



MALTA

QORTI TAL-MAGISTRATI (MALTA)

MAGISTRAT DR.

FRANCESCO DEPASQUALE

Seduta tad-19 ta' Jannar, 2015

Avviz Numru. 45/2012

**Dr Giuseppe Giovanni sive Gege Gatt
(ID 123579M)**

vs

**Kurt Farrugia
(ID 91982M)**

Il-Qorti,

Rat ir-rikors promotur ippresentat fit-2 ta' Frar 2012 fejn ir-rikorrenti, filwaqt illi ghamel referenza ghall-ahbarjiet imxandra fuq One Radio fl-20 ta' Jannar 2012, li tieghu l-intimat kien l-EDITOR, sahaq illi dak hemm allegat kien libelluz u malafamanti fil-konfront tieghu u ghalhekk talab lill-Qorti tikkundana lill-intimat ihallas lir-rikorrenti danni a tenur ta' l-Artikolu 28 tal-Kap 284.

Rat it-traskrizzjoni ta' l-ahbarjiet hemm imxandra, ippresentata kontestwalment mar-rikors promotur, u li juri li ntqal is-segwent:-

"Fl-istess hin li l-Ministru Austin Gatt ha t-tmexxija f'idejh tal-kampanja elettorali ta' Gonzi PN, dahhal mieghu lil ibnu Gege Gatt. L-irwol ta' Gege Gatt ser ikun li jikkoordina l-attakki li ser isiru kontra Joseph Muscat u kontra l-Partit Laburista permezz ta' l-internet. Iben il-Ministru Gatt, Gege, fl-ahhar snin waqqaf numru ta' kumpanniji tat-teknologija ewlenin fosthom ICON u NUOVO.

Kopja Informali ta' Sentenza

Dawn il-kumpanniji kollha kellhom ammont qawwi ta' xoghol f'medda qasira ta' zmien, xi haga li kumpanniji ohra li ilhom snin shah fil-qasam fit setghu isibu spjegazzjoni ghalha. Gege Gatt issa ser ikun qed juza r-rizorsi kollha ta' dawn il-kumpanniji sabiex parti mill-kampanja tal-Partit Nazzjonalista iniedu pjattaforma ta' attacki fuq il-mexxej Laburista Joseph Muscat u l-Partit Laburista permezz tal-Internet. Sorsi mid-Dar Centrali tal-Partit Nazzjonalista qed jghidu li Gege Gatt qed jitqies bhala parti mill-grupp maghmul minn missieru, Joe Saliba u Richard Cachia Caruana fit-tmexxija fil-kampanja elettorali ta' Gonzi PN. L-istess sorsi qalu li Gege Gatt diga qed jissemma li ser ikun imbuttat biex jiehu post Paul Borg Olivier bhala Segretarju Generali tal-Partit Nazzjonalista."

Rat ir-risposta ta' l-intimat ippresentat fil-15 ta' Gunju 2012 fejn eccepixxa, preliminarjament, illi huwa kien tharrek fil-kapacita' tieghu personali u mhux bhala Editur ta' One Radio u ghalhekk ghandu jigi liberat mill-osservanza tal-gudizzju. Fuq il-meritu, l-intimat eccepixxa illi dak mitlub kien infondat fil-fatt u fid-dritt, peress illi dak li ntqal kien il-verita' tal-fatti u kellu kull dritt illi jipprattika l-liberta' ta' l-espressjoni u jikkritika l-operat ta' persuna illi ddecidiet tidhol fil-kamp politiku u, per konsegwenza, kellha anqas protezzjoni minn persuna normali. Zied jghid ukoll illi dak li ntqal kien 'fair comment' permissibbli f'kull socjeta demokratika.

Semghet ix-xhieda tar-rikorrenti **Dr Gege Gatt** moghtija fit 22 ta' Ottubru 2012 u fit 3 ta' Dicembru 2012 kif ukoll rat id-dokumentazzjoni minnu esebita.

