

Monday 3rd April, 2023

Mr Ian Deguara
Commissioner for Data Protection
IDPC
Floor 2, Airways House
Triq Il-Kbira
Sliema SLM1549

Dear Commissioner,


We write on instructions of Mr Yorgen Fenech.


By means of the foregoing we bring to your urgent attention Mr Fenech's complaint concerning the illegal, unnecessary, and unjustified processing of his personal data consisting of hundreds of pages of illegally obtained private WhatsApp messages.

The unauthorised dissemination of these WhatsApp messages has already caused him, his wife, children, relatives and friends significant distress and anguish.

We therefore respectfully request you treat this complaint with urgency.

Sincerely,


Av. Gianluca Caruana Curran


Av. Charles Mercieca

Submissions in relation to complaint filed by Yorgen Fenech

1. That by means of the present, Yorgen Fenech (hereinafter referred to as the “data subject”) is submitting his complaint to the Commissioner for Information and Data Protection (hereinafter referred to as the “Commissioner”);
2. That the data subject’s complaint relates to a blog post published on the 21st March, 2023 by Mark Camilleri on the website <<https://markcamilleri.org>> (hereinafter referred to as the “controller”) with the title ‘Here are the full chat transcripts between Rosianne Cutajar and Yorgen Fenech’ (hereinafter referred to as the “post”);¹
3. That for ease of reference the data subject is providing the Commissioner with a true copy of the post, (attached as ‘Document 1’). By means of the post, the data subject’s personal data – more than two hundred pages of a WhatsApp chat conversation - was made publicly available to an infinite number of persons without his permission;
4. The WhatsApp chat dates to 2019 and is between the data subject and a certain Rosianne Cutajar. It contains intimate references to the data subject’s personal and private life, the personal and private life of the data subject’s family and the personal and private life of third parties’ and their families.
5. The consequences on the mentioned persons have been severe. The intervention of the Commissioner is therefore being requested with utmost urgency.
6. That the chat transcripts processed by the controller are found exclusively on the data subject’s mobile phone. The said data and mobile phone were deposited in court proceedings against the data subject on the 30th of November, 2021. On that day the data subject objected to the production of the entirety of the data given that most of the data was irrelevant to the court proceedings. Following this, the Court of Magistrates imposed a ban on the publication of the contents of the phone

¹<https://markcamilleri.org/2023/03/21/here-are-the-full-chat-transcripts-between-rosianne-cutajar-and-yorgen-fenech/>
last accessed on the 24th March, 2023.

(see Document 2 attached). The ban was reconfirmed by the Criminal Court on the 29th November, 2021 wherein it was stated that:

“ma jsir ebda pubblikazzjoni kemm fil-midja lokali, fuq il-midja soċjali, fil-mezzi tax-xandir, f’kwalunkwe kitba stampata kemm dattilografikament kif ukoll elettronikament tal-kontenut tal-atti u d-dokumenti li jinsabu fl-atti proċesswali fl-isem “Ir-Repubblika ta’ Malta vs Yorgen Fenech” li għalihom għandhom aċċess unikament il-partijiet.”
(see Document 3 attached)

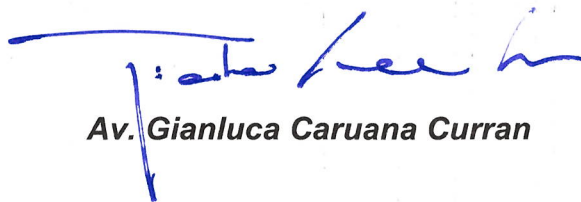
7. From investigations undertaken by the Maltese Police, it was established that the controller clandestinely acquired the data subject’s data from within the court proceedings. Subsequently the Criminal Court ordered the police to prosecute the controller for publishing the private and proscribed material (see Document 4 attached). The Criminal Court stated as follows:

“Wara li rat l-artikolu 517(4) tal-Kodici Kriminali, tordna lil Kummissarju tal-Pulizija sabiex jiehu passi Kriminali kontra l-imsemmi Mark Camilleri quddiem il-Qorti tal-Magistrati bhala Qorti ta’ Gudikatura Kriminali, għal disprezz lejn l-awtorita tagħha u allura bir-reat imfassal fl-artikoli 517 u 686 tal-Kodici Kriminali, kif ukoll l-artikolu 996 tal-Kodici ta’ l-Organizzazzjoni u Procedura Civil u dan meta fil-21 ta’ Marzu 2023 fuq is sit www.markcamilleri.org huwa kiser l-ordni ta’ din il-Qorti datata 29 ta’ Novembru 2021 u ppubblika fuq l-imsemmi sit parti mill-kontenut tad-Dokumenti XYZ1 et seq. misjuba fl-atti tal-kawza surriferita.”

