MALTA

QORTI CIVILI
PRIM' AWLA
(GURISDIZZJONI KOSTITUZZJONALI)

ONOR. IMHALLEF
ANTHONY ELLUL

Seduta tal-21 ta' Frar, 2014

Referenza Kostituzzjonali Numru. 58/2012

Il-Pulizija

Vs

Godwin Muscat

B'digriet moghti fit-13 ta' Lulju 2012 il-Qorti tal-Magistrati (Malta) bhala Qorti ta' Gudikatura Kriminali ordnat riferenza sabiex din il-qorti tiddetermina jekk:-

"id-dewmien tal-Kummissarju tat-Taxxi biex jakkuza lill-imputat bir-reat odjern jilledix id-drittijiet tieghu sanciti permezz ta' l-artikolu 39 tal-Kostituzzjoni u l-artikolu 6 tal-

Konvenzjoni u biex tiddetermina ukoll jekk l-proceduri penali odjerni in kwantu jsegwu l-imposizzjoni ta' ` addizzjonali kontra l-imputat jilledux id-drittijiet ta' l-imputat sanciti permezz ta' l-artikolu 39 tal-Kostituzzjoni u l-artikolu 4 tas-Sebgha Protokoll tal-Konvenzjoni.".

Fit-8 ta' Novembru 2010 harget akkuza kontra Dr Godwin Muscat Azzopardi fuq talba tad-Direttur Generali tat-Taxxi, li taqra:-

"bhala direttur tal-kumpannija Zimmermann House Projects Limited (C25374) ghas-snin 2000, 2001, 2002 u 2003 b'diversi atti maghmulin minnhekk, ukoll jekk fi zminijiet differenti, u li jkunu jiksru l-istess disposizzjoni tal-ligi u li gew maghmulin b'rizoluzzjoni wahda inqast li tibghat il-formoli tat-taxxa skond id-disposizzjonijiet tar-regoli msemmija fis-subartikoli (1) u (2) tal-artikolu 23 tal-Kap. 372 kif ukoll fir-regoli tal-1998 dwar Final Settlement System (FSS) A.L. 88 tal-1998 mahruga ai termini tal-hawn fuq imsemi artikolu 23 nqast milli thares id-disposizzjonijiet ta' dawk ir-regoli".

Il-kaz jirrelata dwar formoli u hlas ta' taxxa li kellhom jintbaghatu lid-Dipartiment tat-Taxxi u li tnaqqsu mill-pagi tal-impjegati tal-kumpannija Zimmermann House Projects Limited (C25374).

Jirrizulta li fl-1 ta' Jannar 2001 Dr Muscat Azzopardi kien irrizenja mill-kariga ta' direttur. Minkejja dak li jinghad fic-*charge sheet*, mill-provi li tressqu jidher li fil-konfront tieghu l-pretensjoni titratta dwar is-sena 2000. Tant hu hekk li Catherine Ann Cachia, impjegata fid-Dipartiment tat-Taxxi, xehedet:

*"**Il-problema li hemm, li ghandna ma' Dr Muscat Azzopardi hi ghas-sena 2000**, sakemm kien jokkupa l-kariga ta' Direttur."* (fol. 87).

L-istess xhud spjegat li:-

"Il-kumpannija kellha wkoll l-obbligu li kull xahar tnaqqas it-taxxa u l-kontribuzzjonijiet ta' sigurta socjali mill-pagi tal-

impjegati u tibghat dan l-ammont flimkien mal-formola tal-FS5 lid-Dipartiment tat-Taxxi Interni sa xahar wara li tkun naqqset dawn l-ammonti mill-pagi tal-impjegati." (fol. 48).

Kompliet tghid li ghas-sena 2000 intbaghatu biss il-formoli FS5 u hlas fir-rigward tax-xhur ta' Marzu, Gunju u Dicembru u ma ntbghatux ghax-xhur l-ohra. L-indikazzjoni hi li llum il-formoli relatati mal-FS3 u FS7 intbaghtu. Tant hu hekk li d-Dipartiment hareg Avviz ta' Tharis, Hlas tal-FSS u Sigurta Socjali datat 20 ta' Jannar 2010 li jkopri s-snin 2000 sal-2003 (fol. 64), fejn jinghad li kien ghad fadal jintbaghatu l-FS3 u FS4 ghas-snin 2001 u 2002. Jidher li sussegwentement dawn saru, tant li hareg avviz iehor datat 7 ta' Dicembru 2011 (fol. 70) fejn intalab il-hlas ghas-snin 2000 sal-2003 u l-formola FS5. F'dan l-avviz hemm l-ammont dovut bhala taxxa ta' l-FSS, sigurta socjali, u taxxa addizzjonali. Skond it-taghrif li hemm f'dan id-dokument, ghas-sena 2000 id-Dipartiment qieghed jippretendi hlas ta' 36,147.46 in kwantu:

- Taxxa – Ewro10,284 u Ewro11,160 Taxxa Addizzjonali;
- Sigurta Socjali – Ewro6,365.31 u Ewro8,338.15 Taxxa Addizzjonali;

<u>Dewmien biex issir l-akkuza</u>.

L-Artikolu 39 tal-Kostituzzjoni u l-Artikolu 6 tal-Konvenzjoni jitrattaw il-kaz fejn tkun saret *criminal charge*:

Artikolu 39 tal-Kostituzzjoni jipprovdi: *"Kull meta xi hadd ikun **akkuzat b'reat kriminali** huwa ghandu, kemm il-darba l-akkuza ma tigix irtirata, jigi moghti smigh xieraq gheluq zmien ragonevoli minn qorti indipendenti u imparzjali mwaqqfa b'ligi."*.

Fil-kawza **r-Repubblika ta' Malta vs Matthew John Migneco**, din il-qorti[1] f'sentenza tal-15 ta' Novembru 2011

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[1] Imhallef J.R. Micallef.

ikkonfermat li l-Artikolu 39 tal-Kostituzzjoni jaghmilha cara li:

"[….] l-jedd ta' smigh xieraq fil-qafas ta' proceduri kriminali jiddependi minn (a) akkuza li (b) tkun qeghda tinstema' minn Qorti indipendenti u imparzjali mwaqqfa b'ligi. Dan l-artikolu gie mfisser mill-Qrati taghna bhala li japplika biss fejn ikun inbeda procediment quddiem qorti li, fl-gheluq ta' dak il-procediment, tista' tasal biex taghti decizjoni li tiddetermina l-htija jew in-nuqqas ta' htija tal-persuna akkuzata".

Artikolu 6 tal-Konvenzjoni jipprovdi: *"In the determination of…. **any criminal charge** against him, everyone is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law."*.

Bhala principju l-protezzjoni procedurali garantita bl-Artikolu 6 tal-Konvenzjoni tidhol fis-sehh meta *criminal charge* ssir kontra l-individwu, u tibqa' fis-sehh sakemm ikun hemm gudikat finali.

F'dan il-kaz l-akkuza b'reat kriminali saret mal-hrug tac-*charge sheet*, cjoe' 8 ta' Novembru 2010. Id-dewmien tad-Dipartiment li jakkuza lid-diretturi tal-kumpannija Zimmermann House Projects Limited ma jaqax taht l-Artikolu 6 tal-Konvenzjoni. Ghalkemm hu accettat fil-gurisprudenza li l-Artikolu 6 jista' japplika qabel persuna tigi formalment mressqa quddiem qorti, ezempju waqt li tkun qeghda ssir interrogazzjoni mill-pulizija lill-persuna suspetta li tkun wettqet reat, ma jidhirx li f'dan il-kaz sehhet xi haga simili. Fl-atti m'hemmx provi fis-sens li d-Direttur Generali tat-Taxxi interpella lil Dr Muscat Azzopardi u nfurmah li kienu ser jittiehdu proceduri kriminali kontra tieghu. Mill-affidavit stess ta' Dr Muscat Azzopardi (fol. 39-40) jidher li l-ewwel darba li gie notifikat b'xi haga relatata ma' din il-materja kien meta F'Jannar 2011 ircieva t-tahrika. Ghalhekk il-qorti m'hijiex sodisfatta li kien hemm *criminal charge* qabel it-tahrika li harget mill-Pulizija fit-8 ta' Novembru, 2010 fuq talba tad-Direttur Generali tat-Taxxi.