Semghet ix-xhieda ta' **Dr Simon Manicalo**, rapprezentant tal-Broadcasting Authority, moghtija fit 3 ta' Dicembru 2012 u fl-1 ta' Marzu 2013.

Rat l-affidavit ta' l-intimat **Kurt Farrugia** ippresentat fl-4 ta' Ottubru 2013.

Semghet il-kontro ezami ta' l-istess intimat Kurt Farrugia moghtija fis-27 ta' Jannar 2014 u fit-2 ta' Mejju 2014 u rat id-dokumentazzjoni esebita mill-istess konvenut.

Rat il-prospett ippresentat mill-intimat fit-2 ta' Gunju 2014.

Rat illi fit-2 ta' Gunju 2014 il-partijiet iddikjaraw illi ma kellhomx aktar provi x'jippresentaw.

Rat in-nota ta' sottomissjoni tar-rikorrent ippresentat fil 21 ta' Lulju 2014.

Rat in-nota ta' sottomissjonijiet ta' l-intimat ippresentat fis-6 ta' Novembru 2014.

Rat illi fis-6 ta' Novembru 2014 il-kawza giet differita ghas-sentenza ghallum.

Ikkunsidrat

Il-kaz odjern jirrigwarda rappurtagg illi xxandar fuq il-One Radio nhar l-20 ta' Jannar 2012, fl-10 ta' filghodu, meta tali mezz ta' xandir qal certi fatti u stqarr certi allegazzjonijiet fil-konfront tar-rikorrent, Gege Gatt, liema allegazzjonijiet huwa hassu malafamat bihom u ghalhekk nieda l-proceduri odjerni kontra l-intimat, mhux f'ismu proprju, izda bhala editur tal-One Radio fiz-zmien tax-xandira.

Kopja Informali ta' Sentenza

Jirrizulta illi fir-rappurtagg illi sar, li huwa l-meritu tal-kawza odjerna, ir-rikorrent hassu malafamat minn tlett allegazzjonijiet illi saru fil-konfront tieghu, li huma dawn li gej:

1. Illi, bhala iben il-Ministru Austin Gatt, huwa "*fl-ahhar snin waqqaf numru ta' kumpanniji tat-teknologija ewlenin fosthom ICON u NUOVO.*"
2. Illi, "*dawn il-kumpanniji kollha kellhom ammont qawwi ta' xoghol f'medda qasira ta' zmien, xi haga li kumpanniji ohra li ilhom snin shah fil-qasam ftit setghu isibu spjegazzjoni ghaliha.*"
3. Illi ir-rikorrent "*issa (kien) ser ikun qed juza r-rizorsi kollha ta' dawn il-kumpanniji sabiex parti mill-kampanja tal-Partit Nazzjonalista iniedu pjattaforma ta' attacki fuq il-mexxej Laburista Joseph Muscat u l-Partit Laburista permezz tal-Internet.*"

Jirrizulta illi ir-rikorrent huwa iben Austin Gatt, illi kien kemm Membru Parlamentari tal-Partit Nazzjonalista kif ukoll Ministru ghall-Investment, Teknologija u Informatika fi hdan il-Gvern li temm l-inkariku tieghu f'Marzu 2013.

Jirrizulta wkoll illi r-rikorrent huwa propretaju ta' kumpannija bl-isem ta' Icon Studios Limited, mwaqqfa madwar erbgntax-il sena ilu, illi x-xoghol taghha huwa principalment fl-ghoti ta' servizzi ta' l-informatika u l-izvilupp ta' software ghal klijenti taghha.

Jirrizulta illi s-socjeta Icon Studios Limited, bhal kull kumpannija fil-qasam ta' l-informatika, ipprovdiet servizzi lill varji klijenti, fosthom anke intraprizi tal-Gvern, kif jirrizulta minn varji Domandi Parlamentari maghmulha recentement u esebiti mill-intimat quddiem dina l-Qorti.