8. The processing of his personal data by the controller was not only illegal but entirely unjustified, unnecessary and serves no legitimate purpose. It has caused the applicant and his family immeasurable distress and anguish. The harm caused by the illegitimate processing is amplified by the controller’s efforts to achieve notoriety and spread the WhatsApp conversations as wide as possible. Indeed, in October 2021, the controller pledged his intention to cause as much harm as possible to a certain Rosianne Cutajar (Document 5 attached). To make good on his promise to the controller published the WhatsApp messages thereby inflicting immeasurable misery to the data subject and his family.
9. That by no stretch of anyone’s imagination can it be said that there is substantial public interest in the dissemination of private conversations with a third party (which topics of conversation have absolutely nothing to do with the criminal

proceedings against the data subject). The post only serves to create sensationalism and put the data subject in a perpetual negative light in the public eye;

10. That the data subject respectfully submits that the controller failed to adhere to the principles as outlined in Article 5(1)(a), Article 5(1)(b) and Article 5(1)(c) of the GDPR. That respectfully, the data subject submits that the processing of his personal data cannot in any way be said to be "*proportionate, necessary and justified for reasons of substantial public interest*";²
11. A WhatsApp conversation is a private conversation between two individuals and by its nature it is not meant to be publicly disseminated. The contents of any conversation, let alone a private one, should be treated with higher levels of care and sensitivity.
12. It is believed that the controller is in possession of more WhatsApp conversation between himself and third parties. The controller has every intention on publishing this data to cause distress and harm to his perceived opponent. Therefore, timely and decisive intervention by the Data Protection Commissioner is crucial.
13. That in the circumstances the data subject respectfully requests the Data Protection Commissioner that, after finding that the controller's data constitutes a breach of the Data Protection Act and Regulation (EU) 2016/679, orders the controller to immediately and permanently delete the post in its entirety and takes steps necessary, including but not limited to, the removal the data from any publicly accessible domain; this apart from any other measure or decision which the Commissioner for Data Protection deems fit to take.


Av. Gianluca Caruana Curran

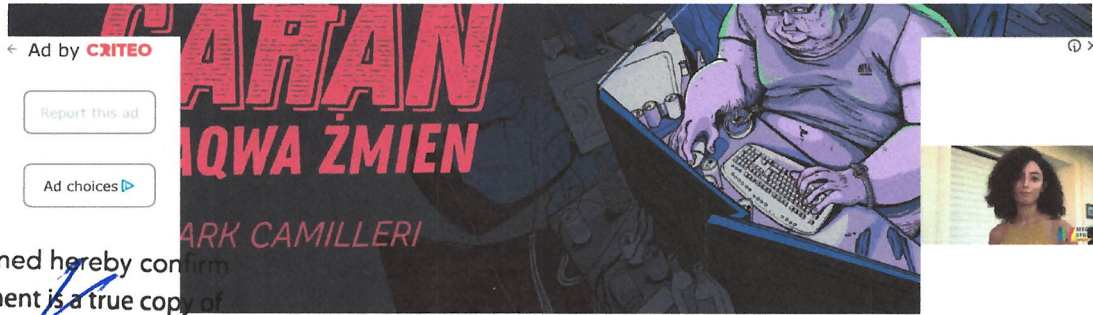

Av. Charles Mercieca

² Article 9(1) of the Act

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Document 1



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MILLERI

HISTORIAN, GUERRILLA PUBLISHER, AND EX-GOVERNMENT EXECUTIVE. NOT TO BE CONFUSED WITH MY DE

Av. Charles Mercieca LL.B, M. Adv, LL.M
206, Wisely House, Old Bakery Street,
Valletta

Here are the full chat transcripts between Rosianne Cutajar and Yorgen Fenech

March 21, 2023 camillerimark Blog Posts 0



So, as many of you know, **Rosianne Cutajar** has an ongoing libel case against me for revealing that she was not only bribed by Yorgen Fenech, but also had an intimate relationship with him. Previously I published her **hotel booking** in Paris, paid for and booked by Yorgen Fenech.

I was prepared to present these chats tomorrow during Rosianne's libel case after Rosianne Cutajar would have committed perjury by denying she had an intimate affair with Yorgen Fenech. Unfortunately, Rosianne got lucky as someone figured out how to download these chats from my website without them being published in the first place. Maybe it was a human error on my part or just someone checking out the HTML, since I never published these chats in the first place and were only stored on my website.