Fin-nota ta’ sottomissjonijiet ta’ Dr Muscat Azzopardi saret riferenza ghall-kawzi:-

- **John Geranzi Limited vs Kummissarju tat-Taxxi Interni**, deciza mill-Qorti Kostituzzjonali fit-30 ta’ Novembru 2012;
- **C vs Ireland** (Applikazzjoni 24643/08) tal-1 ta’ Marzu 2012;
- **Mac Farlane vs Ireland** deciza fl-10 ta’ Settembru 2010;

Kawzi li kollha kienu jitrattaw dewmien f’proceduri li kienu nbdew. Fil-kaz in ezami l-ilment hu dwar allegat pregudizzju li ser isofri l-imputat minhabba li d-Dipartiment tat-Taxxi hareg l-akkuza kwazi gheluq ghaxar (10) snin wara l-allegat reat. Wiehed irid jiftakar ukoll li f’reat kriminali jezisti terminu ta’ preskrizzjoni li fih innifsu jaghti lill-prosekuzzjoni l-fakolta’ li tiddeciedi meta ghandha tipprezenta l-akkuza.

Fl-ahharnett f’kull kaz, fil-kors ta’ dan il-process ma gietx sostanzjata bi provi l-allegazzjoni li jekk il-proceduri kriminali jiehdu l-kors taghhom, it-trapass ta’ zmien ser iwassal sabiex l-imputat isofri pregudizzju fis-sens li ma jistax iressaq l-ahjar difiza ghalih. Fil-fatt fid-digriet li bih intlaqghet it-talba sabiex issir riferenza, hemm spjegat fhix jikkonsisti l-ilment ta’ Dr Muscat Azzopardi:-

“L-imputat fil-fatt jilmenta li minhabba li l-fatt li ghal zmien twil huwa m’ghadx ghandu access ghad-dokumenti tas-socjeta fuq imsemmija, illum huwa mhux f’posizzjoni li jiddefendi lilu nnifsu mill-imputazzjoni migjuba kontra tieghu bl-ahjar mod u li konsegwentement qed jigi negat lilu d-dritt ghall-smiegh xieraq fi zmien ragonevoli.” (fol. 3). Pero’ mill-provi rrizulta kif bhala fatt:-

- Fis-sena 2000 Zimmerman House Projects Limited kellha numru ta’ impjegati;
- Il-formoli FS3 u FS7 ghas-sena 2000 gew prezentati lid-Dipartiment tat-Taxxi;

- Il-formola FS5 ghadha ma saritx sal-lum fir-rigward ta' whud mix-xhur tas-sena 2000;
- Il-hlas ta' taxxa li tnaqqset mis-salarju tal-impjegati ghadha ma thallsitx fir-rigward tas-sena 2000;
- Wara li harget ic-*charge sheet* jirrizulta li Dr Muscat Azzopardi u d-direttur Dr Patrick Spiteri nkarigaw lil certu Winston Magro sabiex jipprepara l-formoli relattivi. Dr Spiteri, li tressaq bhala xhud minn Dr Muscat Azzpopardi, xehed: *"[….] tajnieh l-akkuza li kienet harget kontra taghna* [mill-]*Pulizija. Lil Magro konna ghidnielu hudilna hsieb dawn is-snin. Ghidnielu sib, ara kif tista' taghmel id-dokumentazzjoni biex nibnu l-history. Kif ghidt 2000, 2001, 2002 u 2003. Fil-fatt wara li ssottomettejna d-dokumentazzjoni f'Marzu 2011, hareg min-naha tad-Dipartiment abbozz ta' ftehim[2]."* (fol. 104). Kliem li fil-fehma tal-qorti jikkonferma kemm ma tezisti l-ebda problema li kien qieghed jipprospetta Dr Muscat Azzopardi, u anzi kull ma fadal li jsir huwa li tintbaghat il-formola FS5[3] u jsir il-hlas. Hlas li wara kollox mhu xejn ghajr taxxa u bolla li tnaqqset mill-paga tal-impjegati mill-principal (Zimmerman Projects House Limited) sabiex suppost thallas lid-Dipartiment tat-Taxxi.

Ghaldaqstant dan l-ilment hu nfondat.

<u>Ne Bis in Idem</u>.