Jirrizulta illi tali fatti, abbinati mal-fatt illi kienet gejja kampanja elettorali ghall-Elezzjonijiet Generali tas-sena 2013, li ghaliha missier ir-rikorrent kien iddikjara illi kien ser jiehu hsieb imexxi hu ghal Partit Nazzjonalista, wassal lill Kamra ta' l-Ahbarjiet ta' One Radio sabiex ixandru l-istorja illi, skond ir-rikorrent, tikkontjeni fatti malafamanti.

Ikkunsidrat

Qabel ma tkompli tgharbel il-fatti kollha fid-dawl tal-legislazzjoni u giurisprudenza lokali, ikun opportun illi ssir referenza ghal certi principji bazilari li gew ben stabbiliti kemm lokalment kif ukoll permezz ta' decizjoni tal-Qorti Europeja tad-Drittijiet tal-Bniedem.

F'kawza recenti, **Braun vs Poland**, deciza fl-4 ta' Novembru 2014, il-Qorti Ewropeja ghad-Drittijiet tal-Bniedem irribadiet kuncett importanti fil-liberta' ta' l-espressjoni, u dana meta stqarret dan li gej:

36. The Court reiterates that freedom of expression, as secured in paragraph 1 of Article 10, constitutes one of the essential foundations of a democratic society and one of the basic conditions for its progress and for each individual's self-fulfilment. Subject to paragraph 2, 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" (see, among many other authorities, Oberschlick v. Austria (no. 1), judgment of 23 May 1991, Series A no. 204, § 57, and Nilssen and Johnsen v. Norway [GC], no. 23118/93, § 43, ECHR 1999-VIII).

37. There is little scope under Article 10 § 2 of the Convention for restrictions on political speech or on debate on questions of public interest (see Sürek v. Turkey (no. 1) [GC], no. 26682/95, § 61, ECHR 1999-IV).

Dwar l-importanza ta' gurnalizmu investigattiv fl-ahjar interess tad-demokrazija, il-Qorti taghmel referenza ghad-decizjoni tal-Qorti Ewropea ghad-Drittijiet tal-Bniedem, **Delphi As vs Estonia** deciza fl-10 ta' Ottubru 2013, fejn dina stqarret dan li gej:

79. Furthermore, the Court reiterates the essential function the press fulfils in a democratic society. Although the press must not overstep certain bounds, particularly as regards the reputation and rights of others and the need to prevent the disclosure of confidential information, its duty is nevertheless to impart – in a manner consistent with its obligations and responsibilities – information and ideas on all matters of public interest (see Jersild v. Denmark, 23 September 1994, § 31, Series A no. 298; De Haes and Gijssels v. Belgium, 24 February 1997, § 37, Reports of Judgments and Decisions 1997-I; and Bladet Tromsø and Stensaas v. Norway [GC], no. 21980/93, § 58, ECHR 1999-III). In addition, the Court is mindful of the fact that journalistic freedom also covers possible recourse to a degree of exaggeration, or even provocation (see Prager and Oberschlick v. Austria, 26 April 1995, § 38, Series A no. 313, and Bladet Tromsø and Stensaas, cited above, § 59). The limits of permissible criticism are narrower in relation to a private citizen than in relation to politicians or governments (see, for example, Castells v. Spain, 23 April 1992, § 46, Series A no. 236; Incal v. Turkey, 9 June 1998, § 54, Reports of Judgments and Decisions 1998-IV; and Tammer v. Estonia, no. 41205/98, § 62, ECHR 2001-I).

Madanakollu, il-liberta' li ghandu l-gurnalist ma ghandhux ikun wiehed illimitat, u di fatti, il-Qorti Ewropeja ghad-Drittijiet tal-Bniedem, fil-kaz **Novaya Gazeta & Borodyanskiy vs Russia** deciza fit 28 ta' Marzu 2013 sahqet illi

37. In this respect the Court reiterates that Article 10 does not guarantee wholly unrestricted freedom of expression to the press, even with respect to coverage of matters of serious public concern. While enjoying the protection afforded by the Convention, journalists must, when exercising their duties, abide by the principles of responsible journalism, namely to act in good faith, provide accurate and reliable information, objectively reflect the opinions of those involved in a public debate, and refrain from pure sensationalism (see Fressoz and Roire [GC], cited above, §§ 45, 52; Bladet Tromsø and Stensaas v. Norway [GC], no. 21980/93, §§ 59, 65, ECHR 1999III; Pedersen and Baadsgaard v. Denmark [GC], no. 49017/99, § 78, ECHR 2004XI; Stoll v. Switzerland [GC], no. 69698/01, §§ 102-103, 149, ECHR 2007V; and Krone Verlag GmbH v. Austria, no. 27306/07, §§ 46-47, 19 June 2012).