I am also informed that Rosianne Cutajar has also left the country after being told that these chats were in the public domain and she is not planning to attend tomorrow's libel session.

So, I am uploading all of Rosianne Cutajar's and Yorgen Fenech's chats between them. The chats belie Rosianne Cutajar because not only did she have an intimate relationship with Yorgen Fenech, but she was madly in love with him while Yorgen also funded her political campaigns, something which so far she has not declared. There are many other interesting things to extract from these chats. For example, the chats show the extended contacts and networks with Joseph Muscat's clique when they mention dinners and parties. Rosianne also admits in these chats of getting a second salary from the government just because everyone around her was corrupt.

You can download the chats here:

[Chats Part_1](#)

[Chats Part_2](#)

If you would like to know how a person like me would get hold of such chats you may want to read **GAHAN FL-AQWA ZMIEN** and also visit <http://www.pollygrech.com>

CHATS LIBEL CASE PERJURY ROSIANNE CUTAJAR YORGEN FENECH



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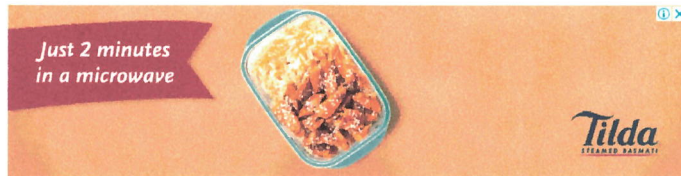
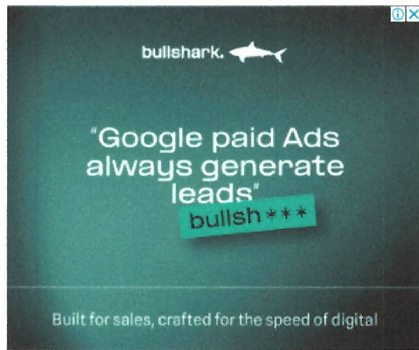
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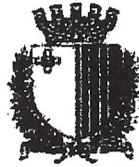
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**QORTI TAL-MAGISTRATI
(MALTA) BHALA QORTI ISTRUTTORJA**

Kaz Numru 720/2019
Magistrat MONTEBELLO RACHEL
Data tas-Seduta 30/11/2020
Okkio IL-PULIZIJA vs FENECH YORGEN

KOMUNIKA: ALVIN CARDONA

Meta ssejhet il-kawza deheru l-Ufficjali Prosekuturi Supretendent Keith Arnaud u Spettur Kurt Zahra.

Deher l-imputat assistit minn Dr Gianluca Caruana Curran, Dr Charles Mercieca u Dr Marion Camilleri.

Dehret il-familja Caruana Galizia, parte civile, assistita minn Dr Jason Azzopardi.

Deher Dr Philip Galea Farrugia mill-Ufficcju tal-Avukat Generali.

Xehdu bil-gurament konguntivament: l-Esperti Konstantinos Petrou, Israel Gordillo Torres u Giuseppe Totaro, bil-lingwa Ingliza.

L-imputat jiddikjara li jifhem bil-lingwa Ingliza u m'ghandux oggezzjoni li x-xhieda jixhdu bil-lingwa Ingliza.

L-esperti esebew zewg kaxxi mmarkati rispettivament Set A u Set B kontenenti hard drive kull wahda, li entrambi fihom l-istess informazzjoni, liema kaxxi gew immarkati Dok XYZ1 u Dok XYZ2 u l-Espert Konstantinos Petrou esebixxa rapport li gie mmarkat Dok XYZ3.

Kontro-ezami rizervat.

Xehed bil-gurament bil-lingwa Ingliza: l-Espert Konstantinos Petrou

Ix-xhud esebixxa submission form li giet immarkata Dok XYZ4 u dokument li gie mmarkat Dok XYZ5.

L246

Domandi minn Dr Jason Azzopardi ghall-parte civile.
Kontro-ezami rizervat.

Xehed bil-gurament bil-lingwa Ingliza: I-Espert Giuseppe Totaro

Ix-xhud esebixxa zewg rapporti li gew immarkati Dok XYZ6 u Dok XYZ7 u zewg submission forms li gew immarkati Dok XYZ8 u Dok XYZ8a.

Ix-xhud irritorna u esebixxa seduta stante:

- evidence bag bin-numru M24128684 ssiggillata kontenenti Apple Iphone (u cover) u sim card GO Mobile, bl-exhibit numbers L00095091_A u L00095091_A_1.

