

## Farmers, landowners in fierce battle over Bahrija land

Massimo Farrugia



John Portelli, one of the Bahrija farmers who suffered injuries after a brawl with landowners on May 9. Picture: Alfred Giglio

A battle between farmers and landowners over the rights to a stretch of land in Bahrija turned nasty when a fist fight broke out, leaving farmers with black eyes and stitched-up faces and further complicating a long-drawn legal controversy.

The brawl took place on May 9 when architect Joseph Ellul Vincenti, who was appointed by the court to draft fresh plans of the area, was on site with the farmers. Shareholders of Eliza Company Limited, who own the land, were also present. A series of mutual verbal provocations soon turned into a brawl with punches and kicks being thrown.

The contentious area, overlooking the picturesque bay of Fomm ir-Rih, consists of about 1,500 tumoli of land, partly garigue and partly fields. It was bought in 1997 by Eliza from Italian landlords.

The website of Eliza Company Limited - owned by a handful of Maltese proprietors - said the land could be bought by entrepreneurs who were interested in developing it for fish farming, Disneyland-style theme parks, a golf course, a five-star hotel and other uses.

According to the Malta Environment and Planning Authority, the land is a green area and any development there is prohibited.

Bahrija farmers John and Angelo Portelli, two of nine farmers involved, claimed the new landowners have been trying to throw them out of the land "by hook or by crook", even if the new proprietors "knew that the land had been leased to us when they bought it".

The other farmers who feature in this story are Martin Portelli, Francis Cutajar, Grezzju Cutajar, Paul Dimech, Joseph Tanti, Carmelo Giordamaina and Joseph Schembri. All the farmers have been sued by Eliza directors to move out of the land.

John and Angelo Portelli said the land in question (known as Il-Qortin) has been leased to their families and worked for the past 300 years. Lease documents seen by The Times, which were in John Portelli's possession, dated back to the 1940s and showed that the Portellis' grandfather paid a yearly lease (qbiela) on Ghajn Bierda (a piece of land of which Il-Qortin and other lands form part), which was owned by Italian landowner Count Palermo Navarro.

After asking for a garnishee order against the farmers and effectively having the farmers' bank accounts frozen, Eliza owners asked for the issue of a warrant of prohibitory injunction preventing the farmers from

walking on the land last September.

"We had planted crops which we couldn't reap due to the order," John Portelli said, insisting that Eliza shareholders "and a few thugs" who accompanied them on May 9 just wanted to "prevent the architect from drafting the plans". He said the shareholders became irate when they realised that the nine farmers knew exactly how the land was divided between them.

"Our forefathers had marked the demarcation borders with crosses engraved in the rock, so we knew exactly where our fields started and ended, even though there are no rubble walls separating the areas," the farmers said.

The Portelli brothers said Eliza directors simply wanted to "bully them out" of the land when they had themselves declared under oath they knew the land had been leased to farmers when they bought it.

John Portelli claimed that the new landlords refused the lease payments from the farmers but these kept on depositing their dues in court every year.

One of the directors of Eliza, Joseph Baldacchino of Qormi, had said under oath in 2002 he was aware that the land had been leased to a number of people when Eliza bought it from the Italians.

The landlords had said in court that the farmers created trapping sites and placed rubble on stretches of garigue, deposited soil and planted a number of trees since the land was acquired by Eliza contrary to the farmers' claims that everything had remained untouched for decades. Ninu Cuschieri, known as Il-Hasana, one of the main shareholders and a director of Eliza, reiterated what Eliza directors had said in court when contacted by The Times, namely, that the farmers scared off potential buyers with threats.

He claimed it was not true that the shareholders had attacked the farmers. "It was a brawl in which many people, even those on our side, were seriously injured," he said, adding that he had bruises on his leg. Mr Cuschieri said the farmers, particularly individual "culprits", had threatened him several times whenever he visited the site with potential buyers. On one occasion, one of the farmers had also threatened with a shotgun third parties interested in purchasing parts of the land, he said.

He also said the farmers would throw nails on the ground so that his car tyres would be punctured.

Mr Cuschieri said that notwithstanding what the farmers claimed, they had no title to the land in question, especially because Il-Qortin (the stretch owned by Eliza) was mostly garigue land which could not be worked. He claimed that the designs called for by the farmers had already been drafted and the lawyers were trying to play for time.

"Nobody asked them to deposit the lease in court," he said when the farmers' claims were pointed out to him.

According to Mr Cuschieri, the farmers rented out the land they had leased to hunters and trappers. "Is it fair that I have to fight a legal battle over my land when other people who have no title over it make money," asked Mr Cuschieri, adding that the land could not be used for farming and that the farmers allegedly placed soil over patches of the land, "supposedly to show it was used for agriculture".

Eliza directors said in court the farmers had also built hunters' hides on an area known as Ix-Xaghra ta' Xafura, the same patch of land owned by Eliza. The farmers contradicted this claim and said nothing had been changed or built after Eliza acquired the land and that any changes had been done with the consent of the previous owners.

"I am ready to let them use the land if they prove they had leased Il-Qortin", Mr Cuschieri said, adding he was willing to avoid confrontation and sit down with the farmers to strike a deal. He said the farmers had failed to produce enough evidence in court to prove they had been leasing the land in question.

According to the farmers, however, this claim was "a catch" with which the landlords were trying to trick them. They said Il-Qortin was one area which formed part of Ghajn Bierda, the area which, according to documents, was leased to the farmers' families.

"It's like saying we have a title over the whole of Valetta but not over the Royal Opera House," John Portelli said.

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