Fl-ahhar nett, dwar jekk ir-rikorrent ghandhux jitqies bhala persuna pubblika jew le, il-Qorti taghmel referenza ghal-hsibijiet espressi mill-Qorti Ewropeja ghad-Drittijiet tal-Bniedem fil-kawza **Novaya Gazeta & Voronezhe vs Russia** deciza fl-20 ta' Gunju 2011 fejn intqal is-segwenti:

..... The Court reiterates that a politician acting in his public capacity inevitably and knowingly lays himself open to close scrutiny of his every word and deed by both

Kopja Informali ta' Sentenza

journalists and the public at large (see, among other authorities, Colombani and Others v. France, no. 51279/99, § 56, ECHR 2002-V).

..... The Court notes that 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).

..... The Court points out that private individuals lay themselves open to scrutiny when they enter the public arena and considers that the issue of the proper use of public funds is undoubtedly a matter for open public discussion.

Il-Qorti Ewropeja, f'tali kaz, għazlet illi tikkunsidra persuna illi kienet privata bhala soggetta għal livell ta' kiritika oghla minn dik permessibbli lejn persuna privata, peress illi kien hemm kwistjoni li tirrigwarda l-interess pubbliku illi fiha l-persuna privata kienet involuta.

Ikkunsidrat

Fid-difiza tiegħu, l-intimat sahaq illi dak li kien gie rappurtat kien 'fair comment', permessibbli f'kull soċjeta demokratika u stqarr ukoll illi kien qed iqajjem ukoll l-eccezzjoni tal-verita' tal-fatti, peress illi dak minnu indikat kien attwalment vera.

F'dana il-kuntest, huwa interessanti li jigi ikkunsidrat dak li qal Fletcher Moulton LJ fil-kawza fl-ismijet *Hunt v The Star Newspaper Co Ltd* [1908] 2 KB 309 deciza mill-Qorti ta' l-Appell Ingliza fejn saret distinzjoni bejn 'fair comment' fil-konfront ta' haga pubblika u 'fair comment' fil-kuntest ta' attakk personali fuq persuna. Huwa opportun illi r-ragunament tiegħu jigi riprodott in extenso sabiex il-Qorti tkun f'pusizzjoni tfiehem aktar il-posizzjoni minnha mehudha. Huwa kien qal is-segwent:

*“The law as to fair comment, so far as is material to the present case, stands as follows: In the first place, comment in order to be justifiable as fair comment must appear as comment and must not be so mixed up with the facts that the reader cannot distinguish between what is report and what is comment: see *Andrews v Chapman* (1853) 3 C & K 286. The justice of this rule is obvious. If the facts are stated separately and the comment appears as an inference drawn from those facts, any injustice that it might do will be to some extent negated by the reader seeing the grounds upon which the unfavourable inference is based. But if fact and comment be intermingled so that it is not reasonably clear what portion purports to be inference, he will naturally suppose that the injurious statements are based on adequate grounds known to the writer though not necessarily set out by him. In the one case the insufficiency of the facts to support the inference will lead fair-minded men to reject the inference. In the other case it merely points to the existence of extrinsic facts which the writer considers to warrant the language he uses.*

Any matter, therefore, which does not indicate with a reasonable clearness that it purports to be comment, and not statement of fact, cannot be protected by the plea of fair comment. In the next place, in order to give room for the

Kopja Informali ta' Sentenza

plea of fair comment the facts must be truly stated. If the facts upon which the comment purports to be made do not exist the foundation of the plea fails.

