u imghax mid-data tas-sentenza sad-data tal-pagament effettiv ikunu a karigu ta' l-intimat.

Magistrat Francesco Depasquale

Rita Sciberras
Deputat Registratur