

An unsavoury character exposed



This week's excerpt of Dr Tonio Azzopardi's Minority Report sees the witness David Jones eventually wilt under the searing searchlight of the Commission's investigation. Jones is not only

shown to be lying outright, but also to be contradicting himself. He is shown to be capable of stooping to the lowest levels and using the most despicable methods for his own ends.

The report finally casts Jones aside and concentrates its attention on Mr Joseph R Aquilina, who at the time was Chief Executive Officer of the Employment and Training Corporation.

"Chairman: (To David Jones) Did you hear the evidence of Ms Camilleri?... What do you have to say about what she said?

David Jones: I can't really understand her, gentlemen, because the Minister Louis Galea – maybe she understood 'from the ministry!'

Ms Camilleri: David, no. I'm certain you said 'the Minister'.

David Jones: I don't know.

Chairman: Did you say this to her?

David Jones: It cannot be that that is what I said to her. I cannot understand that that is what I said.

Chairman: Do you realise that Ms Camilleri sent that memo?

David Jones: I know, now.

Chairman: Not now. Had Ms Camilleri told you that she was going to send it?

David Jones: I did not know anything about this." (page 788)

Here we have the witness David Jones who sometimes answers "Maybe there was some kind of misunderstanding", while at other times he answers "I did not know anything about this." I can't understand how a person can say that he has been misunderstood, while at the same time saying that he knows nothing about the memo. In my opinion the witness David Jones is committing perjury.

David Jones continued to act irresponsibly while he was answering the questions of the Commission:

"Chairman: Did you fabricate what you told Ms Josette Camilleri?

David Jones: No, I could have spoken to many other people, besides Josette.

Chairman: How?

David Jones: If I had spoken to her about this business, about this matter. Let us assume that I had ...

Chairman: You are not a schoolboy. You are here on oath. There is the memo in which Ms Camilleri is saying that you told her something that she felt obliged to report to the Chief Executive. Now I ask you while you are still on oath, without beating about the bush, did you or did you not tell Ms Camilleri that which she is saying that you said?

David Jones: I definitely did not tell her that the Minister Louis Galea phoned me personally.

Chairman: So she invented that?

David Jones: I can think of no other explanation. I did not tell her that ...

Chairman: Yes or no? Did you tell her this?

David Jones: No. I did not tell her.

Ms Camilleri: I reiterate under oath that I did not invent anything.

Dr Azzopardi: In the beginning I reminded you about speaking on oath, Mr Jones and I told you that the law stipulates criminal steps for those who give false evidence. And from my part, I'm going to make this my recommendation. It's up to you. These are no light-hearted matters!"

The special report ... in brief

The minority report was created as a result of Dr Azzopardi's problem accepting the main report of the Commission which was set up to investigate irregularities in the hiring out of machinery and cars to the Auxiliaries. This was coupled with his difficulty accepting the evidence of some witness called before the Commission
Dr Azzopardi examines the case of Kola Mallia who was investigated for seemingly owning more machinery than he could afford. At the time Kola Mallia was Louis Galea's driver.
The case of Charles Agius and Ray Abdilla is also looked into. Agius received money for equipment hired out to the Auxiliaries by Abdilla. This fact questioned the soundness of the financial procedures of the Auxiliaries
The Minority Report next focuses on Manwel Grech Mallia. Dr Azzopardi gives a

lot of importance to the evidence given by this man. This flies in the face of the report of the main Commission which had dismissed the evidence of this witness
Louis Psaila, who shot at the residence of the minister Louis Galea is also investigated. He was convicted of doing this by a magistrate's court. Apparently his motive was that he did not get the deal he wanted when it came to hiring out machinery to the Auxiliaries.
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.
Jones is eventually exposed to be sly and capable of performing dastardly deeds, not bothering much about the consequences of his actions. He causes strife with his co-workers and makes allegations which even involve the minister.

It was clearly put before David Jones, employed in the Civil Service, that he was acting irresponsibly, that he was giving false evidence and that he was confusing the investigation. One has to read his evidence, given in two separate sittings to really understand the gravity of his behaviour. No wonder that in the report (page 78) it was written that "...The commission was shocked and amazed at what it was hearing." In fact my remark to Mr Jones was: "You are right to be confused. The only thing about which I agree with you is that you are confused. And with reason."

In the same manner, the witness refuted the contents of the unfinished draft written by himself, according to the witness himself, on the 23 January, 1991.

Then, David Jones declared on oath:

"The minister never ordered me to do anything which I was not meant to do."

What has been said in connection to the evidence of David Jones now has to be placed within the frame of reference of the principles that regulate the admissibility of proof and the valuation of witnesses.