Finally, comment must not convey imputations of an evil sort except so far as the facts truly stated warrant the imputation.... To allege a criminal intention or a disreputable motive as actuating an individual is to make an allegation of fact which must be supported by adequate evidence. I agree that an allegation of fact may be justified by its being an inference from other facts truly stated, but ... in order to warrant it the jury must be satisfied that such inference ought to be drawn from those facts."

Apparti minn hekk, kif stqarr Lord Denning MR fil-kawza *London Artists Ltd v Littler* [1969] 2 QB 375, 391:

"In order to be fair, the commentator must get his basic facts right. The basic facts are those which go to the pith and substance of the matter: see Cunningham-Howie v. Dimpleby [1951] 1 KB 360,364. They are the facts on which the comments are based or from which the inferences are drawn – as distinct from the comments or inferences themselves. The commentator need not set out in his original article all the basic facts: see Kemsley v. Foot [1952] AC 345; but he must get them right and be ready to prove them to be true."

Tali konsiderazzjonijiet huma fattwali hafna ghal kaz in ezami, partikolarment in vista tat-tielet allegazzjoni li intqalet fix-xandira li dwarha hassu malafamat ir-rikorrenti.

Ikkunsidrat

Ir-rikorrent, tul il-kawza, jilmenta dwar tlett allegazzjonijiet differenti illi jsiru fil-konfront tieghu, u ghalhekk ikun opportun illi dina l-Qorti tikkunsidra kull wahda minn dawna t-tlett allegazzjonijiet illi sarulu.

L-ewwel allegazzjoni tirtigwarda l-fatt illi ir-rikorrent, "fl-ahhar snin", waqqaf numru ta' kumpanniji tat-teknologija ewlenin, fosthom Icon u Nuovo.

Jirrizulta, mill-provi prodotti, illi ghalkemm huwa minnu illi r-rikorrent kellu kumpannija Icon, dina kienet ilha fformata ghal diversi snin u xogholha kien principalment fil-qasam ta' l-informatika. Jirrizulta ukoll, skond xhieda tar-rikorrent stess, illi huwa azzjonist f'kumpannija bl-isem ta' 'Muovo', liema kumpannija, izda ma hijiex involuta fil-qasam ta' l-informatika izda topera fil-kamp tal-'Human Resources'.

Ghalkemm huwa minnu li l-kumpannija Icon ma gietx ifformata fl-ahhar snin, kif intqal fir-rappurtagg, izda diversi snin ilu, u il-kumpannija 'Nuovo' attwalment hija kumpannija bl-isem ta' 'Muovo' u topera f'kamp iehor u mhux fil-kamp ta' l-informatika, il-Qorti tqis illi tali fatti, fl-interjiet taghhom, ma jistghux malafamanti fil-konfront tar-rikorrent, peress illi bhala fatti, huma sostanzjalment veri, ghalkemm mhux kompletament korretti.

Kopja Informali ta' Sentenza

It-tieni allegazzjoni tirrigwarda l-fatt illi dawna l-kumpanniji "kellhom ammont qawwi ta' xoghol f'medda qasira ta' zmien", fatt illi skond ir-rappurtagg "ftit setghu isibu spjegazzjoni ghaluha".

Ghandu jinghad illi, tul il-proceduri odjerni, ingiebu provi li juru illi s-socjeta Icon, propjeta' tar-rikorrent, kienet inghatat diversi xoghlijiet da parte ta' entitajiet governattivi, ghalkemm mhux necessarjament f'ammonti daqstant kbar daqs kemm donnu kienu qed jallegaw fir-rappurtagg, liema xoghlijiet, la darba imhallsa mill-fond pubbliku, huma soggetti ghall-iskrutinju tal-pubbliku u, bhala rizultat, tal-gurnalist illi qieghed jinvestiga.

Dana qieghed jinghad ghal zewgt ragunijiet.