- evidence bag bin-numru M24128685 ssiggillata kontenenti Iphone XS MAX (model A2101) u sim card GO Mobile bl-exhibit numbers M00575241 u M00575241_1.

- evidence bag bin-numru M24128686 ssiggillata kontenenti Iphone XS (model A2097) (u cover) u sim card Vodafone bl-exhibit numbers S00569809 u S00569809_1.

- evidence bag bin-numru 1211066 ssiggillata kontenenti Apple Ipad A1822 bl-exhibit number L00095091_B.

Domandi minn Dr Jason Azzopardi ghall-parte civile.
Kontro-ezami rizervat.

Il-Qorti tordna li ma ssir l-ebda pubblikazzjoni fil-midja tal-indirizz li semma dan ix-xhud waqt id-depozizzjoni tieghu stante li dan huwa l-indirizz residenzjali tal-familja tal-imputat.

Bil-permess tal-Qorti, l-imputat inhareg mill-Awla u ddikjara illi qed jaghti l-kunsens tieghu sabiex ix-xhud li jmiss jiddeponi fl-assenza tieghu gjaladarba diga' jinsabu prezenti l-avukati difensuri tieghu.

Xehed bil-gurament bil-lingwa Ingliza: I-Espert Israel Gordillo Torres.

F'dan l-istadju rega' dahal fl-Awla l-imputat.

Ix-xhud esebixxa tlett rapporti li gew immarkati Dok XYZ 9, Dok XYZ10 u Dok XYZ11.

L247

Domandi minn Dr Jason Azzopardi ghall-parte civile.

Il-Qorti tqis li x-xhud huwa kwalifikat li jwiegeb ghad-domanda maghmula minn Dr Jason Azzopardi ghall-parte civile u tawtorizza li jwiegeb ghal din id-domanda.

Ix-xhud esebixxa submission form li giet immarkata Dok XYZ9A u tliet dokumenti li gew mmarkati Dok XYZ9B, Dok XYZ10A u Dok XYZ11A.

Kontro-ezami rizervat.

Seduta sospiza.

Xehdu bil-gurament konguntivament bil-lingwa Ingliza: I-Esperti Konstantinos Petrou, Israel Gordillo Torres u Giuseppe Totaro in kontro-ezami.

Kontro-ezami ulterjuri rizervat.

Xehed bil-gurament bil-lingwa Ingliza: I-Espert Konstantinos Petrou in kontro-ezami.

Kontro-ezami sospiz.

Il-Prosekuzzjoni titlob biex jinhatar espert tekniku sabiex jaghmel kopja tal-informazzjoni digitali kontenuta fil-hard drive Dok XYZ1 (jew XYZ2) u dan ghall-fini li jinghataw lill-partijiet kopja ta' dan il-kontenut.

Id-difiza toggezzjona ghal din it-talba u dan billi hija tesigi li l-informazzjoni li tinghata tkun estratta direttament mill-esperti tal-Europol mill-istess sors li minnu hargu l-hard drive Dok XYZ1 u Dok XYZ2.

Dr Jason Azzopardi ghall-parte civile, filwaqt li jaqbel mat-talba tal-Prosekuzzjoni sabiex jinhatar espert tal-fiducja tal-Qorti, joggezzjona ghat-talba tad-difiza minhabba illi dan ikun ifisser li jekk tintlaqa', il-partijiet mhux ser jinghataw kopja tal-kontenut tal-hard drive fi zmien qasir.

4248

Il-Qorti tipprovdi dwar it-talba tal-Prosekuzzjoni u tad-difiza billi tordna lill-Esperti tal-Europol li xehdu fis-seduta tal-lum sabiex jipprovdu hard drive iehor kontenenti l-istess informazzjoni li tinsab fuq il-hard drives Dok XYZ1 u Dok XYZ2 u li tigi estratta minnhom direttament mill-istess sors, sabiex din tinghata lid-difiza bhala l-kopja li tesigi ta' Dok XYZ1 (jew Dok XYZ2), u dan wara li l-Qorti, mix-xhieda taghhom, fehmet illi din il-hard drive ulterjuri diga' tinsab fil-pussess taghhom.

Fl-istess waqt, il-Qorti ghall-fini li jinghataw kopji tal-hard drive Dok XYZ1 (Set A)(jew XYZ2), qieghda tahtar bhala espert lil Alvin Cardona sabiex jaghmel tlett kopji tal-kontenut kollu tal-hard drive Dok XYZ1 (Set A) u dan sabiex tinghata kopja kull wahda lil Prosekuzzjoni, lill-parte civile u lid-difiza. Tordna wkoll li dan l-inkarigu jigi espletat minnufih u fl-iqsar zmien possibbli.

