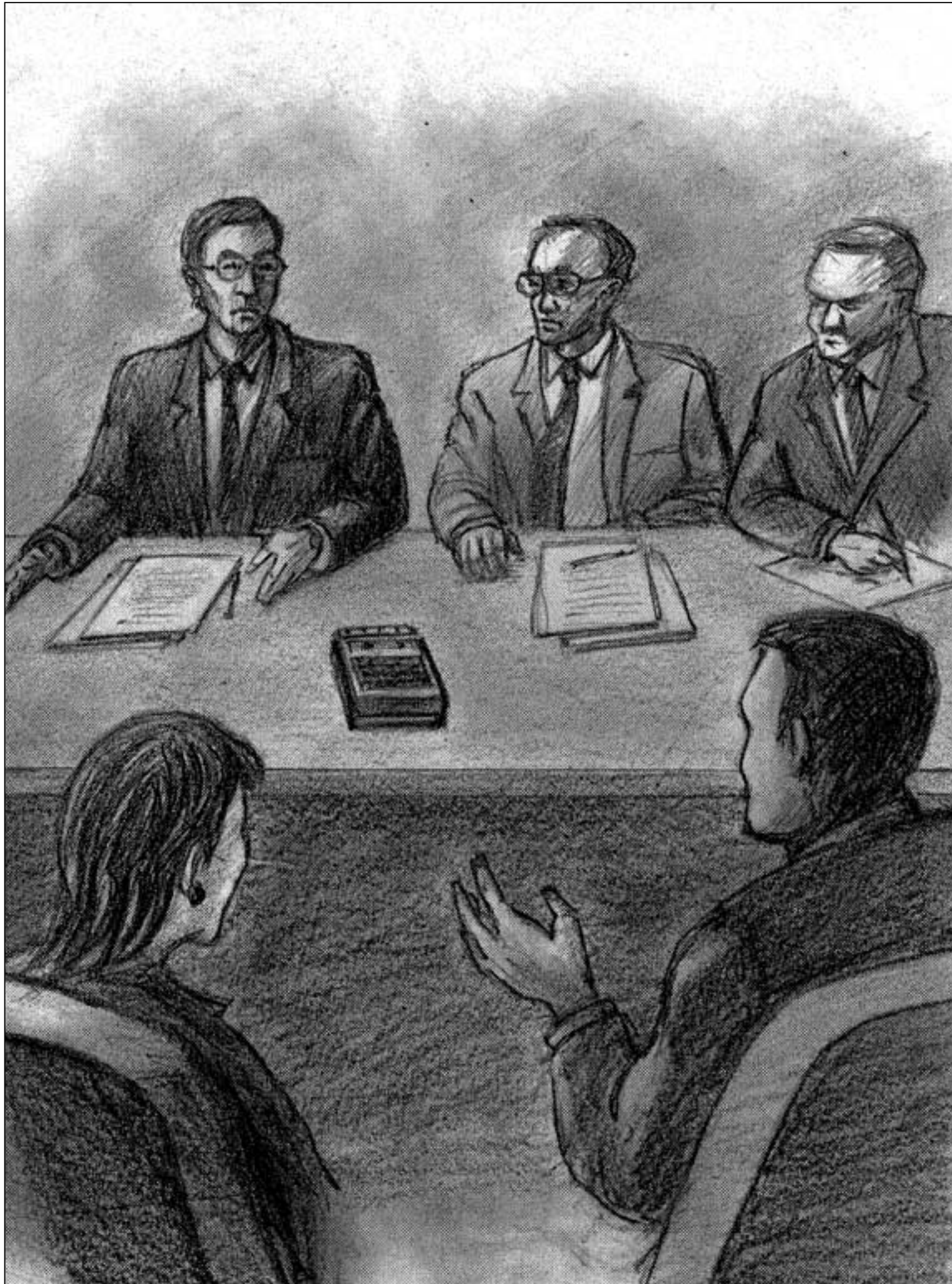


The plot thickens



This week's special report continues to delve into the case of the violent Louis Psaila who went so far as to discharge a firearm at the residence of Minister Louis

Galea because he did not get the deal he wanted. Next to be mentioned in Dr Azzopardi's Minority Report is the case of David Jones and Joseph R. Aquilina, Chief

Executive of the Employment and Training Corporation. Through his employee David Jones, Aquilina alleges certain irregularities from Dr Louis Galea. . .