L-ewwel u qabel kollox, il-fatt illi entita' tithallas mill-fond pubbliku awtomatikament irendi s-servizz rez minn tali entita' bhala soggett ghall-iskrutinju pubbliku u, gurnalist serju u invetsigattiv jiehu hsieb illi jevalwa tali servizzi fid-dawl kemm tan-nefqa li tkun saret kif ukoll fid-dawl ta' min ikun attwalment ta' tali servizz.

It-tieni raguni, madanakollu, hija marbuta mal-fatt illi mkien fir-rappurtagg ma jintqal illi l-ammont qawwi ta' xoghol kien relatat ma' xoghol governattiv, u dana peress illi fl-artikolu jghid illi l-kumpanniji "kellhom ammont qawwi ta' xoghol f'medda qasira ta' zmien". Dana il-fatt, minnu nniffsu, ma jistax jitqies bhala malafamanti, peress illi jista jkun hemm diversi ragunijiet ghaliex ix-xoghol jidhol f'medda qasira ta' zmien, fosthom efficjenza tas-servizz kif ukoll kampanja ta' marketing posittiva.

Il-fatt illi r-rappurtagg jghid illi "kumpanniji ohra li ilhom snin shah fil-qasam ftit setghu isibu spjegazzjoni ghaluha" ma hijiex indikattiva ta' xi fatt illi seta', b'xi mod, ikun ta' hsara lir-rikorrent jew ir-reputazzjoni tieghu, u dana peress illi huwa fatt maghruf illi f'Malta, kullhadd jghir ghal hadd iehor, u ghalhekk, hija haga naturali li kumpanniji kompetituri jikkummentaw b'mod negattiv is-sucessi ta' hadd iehor.

It-tielet allegazzjoni tirrigwarda l-fatt illi, skond ir-rappurtagg, ir-rikorrent "ser ikun qed juza r-rizorsi kollha ta' dawn il-kumpannija sabiex ... iniedu pjattaforma ta' attackki fuq il-mexxej Laburista Joseph Muscat u l-Partit Laburista permezz tal-internet".

Il-Qorti ma ghandha ebda dubju, f'dan il-kaz, illi tali allegazzjoni hija wahda malafamanti fil-konfront tar-rikorrent.

Kif jghid Lord Justice Fletcher fil-kawza fuq riferita,

"To allege a criminal intention or a disreputable motive as actuating an individual is to make an allegation of fact which must be supported by adequate evidence."

Fil-kaz odjern, id-difiza tal-'fair comment' ma tistax tregi peress illi dak li qieghed jinghad huwa allegazzjoni ta' fatt u mhux kumment fuq fatt, peress illi ghandu l-elementi kollha ta' indole dispreggattiv fih meta r-rappurtagg jghid li r-rikorrent ser juza r-rizorsi kollha tieghu biex jattakka lill-Kap tal-Partit illi tieghu l-entita' radiofonika hija l-vuci.

Kopja Informali ta' Sentenza

Il-Qort tifhem illi, dwar l-ewwel zewgt allegazzjonijiet, seta kien hemm xi fatti illi b'xi mod jissostanzjaw dak illi kien qieghed jinghad, izda ghat-tielet allegazzjoni, ma ingiebet ebda tip ta' prova quddiem il-Qorti illi b'xi mod jissostanzja tali allegazzjoni dispreggiativa illi saret fil-konfront tar-rikorrent.

Kif irrileva korrettement ir-rikorrenti fis-sottomissjonijiet, il-**Gately on Libel and Slander** jiddefenixxi d-difamazjoni bhala "*any imputation which may tend to injure a man's reputation in a business, trade, profession, calling or office carried on or held by him*", fost affarjiet ohra.

Huwa car, fil-kaz odjern, illi it-tielet allegazzjoni maghmulha fir-rappurtagg meritu tal-kawza odjerna kienet intiza unikament sabiex issir hsara lir-rikorrent illi ghandu jitqies bhala persuna privata li ghandha.