Dwar dan l-ilment Dr Muscat Azzopardi, fin-nota ta' sottomissjonijiet li pprezenta fis-17 ta' Ottubru 2013, stieden lill-qorti sabiex tistenna l-ezitu ta' kawzi ohra fejn qieghed jigi trattat l-istess punt. Il-qorti hi tal-fehma li:-

i. talba simili messha saret fil-kors tas-smiegh tal-kaz u mhux wara li l-kaz thalla ghas-sentenza;
ii. kull parti nghatat l-opportunita' li tressaq il-provi li deherilha li huma rilevanti u taghmel sottomissjonijiet bil-miktub;

[2] Ara abbozz ta' ftehim datat 25 ta' Marzu 2011 a fol. 66.
[3] Catherine Anne Cachia xehedet: *"Nikkonferma li l-FS5 suppost tintbaghat kull xahar u maghha ghandha tintbaghat it-taxxa u l-bolla lid-Dipartiment."* (fol. 87).

iii. ‘l fatt li jista’ jkun hemm kawzi ohra pendenti li fihom qeghdin jigu trattati ilmenti identici ghal dawk in ezami, ma jfissirx li xi qorti ghandha tistenna sakemm tinghata sentenza minn din il-qorti diversament presjeduta.

Mill-Artikolu 23 ta’ Att dwar l-Amministrazzjoni tat-Taxxa hu evidenti li:-

(a) It-taxxa addizzjonali tigi mposta fid-diskrezzjoni tad-Direttur Generali Taxxi fejn il-persuna tonqos milli tnaqqas it-taxxa, tonqos li thallas it-taxxa jew tonqos li thares disposizzjonijiet tar-regoli (Artikolu 23(4) tal-kap. 372);
(b) Fejn persuna tonqos milli thares id-disposizzjonijiet tal-Artikolu 23, id-Direttur Generali jista’ jibda proceduri kriminali kontra taghha (Artikolu 23(13) tal-Kap. 372);

Ghalhekk ghall-istess nuqqas il-ligi qeghda tikkontempla li persuna tista’ tehel taxxa addizzjonali li tigi mposta mid-Direttur Generali tat-Taxxi kif ukoll tinstab hatja ta’ reat li jista’ jwassal ghall-piena karcerarja. Tant hu hekk li l-Artikolu 23(10) tal-kap. 372 jipprovdi:

“Is-setghat moghtija lill-Kummissarju b’dan l-artikolu ghandhom ikunu b’zieda ghal kull dritt iehor moghti lilu li jibda procedimenti dwar reat skont is-subartikolu (13).”.

L-elementi tar-reat kontemplati fl-Artikolu 23(13) ma jidhrux li huma differenti mic-cirkostanzi li jistghu jwasslu lid-Direttur Generali Taxxi sabiex jimponi taxxa addizzjonali fuq id-*defaulter*. Hu evidenti li l-ghan wara dawn il-provvedimenti hu biex jassigura li l-principal iwettaq id-dmir tieghu li jhallas it-taxxa li titnaqqas mill-paga tal-impjegati. Ghalkemm l-Artikolu 23(5) tal-Kap. 372 ma jifformax parti mil-ligi kriminali, l-indikazzjoni hi li l-intenzjoni warajh hi sabiex iservi kemm bhala **deterrent** u wkoll **ghandu natura punittiva**.

Artikolu 4 tas-Protokoll 7 jipprovdi:-

“1. No one shall be liable to be tried or punished again in criminal proceedings under the jurisdiction of the same State for an offence for which he has already been finally

acquitted or convicted in accordance with the law and penal procedure of that State.”;

“The Strasbourg Court has stated that the aim of Article 4 of Protocol 7 ‘is to prohibit the repetition of criminal proceedings that have been concluded by a final decision.’ The scope of Article 4 has been clarified by the Grand Chamber in the Sergey Zolotukhin case. The Grand Chamber was influenced by the text of corresponding provisions in the Covenant on Civil and Political Rights, and the American Convention on Human Rights, in concluding that the Article should be interpreted as prohibiting the prosecution or trial of an individual for a second offence where that second prosecution or trial arose from ‘identical facts or facts which are substantially the same, and the guarantee comes into play where a new set of proceedings is instituted after a prior acquittal or conviction has acquired the status of res judicata.” (*The European Convention on Human Rights*, Robin C.A. White & Clare Ovey, Oxford [2010] pagna 305).

Fil-kaz **Zolotukhin v Russia** (Applikazzjoni numru: 14939/03) deciz fl-10 ta’ Frar 2009 mill-Grand Chamber tal-Qorti Ewropeja tad-Drittijiet tal-Bniedem, il-Qorti Ewropea tad-Drittijiet tal-Bniedem ikkonfermat li l-Artikolu 4 tal-Protokoll numru 7:-

*“98. **was not confined to the right not to be punished twice but extended to the right not to be prosecuted or tried twice.**”*.