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THE WITNESS alleged that the Minister Louis Galea had stopped them after a while. Subsequently, the incident occurred. He did not manage to hire the fourth dumper.

Louis Psaila also said that he had bought the dumpers because the Minister Galea "had assured me that I would be able to engage them." (page 299). He ended by saying that they suddenly stopped hiring his three dumpers (page 305).

From the document ECD2 "List of Machinery hired by AWTS" that the Commission has before it, it results that the three dumpers mentioned by the witness, in other words, two in his own name and the other in the name of Charles Galea, actually did finish their engagement in February 1990. Reference is made to the mentioned list, marked as Document ECD2 in which one can see that the engagement of the machinery always changed and did not follow any particular pattern of time periods. Besides this, while the engagement of the two dumpers of Louis Psaila started in 1989 and ended in February 1990 (and the engagement of Charles Galea's dumper started in April 1989 and ended in February of 1990), there were several other participants whose engagement started, for example, in October 1990 and ended in December 1990 (i.e. only three months). Besides that, in the list there are other people who find themselves in the same position of the witness. These are:

1. Farrugia Norbert, whose dumper was hired in April 1989 and stopped in February 1990;

2. Camilleri Albert whose dumper was hired in March 1989 and stopped in February 1990; and

3. Farell Ltd., whose dumper was hired in February 1989 and ended in February 1990.

From his part, the Minister Louis Galea denied on oath his involvement, as well as any irregularity attributed to him by the witness Louis Psaila. He said that the latter had even shot at his residence.

For whoever has to pass judgement, this is, without doubt, a difficult situation. One has to weigh the word of one person against the word of another. However, Louis Psaila himself detracts from his own credibility because of his own misconduct, because who has to judge is compelled to doubt that Louis Psaila, who reached the point where he shot at the residence of Minister Louis Galea (and he was found guilty of this by a Magistrate's Court) is a person who will do what the ordinary man in the street would not. In this situation where there is a conflict of evidence, it is true that things could have happened according to how Louis Psaila is saying. However, it could also be that things did not happen in the manner that this controversial witness is saying that they did. Here we are entering the realm of possibilities, definitely not in the field of moral certainty. Serious allegations such as these require to be substantiated with concrete proof to be accepted by those that have to adjudicate.

That is why I cannot say that it has

been proved or that I am convinced that the Minister Louis Galea perpetrated irregularities that were mentioned by the witness, more and more so when it is the witness himself who has said that the Minister refused that the money earned through the fourth dumper would go to him:

"I said 'four' again because that is what we has spoken about and I said 'and one for you'. He said 'No. I don't want anything like this.' "

Had it happened like that, this would certainly have amounted to an act of corruption. However it is the witness himself who said that Minister Galea refused the alleged bribe that was offered to him. In other words, even if one momentarily accepted for the sake of the argument that Louis Psaila spoke the truth, the Minister Louis Galea refused to be bribed. Above all, however, the possibility cannot be excluded that Louis Psaila is trying to vindicate himself with the minister and this sinister possibility realistically exists. Because of this one cannot rely on the evidence of Louis Psaila.

David Jones and Joseph R. Aquilina

Another aspect of the investigations carried out by the Commission concerned itself with the group of alleged irregularities about which Joseph R. Aquilina, Chief Executive of the Employment and Training Corporation, informed the Prime Minister through a letter. Among them is an alleged irregularity from the employee David Jones, in connection with the Honourable Louis Galea. I don't agree that Joseph R. Aquilina did what David Jones said he did, in other words that he forced and pressurised his staff to an unacceptable limit to find irregularities because of this obsession he had.

Before anything else, it would be useful to make a chronology of certain salient points:

From the letter that Joseph R. Aquilina sent to the auditor on the 8 February, 1991, it transpires that on the 6 August, 1990 or thereabouts, he had come to know about certain "irregularities" in connection to certain impressed vehicles. He wrote thus: "These impressions were ter-

I have no doubt in my mind that David Jones wrote what he wrote voluntarily, of his own volition on the 23 January, 1991, while on the following day Joseph R. Aquilina asked for a memo

minated as soon as I noticed, round about the 6th August, 1990."