Kif stqarret il-Prim'Awla tal-Qorti Civili fil-kawza **Dr. Louis Galea vs Dr. Joe Mifsud** fit-23 ta' Marzu, 2009,

"f'kawzi bhal prezenti, u cioe f'kawza ta' libell, hemm bilanc li ghandu jinzamm bejn id-dritt f'socjeta' demokratika li wiehed jghid u jesprimi ruhu u jsemmi l-opinjoni tieghu bl-aktar mod liberu u bejn id-dritt ta' kull cittadin li jgawdi reputazzjoni u l-isem tajjeb tieghu u dan dejjem fl-isfond ta' socjeta demokratika."

Huwa car illi fil-kaz tat-tielet allegazzjoni illi saret fil-konfront tar-rikorrent, tali bilanc ma inzammx u intqalu kliem li ghamlu hsara lir-reputazzjoni u l-isem tajjeb tar-rikorrent.

Ikkunsidrat

Tenut kont tal fatt illi l-Qorti ghaddiet biex ikkunsidrat l-ahhar allegazzjoni li dwarha hassu ingurjat ir-rikorrent bhala malafamanti, huwa opportun illi jittiehdu xi konsiderazzjonijiet dwar id-danni illi ghandhom jigu kkwantifikati.

Jirrizulta ben ippruvat illi r-rappurtagg li dwaru saret il-kawza odjerna sehhet f'mument meta kien hemm sitwazzjoni politika gia vivaci in vista ta' cert zviluppi illi kienu sehhevw fil-Parlament f'dan iz-zminijiet, u ghalhekk, filwaqt illi dana ma jiggustifikax l-uzu ta' kliem u allegazzjonijiet fil-konfront tar-rikorrent, il-Qorti tifhem is-sitwazzjoni kollha illi kienet tirrenja fil-Gzejjer Maltin dak iz-zmien.

Jirrizulta ukoll illi, wara l-pubblikazzjoni ta' dak ir-rapport, is-socjeta tar-rikorrent Icon Studios Limited inghata xoghlijiet ohra ta' certa valur bir-rizultat illi l-Qorti tifhem li r-rikorrent, bhala sid tas-socjeta Icon, ma sofriex tlef ulterjuri ta' xoghol minhabba fil-kontenut tar-rappurtagg.

Madanakollu, jibqa l-fatt illi l-allegazzjonijiet maghmulha setghu b'xi mod jaghmlu hsara lir-rikorrent, fil-kapacita' personali tieghu, u ghalhekk il-Qorti qieghda tillikwida id-danni sofferti mir-rikorrent fil-valur ta' elf u hames mitt Euro (€1,500).

Konkluzjoni

Il-Qorti

Kopja Informali ta' Sentenza

Wara illi semghet ix-xhieda kollha prodotta quddiemha u rat il-provi kollha imressqa quddiemha.

Wara illi rat is-sottomissjonijiet ta' l-abbli difensuri tal-partijiet

Tghaddi biex taqta' u tiddeciedi l-kaz billi

Tiddikjara l-ahbarjiet imxandra fuq One Radio fl-20 ta' Jannar 2012 fejn issemma ir-rikorrent Gege Gatt bhala malafamanti u libelluzi fil-konfront ta' l-istess rikorrent u ghalhekk

Tichad l-eccezzjonjiet kollha ta' l-intimat,

Tilqa' t-talbiet kollha attrici kif dedotti u filwaqt illi

Tillikwida d-danni sofferti mir-rikorrent bhala rizultat ta' tali azzjoni malafamanti fis-somma ta' elf u hames mitt Euro (€1,500) u

Tikkundanna lill-intimat, bhala editur tal-One Radio fil-mument illi saret ix-xandira, jhallas lir-rikorrent is-somma ta' elf u hames mitt Euro (€1,500) bhala danni a tenur tal-Artikolu 28 tal-Kap 248 tal-Ligijiet ta' Malta.

Spejjez tal-proceduri odjerni kif ukoll imghax fuq id-danni hemm likwidati mid-data tas-sentenza sad-data tal-pagament effettiv ikunu a kariku ta' l-intimat.

< Sentenza Finali >

-----TMIEM-----