Jirrizulta li d-Dipartiment impona taxxa addizzjonali, fit-termini tal-Artikolu 23(4) tal-Att dwar l-Amministrazzjoni tat-Taxxa (Kap. 372) li jipprovdi li d-Direttur Generali tat-Taxxa ghandu d-diskrezzjoni li jimponi taxxa addizjonali fuq min jonqos li jnaqqas taxxa skond l-Artikolu 23(1), jew ghalkemm ikun naqqasha jkun naqas milli jhallasha lid-Dipartiment, jew xort’ohra jkun naqas milli jhares id-disposizzjonijiet tar-regoli maghmula mid-Dipartiment.

Kien hemm diversi kazijiet quddiem il-Qorti Ewropea tad-Drittijiet tal-Bniedem li ttrattaw jekk sanzjonijiet

amministrattivi kienux jikkwalifikaw bhala *'criminal charge'*. Hekk per ezempju huma l-kazijiet **Vastberga Taxi Aktiebolag and Vulic v Sweden** (36985/97) tal-21 ta' Mejju 2003, **Rosenquist v Sweden** (60619/00) tal-14 ta' Settembru 2004. Fis-sentenzi jissemmew tlett kriterji biex jigi determinat jekk offiza tikkwalifikax bhala "criminal"[4]:

"the legal classification of the offence in domestic law, the nature of the offence and the nature and degree of severity of the possible penalty" (paragrafu 76 tal-kaz **Vastberga**). Kriterji li skond il-gurisprudenza ma jidhirx li jridu jkunu kumulattivi. Il-kaz ta' Vastberga kien jitratta l-imposizzjoni ta' *tax surcharge* fuq min ma jatix taghrif korrett. Il-qorti osservat li:-

- l-ghan wara l-provvediment fuq *surcharges* hu *"to exert pressure on taxpayers to comply with their legal obligations and to punish breaches of those obligations. The penalties are thus both deterrent and punitive. The latter character is the customary distinguishing feature of a criminal penalty (see the Ozturk v. Germany judgment cited above, p. 20, §53)."*.
- *"The criminal character of the offence is further evidenced by the severity of the potential and actual penalty…. The surcharges, normally fixed at 20% or 40% of the tax avoided, depending on the type of tax involved, have no upper limit and may come to very large amounts…. It is true that surcharges cannot be converted into a prison sentence in the event of non-payment; however this is not decisive for the classification of an offence as 'criminal' under Article 6 (see the Lauko v. Slovakia judgment cited above, p. 2505 §58)."*. Fil-kaz in ezami jirrizulta li hemm massimu ta' Ewro1,000 taxxa addizzjonali li jista' jimponi d-Direttur Generali ghal kull nuqqas (Artikolu 23(5) tal-Kap. 372).

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4 Fil-kaz **Rosenquist** il-qorti kkonkludiet li *"[...] proceedings involving tax surcharges were 'criminal' not only for the purpose of Article 6 of the Convention, but also for the purpose of Article 4 of Protocol no. 7 to the Convention."*.

Gialadarba jidher li t-taxxa addizzjonali hi ntiza sabiex isservi bhala deterrent u hi wkoll mizura punittiva, allura l-qorti tikkonkludi li tikkwalifika bhala *'a criminal penalty'*[5]. Ghal dak li jikkoncerna l-ilment taht l-Artikolu 39(9) il-principju ta' *ne bis in idem* japplika fejn persuna tkun ghaddiet minn proceduri *"quddiem qorti kompetenti"*. Billi t-taxxa addizzjonali tigi mposta mid-Direttur Generali tat-Taxxi, dan il-provvediment ma japplikax fil-kaz in ezami.

Il-qorti tinnota wkoll li l-imposizzjoni ta' taxxa addizzjonali ma twassalx ghall-ksur tal-Artikolu 4 tas-Sebgha Protokoll tal-Konvenzjoni meqjus li skond l-Artikolu 23(8) tal-Kap. Kap. 372: *"Il-Kummissarju jista' fid-diskrezzjoni tieghu jaghti lura kollha kemm hi jew f'xi parti minnha xi taxxa addizzjonali imposta taht id-disposizzjoni ta' dan l-artikolu."*. Mela l-imposizzjoni ta' taxxa addizzjonali m'hijiex definittiva, kuntrarjament ghal dak li jigri fejn tinghata sentenza li ssir gudikat[6].