On 4 January, 1991 the Chief Executive Officer's New Year Message was circulated (Document JRA 24).

On the 6 January, 1991 Josette Camilleri wrote a memo about a conversation that David Jones had had with her.

On the 24 January, 1991 Joseph R. Aquilina asked David Jones to write him a memo, naturally about something that they had spoken about previously.

From a covering note, dated 25 January, 1991 and signed by David Jones which accompanied his memo, it results that the unfinished draft had been written in the evening of the 23 January, 1991.

Since the unfinished draft had been written on the 23 January and Joseph R. Aquilina had asked for the memo on the 24 January, then David Jones must have written the unfinished draft spontaneously and of his own volition, before Joseph R. Aquilina had asked for it.

This impression of spontaneity also derives from the expression "I decided" that was used in the first paragraph of the unfinished draft sent by David Jones: "Reading again your New Year message, noting your concern for which you dedicated the first paragraph (after the 'main' introduction), I decided that I have to give you the following information."

Therefore, in spite of the evidence given by David Jones, I have no doubt in my mind that David Jones wrote what he wrote voluntarily, of his own volition on the 23 January, 1991, while on the following day Joseph R. Aquilina asked for a memo. Therefore when Joseph R. Aquilina asked David Jones to give him a memo, David Jones had already written that which he had to write. This is confirmed by David Jones himself:

"Dear Mr Aquilina,

Yesterday you asked me for a memo, but I hope that you will excuse me for forwarding the unfinished draft as written on the evening of the 23 of January.

Minor details were already omitted and I feel that an abridged versions won't include the background.

Thank you

David Jones
25/1/91"

That is why when David Jones says on oath in front of the Commission that he wrote what he wrote because of the pestering from Joseph R. Aquilina, who asked him to write a memo, I simply don't believe him.

The Commission heard the evidence of the witness Josette M. Camilleri, a guidance counsellor, about an internal memo, dated 6 January, 1991 and addressed to Mr Joseph R Aquilina about an interview that she had had with David Jones. During this meeting, he had made allegations in connection with a case that concerns the name of a person which had to be included in a list of people that had to be interviewed with a view of finding employment with the Telemalta Corporation.

Page 786 of the transcription of the witnesses says thus:

"Chairman: And besides writing this memorandum, did you speak to anybody else about this matter?

Josette Camilleri: No. But David Jones was meant to give evidence about this.

Chairman: Do you know that David Jones here, on oath, retracted what he said and said that he never spoke to you about these matters. He wrote a letter and retracted everything?

Josette Camilleri: I did not invent this in my mind. I did not know the people. I did not know the people about whom he began to speak to me."

At this point he called the witness David Jones once again. After he had denied the contents of the internal memo, Josette Camilleri was called in for a confrontation. She repeated what David Jones had told her in his presence and she continued to remind him about the conversation they had had.

"Chairman: Let's start from here. Did you say this to Miss Camilleri?

Jones: As it is, put like that, I did not say anything to her. Maybe there was a misunderstanding, somehow.

Dr Testa: What did you tell her?

Jones: I don't know. I don't remember. We used to say a lot of things.

Chairman: Did you tell her this?

Jones: In other words I want to tell you – The Minister Louis Galea never phoned me up in connection with a person. I just happened to know who it was; Cristiano. His wife used to work with us at the Labour Office and she used to speak to me all the time.

Chairman: Wait a minute. (to Ms Camilleri) Would you mind telling us on oath, Ms Camilleri what you explained before, about how he spoke to you about this matter?

Josette Camilleri: When he spoke to me about this matter, I remember I had gone down to the Placement Office ... To pick up some vaccines that might have been there, and David was there and I asked him how he was and he replied 'Not that all right', and he mentioned this case, that the minister had phoned him up; that he had mentioned this Cristiano who he had wanted to attend some interviews at Telemalta. And I told him, I asked him how had things happened and he told me all this. He even went on to repeat that the Chairman, George Borg Cardona, told him 'You have to get him in by force', and he had replied that if he admitted Cristiano, he may as well admit all the Auxiliaries to make things fair for everyone, and that after George Borg Cardona phoned him again to tell him that the case of Cristiano had been seen to.