1. All that David Jones told Josette Camilleri which she gathered in the form of a memo and passed to Joseph R. Aquilina, Chief Executive of the E.T.C.; and,

2. All that David Jones himself said in a written declaration that he called the unfinished draft which he sent to Mr Aquilina

David Jones retracted everything in front of the commission when he was giving evidence on oath in front of it in the presence of the Minister Louis Galea.

What is the legal position regarding verbal and written declarations, not taken on oath, that subsequently are stopped or denied when evidence is given on oath? The correct legal position is that once the witness would have withdrawn them, then these declarations (not given on oath) are denied during evidence being given on oath; that which holds in the eyes of the law is evidence given on oath. According to the law, he who has the duty to judge, has, by necessity, to rest on the

evidence given under oath. He may not believe the witness given under oath, as I cannot in all conscience believe David Jones, but one cannot fill the void left by his denial on oath, by, instead, accepting declarations that were not done under oath. The law does not accept this. Consequently, in courts of jury, the jury may not believe a witness when he denies declarations made by him previously, but it cannot accept as positive proof some fact that emerges from declarations not made under oath when these declarations would have been denied under evidence given under oath.

Therefore, once David Jones denied under oath that which he had said or written not under oath, the contents of his declarations do not constitute positive proof that the Commission can accept and act upon.

Now, David Jones, besides ending up contradicting Josette Camilleri and denying a declaration signed by himself, also contradicted the Chief Executive of the E.T.C. Joseph R. Aquilina in connection with the unfinished draft sent by him to Mr Aquilina. Mr David Jones said under oath:

Not only, but pressure was brought to bear so that I would write this letter. Let me put it that way. Let me say that it was pressure."

Omissis

Chairman: Since when you wrote this letter, did ... you write to somebody, some authority above you to give the lie about what you said, in other words to say to them: 'I wrote that letter; I am sorry but what I said is not true.' Did you tell anyone something like this before you came here ...?

David Jones: A little later an investigation was held there ... I know that three board members of the E.T.C. I denied the letter. ... First of all ... they mentioned it to me ... two words. I told them 'this is not true'. And that's all."

Jones says that in front of the board members he had denied the letters. I would like to refer to the "Report to the Board of Directors ..." (Document JRG I), in which there is no reference to the fact that David Jones denied his letter in front of the board members.

David Jones was asked questions in front of the Commission about what he alleged with regards to Mr Joseph R. Aquilina:

Chairman: Were you frightened when you wrote this, or did you do it simply to get rid of Mr Aquilina? ... Were you frightened of Mr Aquilina? Did he have something, some 'hold' over you? Was he in any way blackmailing you about something?

David Jones: No he had no 'hold' on me? No, definitely not that ... I'm sick of this, to put it plainly.

Chairman: Unbelievable!

David Jones: To put it simply, I'm fed up. I've had it with him.

Chairman: And so you act like this? You write these things about your colleagues, your superiors and about the minister?

David Jones: At the time I thought that this ...

Chairman: Because this is really unbelievable."

This is what Mr David Jones is capable of doing! From his part Mr Joseph R. Aquilina denied bringing any illegal pressure to bear upon Jones. After all it has already been demonstrated that Jones had already written what he called the unfinished draft on the eve, according to him, of Mr Joseph R. Aquilina asking him to send him a memo.

Joseph R. Aquilina

Part of the investigation of this Committee was concerned with the letter the Chief Executive of the E.T.C. sent to the Honourable Prime Minister about irregularities that he became aware of. This duty had already been accomplished by the three board members of the ETC that had signed the report document JRG I.

It would seem that Joseph R. Aquilina found a lot of support from the members of the Board of Directors, so much so that they confirmed him as Chief Executive of the Corporation, in spite of the fact that the Minister Galea had not agreed that his title of Chief Executive be extended. It is clear that Mr Aquilina found himself in a difficult position, and from the evidence I could understand that at one point he was in a certain amount of panic because of allegations of interference. Under that situation he decided to write straight to the Prime Minister without enlightening the Board of Directors about what he was aware of. This, in my opinion, was a serious mistake on the part of Mr Joseph R. Aquilina. No Chief Executive Officer of a public entity should report as and when it pleases him, things which on the face of it appear to be irregularities to the Prime Minister without first consulting with the Board of Directors of which he forms part. If however, in spite of the Chief Executive having done all he could to investigate matters and take the necessary steps, the board of directors still tries to hide matters that show the abuse of public funds, then, that is when, under such exceptional circumstances, the Chief Executive Officer or any other official has the duty to report to the Prime Minister.

Next week's Special Report concludes examining the evidence of Mr Joseph Aquilina and ends the Minority Report series by examining some of the conclusions that Dr Azzopardi comes to.