

## National

# Neighbour talks of heated argument on night Ukrainian woman died

Waylon Johnston

In the three weeks before a Ukrainian woman was found dead at the bottom of a shaft, a neighbour heard repeated arguments between a man and a woman lasting hours.

Vicky Borham recalled that one night she heard a heated argument in what she assumed was the Ukrainian language. She also heard cries of distress at about 1 a.m., that is, about seven hours before a

woman was found dead in a block of flats at St Paul's Bay two years ago.

Ms Borham was testifying in the trial by jury of Sergii Nykytiuk, 41, residing at St Paul's Bay, who is pleading not guilty to murdering his Ukrainian wife, Lyudmila, 35, on November 11, 2009.

The witness said there used to be arguments about three times a week and these lasted for hours. On the night of the alleged murder, she could recall going to bed at about 9.30 p.m. only to be awakened at 1 a.m. by the loud shouting of a man

and woman with the male voice remarkably louder than the woman's. She could not say if the voices belonged to the accused and his wife but knew it was coming from their apartment where she also heard the banging of doors. At one point, the couple took their argument to the stairway from where she heard a woman crying in distress and the man walk back into the apartment. The man then walked out and back in for a second time, Ms Borham added. She went back to sleep and then, in the morning,

she heard another female voice crying and a male speaking in a manner indicating that like something horrible had been discovered.

Defence lawyer Malcolm Mifsud asked the witness why she had not called the police when she heard the argument. Ms Borham explained that at the time she was also a victim of abuse and so did not want to get involved in any more problems when she had her own to deal with.

Lawrence Spagnol, a diving instructor, testified that on the morning the body was found, he

was locking his dive shop situated opposite the couple's apartment block when he was approached by the accused. In broken English he told him: "Come, come, problem, problem". He followed the accused into the block where the accused pointed to the body and again said: "Problem, problem."

Mr Spagnol said he told the accused it was a big problem and he should call the police but the accused did not seem to understand and so he called the police himself.

The case continues.

## Going... going...



This oil on canvas by Orazio Borgianni (1578-1616) is among the items that will be auctioned next Saturday and Sunday. The list includes a collection of master paintings of Maltese and foreign Caravaggesque artists ranging from the 15th through to the 19th centuries as well as silver, china, fine porcelain, arms and militaria. They can be viewed at Villino Zammit, in Sliema, between today and Friday from 10 a.m. to 8 p.m. and on October 29 and 30 between 10 a.m. and 2 p.m. For more information visit [www.obeliskauctions.com](http://www.obeliskauctions.com)

## Deliveryman knocks door down, court hears

Waylon Johnston

A young father of four who allegedly broke down the front door of the house of his girlfriend's mother and then walked inside holding a knife was yesterday remanded in custody after a police inspector said he feared a repeat.

Kenneth Cassar, 31, from Marsascala had a huge argument with his partner on Wednesday morning that was followed by the violent incident at her family's house at 10 p.m. in Tarxien, Police Inspector Jurgen Vella said.

He produced a copy of Mr Cassar's criminal record which indicates similar behaviour in the past and argued that he feared more such attacks could occur if the accused was granted bail.

Defence lawyer Chris Cardona said Mr Cassar had four children aged, 11, 8, 3 and a one-year old and so he had to be granted bail to be able to work and pay maintenance.

Mr Cassar, who works as a deliveryman, denied damaging the door, threatening four members of his girlfriend's family, illegally carrying a knife and breaching the peace.

Magistrate Edwina Grima remanded him in custody.

## Family of four attack driver after near collision

Waylon Johnston

Four members of the same family were found guilty of attacking a Libyan man after the magistrate believed the victim's version of events.

Despite conflicting evidence, which the defence counsel argued should lead to the accused being acquitted, Magistrate Audrey Demicoli said she found the victim, Wael Mohammed Ghani, credible.

The incident happened on March 28, 2008 when Mr Ghani was driving his Toyota car towards a roundabout in the area known as Tal-Hawli in Cospicua when Joseph Bugeja, 23, drove out of a side street and onto the roundabout just

missing Mr Ghani's car, the court heard.

Mr Bugeja made an obscene gesture with his hand directed at Mr Ghani and drove away at an excessive speed.

Mr Ghani dropped his wife and child at home and went to look for parking when he spotted Mr Bugeja who had already parked. Mr Ghani told him he should be careful when driving.

Mr Bugeja began shouting and swearing at him and, all of the sudden, Mr Bugeja's mother, Jacqueline, 47, his two brothers, 24-year-old Francis and Kevin, 22, came out of the house and began throwing stones and also assaulted him.

Ms Bugeja hit the victim and his car with a squeezer while Francis

Bugeja threw a small tin of paint at the car smashing the windscreen. At one point, he went into the garage, produced a knife, a screwdriver and a spanner at which point the victim got into his car and drove away.

Dr Demicoli said that although the Bugeja family denied everything and there was conflicting evidence, she found the version given by the victim to be credible.

She fined Joseph and Jacqueline Bugeja €400 each. Kevin was fined €200 as he was deemed a first time offender and Francis was given an eight-month jail term suspended for 18 months.

Lawyers José Herrera and Veronique Dalli appeared for the family.

## Mepa defends its patch on SmartCity

Kurt Sansone

Applications related to SmartCity were processed "within the agreed timeframes", the planning authority insists.

The Malta Environment and Planning Authority yesterday reacted to comments by IT Minister Austin Gatt that the removal of a pumping station at SmartCity depended on the time taken by Mepa to approve the application.

SmartCity's contractual obligations to employ people according to pre-determined levels kicks in when the pumping station is removed.

The planning authority said it was processing two applications related to the SmartCity project and none of them was linked to a pumping station.

It said that planning application PA5757/09 for the proposed construction of retail block 3 was in its final stages of consideration. "This application, although submitted in 2009, was held back at the request of the applicant and by the National Commission for Persons with a Disability," Mepa said.

It also said that a second application filed this September was undergoing the pre-screening submission process. The application filed by SmartCity Malta is for the



A model of the SmartCity project. Photo: Darrin Zammit Lupi

construction of an underground storm-water reservoir.

SmartCity opened its first office block in October last year and is now building more office blocks as part of the second phase.

The project came under scrutiny since the number of jobs generated there is nowhere near that promised by the government when the contract was signed in 2007 with Dubai-based Tecom Investments, the company behind SmartCity Malta.

However, Dr Gatt has gone on record saying that the government had to fulfil its side of the deal before SmartCity's jobs obligation kicked in. A sewage outfall in the area stopped functioning this year but the old pumping station is still standing despite it not being used. Contractually, the government was bound to remove these structures by the end of December 2008.

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