F'kull kaz mill-provi ma rrizultax li sal-lum id-Direttur Generali Taxxi hareg xi avviz kontra Dr Muscat Azzopardi li biha mpona taxxa addizzjonali, f'liema eventwalita' jkollu kull dritt li jikkontesta l-istess ai termini tal-Artikolu 23(6) tal-Kap. 372. Fil-fatt l-avvizi li nhargu huma fil-konfront tal-

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[5] Bhala punt ta' interess il-Qorti Ewropea tal-Gustizzja (Grand Chamber) fil-kaz **Aklagaren vs Hans Akerberg Fransson**, 26 ta' Frar 2013, iddecidiet b'riferenza ghall-principju ne bis in idem (Artikolu 50 tac-Charter) li *"Article 50 of the Charter does not preclude a Member State from imposing, for the same acts of non-compliance with declaration obligations in the field of VAT, a combination of tax penalties and criminal penalties. In order to ensure that all VAT revenue is collected and, in so doing, that the financial interests of the European Union are protected, the Member States have freedom to choose the applicable penalties…. These penalties may therefore take the form of administrative penalties, criminal penalties or a combination of the two. Is is only if the tax penalty is criminal in nature for the purposes of Article 50 of the Charter and has become final that that provision precludes criminal proceedings in respect of the same acts from being brought against the person."*. Materja li ghandha tigi deciza mill-qorti nazzjonali. Ghalhekk il-Qorti kkonkludiet: ***"The ne bis in idem principle laid down in Article 50 of the Charter of the Fundamental Rights of the European Union does not preclude a Member State from imposing successively, for the same acts of non-compliance with declaration obligations in the field of value added tax, a tax penalty and a criminal penalty in so far as the first penalty is not criminal in nature, a matter which is for the national court to determine."***.

[6] Mill-atti jirrizulta li l-Gvern kien hareg skema li biha *defaulters* setghu jibbenefikaw minn riduzzjoni ta' 90% tat-taxxa addizzjonali.

kumpannija Zimmermann House Projects Limited u Dr Patrick Spiteri. Fil-kaz **Sergey Zolotukhin v Russia**, inghad:-

"107. The Court reiterates that the aim of Article 4 of Protocol No. 7 is to prohibit the repetition of criminal proceedings that have been concluded by a final decision…. According to the Explanatory Report to Protocol No. 7, which itself refers back to the European Convention on the International Validity of Criminal Judgments, a "decision is final 'if, according to the traditional expression, it has acquired the force of res judicata. This is the case when it is irrevocable, that is to say when no further ordinary remedies are available or when the parties have exhausted such remedies or have permitted the time-limit to expire without availing themselves of them'"…..

108. Decisions against which an ordinary appeal lies are excluded from the scope of the guarantee contained in Article 4 of Protocol No. 7 as long as the time-limit for lodging such an appeal has not expired.".

Kif diga' gie osservat m'hemmx prova li nhareg avviz kontra Dr Muscat Azzopardi personalment. Dan ifisser li ghadha miftuha l-opportunita' li jekk johrog avviz ta' nuqqas kontra Dr Muscat Azzopardi skond l-Artikolu 23(6) tal-Kap. 372, jikkontesta l-istess quddiem id-Direttur Generali tat-Taxxi. Jekk it-talba tieghu tigi rifjutata, ikun jista' jappella d-decizjoni tad-Direttur Generali quddiem qorti fi zmien hmistax-il jum mid-data tan-notifika tal-avviz tat-talba (ara proviso ghall-Artikolu 23(7) tal-Kap. 372). Dan ifisser li sal-lum ghad m'hemmx decizjoni finali u ghad hemm rimedji miftuhin.

Ghal dawn il-motivi l-qorti twiegeb ghad-domandi li ghamlet il-Qorti tal-Magistrati (Malta) bhala Qorti ta' Gudikatura Kriminali fis-sens li m'hemmx ksur tad-drittijiet fundamentali li jissemmew fir-riferenza li saret bid-digriet tat-13 ta' Lulju 2012.

Spejjez a karigu ta' Dr Muscat Azzopardi.

< Sentenza Finali >

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