



Judgments of 29 November 2016

The European Court of Human Rights has today notified in writing four judgments¹:

one Chamber judgment is summarised below;

three Committee judgments, which concern issues which have already been submitted to the Court, can be consulted on [Hudoc](#) and do not appear in this press release.

The judgment below is available only on English.

Saliba v. Malta (application no. 24221/13)

The applicant, Carmel Saliba, is a Maltese national who was born in 1949 and lives in San Gwann (Malta). The case concerned the fairness of civil proceedings brought against Mr Saliba, that had made him liable to pay damages for his alleged participation in a robbery.

In May 1995, five to seven hooded men conducted a robbery in the home of Mr and Ms Z.. A police investigation was launched into the incident, but no criminal prosecution ever ensued because of a lack of evidence indicating who the culprits were.

The applicant and his brother had periodically worked at the Z.s' house as plumbers, electricians and handymen. Relations between the brothers and Mr Z. broke down, and in 1997 Mr Saliba's company brought proceedings against Mr Z. for outstanding payments (discontinued after the amount was paid).

In June 2000, five years after the robbery, Mr and Ms Z. sued Mr Saliba in civil proceedings, claiming damages for losses incurred as a result of the robbery. Mr Z. maintained that, in retrospect, he recognised Mr Saliba as one of the robbers (though he had not made such a claim during the police investigation). He claimed that he had recognised him through his manners and demeanour. Mr Saliba denied that he had been there.

In a judgment of 10 October 2006, the Civil Court (First Hall) upheld Mr Z.'s claim, ordering Mr Saliba to pay damages to be assessed at a later date. Despite finding that Mr Z.'s evidence had been inconsistent, and that his arguments had been far-fetched and banal, the Court held that his identification of Mr Saliba had nevertheless been reliable. In March 2008, the Civil Court (First Hall) ordered Mr Saliba to pay Mr Z. 130,000 euros.

Mr Saliba appealed against the decisions to the Court of Appeal. The appeal was dismissed in October 2009, on the grounds that there was no reason for the appellate court to question the first-instance court's assessment of the facts. Mr Saliba then instituted constitutional redress proceedings, claiming that he had not been given a fair trial. This claim was rejected by both the Civil Court (First Hall) in its constitutional competence and then on appeal by the Constitutional Court. The final decision was made on 15 October 2012.

¹ Under Articles 43 and 44 of the Convention, Chamber judgments are not final. During the three-month period following a Chamber judgment's delivery, any party may request that the case be referred to the Grand Chamber of the Court. If such a request is made, a panel of five judges considers whether the case deserves further examination. In that event, the Grand Chamber will hear the case and deliver a final judgment. If the referral request is refused, the Chamber judgment will become final on that day. Under Article 28 of the Convention, judgments delivered by a Committee are final.

Once a judgment becomes final, it is transmitted to the Committee of Ministers of the Council of Europe for supervision of its execution. Further information about the execution process can be found here: www.coe.int/t/dghl/monitoring/execution

According to the documents submitted to the Court, following the above judgments Mr Saliba became extremely depressed and unfit for work.

Relying on Article 6 § 1 (right to a fair hearing) of the European Convention on Human Rights, Mr Saliba complained that the domestic courts had failed to give proper attention to the validity, credibility and relevance of the evidence in the civil proceedings that had been brought against him.

Violation of Article 6 § 1

Just satisfaction: 10,000 euros (EUR) (non-pecuniary damage) and EUR 11,000 (costs and expenses)

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The European Court of Human Rights was set up in Strasbourg by the Council of Europe Member States in 1959 to deal with alleged violations of the 1950 European Convention on Human Rights.