In linea ma' dan il-provediment appena moghti,

Xehdu bil-gurament konguntivament: l-Esperti Konstantinos Petrou Christos, Israel Gordillo Torres u Giuseppe Totaro, bil-lingwa Ingliza.

Ix-xhieda ddepozitaw f'idejn ir-Registatur tal-Qorti zewg hard drives (Set: C1 u Set: C2) kontenenti l-istess informazzjoni li tinsab fil-harddrives Dok XYZ1 u Dok XYZ2 sabiex din eventwalment tingabar mid-difiza.

Il-Qorti tordna li dawn iz-zewg hard drives jinzammu fis-sigrieta ta' din il-Qorti sabiex eventwalment jigu mghoddija lid-difiza bhala l-kopja taghha ta' Dok XYZ1 (jew Dok XYZ2) u dan meta jigi espletat l-inkarigu moghti lill-espert mahtur illum u flimkien mal-kopja li ser tinghata lill-partijiet kollha tal-istess Dok XYZ1.

Fuq talba tad-difiza, izda bil-qbil tal-partijiet l-ohra kollha, il-Qorti qieghda tipprojbixxi kwalsiasi pubblikazzjoni f'kull mezz li jkun tal-kontenut kollu li jinsab fuq il-hard drives Dok XYZ1 u Dok XYZ2 u kwindi wkoll fil-kopji li jinghataw lill-partijiet, hlief ta' dik l-informazzjoni illi tinghata permezz tal-provi u tax-xhieda li jinstemghu matul il-process fil-Qorti bil-miftuh. Ghal dan il-fini, qieghda tipprojbixxi lill-partijiet kollha li lillhom jinghataw kopja ta' dan il-kontenut jew informazzjoni, inkluz lill-avukati taghhom, milli jaghtu kopja jew jghaddu bi kwalsiasi mod iehor lil terzi din l-informazzjoni (hlief sa fejn dan huwa mehtieg ghall-fini ta' xi investigazzjoni kriminali jew sa fejn jinghata permiss mill-Qorti). Kwalunkwe ksur ta' din l-ordni ser jitqies bhala turija ta' disprezz lejn l-Awtorita' tal-Qorti u tkun prosegwibbli skond il-ligi.

Il-kawza qed tigi differita ghat-2 ta' Dicembru 2020 fl-10:00am.

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Graziella

Graziella Attard
Deputat Registratur

4269

DEPUTAT REGISTRATUR

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QORTI KRIMINALI

ONOR. IMHALLEF EDWINA GRIMA LL.D.

Illum, 29 ta' Novembru 2021

Ir-Repubblika ta' Malta

vs

Yorgen Fenech

Il-Qorti,

Reggħet rat ir-rikors ta'l-akkużat tal-1 ta' Novembru 2021 u r-risposta ta'l-Avukat Ġenerali tat-03 ta' Novembru 2021.

Rat in-nota ippreżentata mill-akkużat fit-8 ta' Novembru 2021 u d-dokumenti annessi miegħu.

Rat in-noti ippreżentati mir-Registratur tal-Qrati u Tribunali Kriminali fuq ordni tal-Qorti.

Rat il-verbal tas-seduta tat-30 ta' Novembru 2021 quddiem il-Qorti tal-Maġistrati bħala Qorti Istruttoria.

Ikkunsidrat:

Illi fir-rikors minnu ipprezentat l-akkużat jilmenta illi it-tixrid inkontrollabbli ta' informazzjoni u dokumenti misjuba fl-atti proċesswali fuq il-mezzi soċjali u fil-midja lokali jista' joħloq preġudizzju irrimedjabbli għal presunzjoni tal-innoċenza li huwa jgawdi matul il-proċess penali istitwit kontra tiegħu, b'mod speċjali billi l-istess jista' jservi ta' influwenza negattiva fuq ġudizzju eventwali li ser jittiehed fil-konfront tiegħu mill-ġurija popolari magħzula minn ċittadini, membri fis-soċjeta, li, fil-fehma tiegħu, ser jkunu diga ippreġudikati meta jigu biex jagħmlu id-deċizjoni tagħhom. Oltre dan iqis illi din il-pubblicita' qiegħda ukoll tolqot il-ħajja privata tiegħu u tal-familja tiegħu.

Illi l-Qorti tibda biex tosserva illi d-dritt għall-informazzjoni huwa inerenti f'kull soċjeta' demokratika b'dan għalhekk illi l-pubbliku in generali għandu il-jedd ikun infurmat b'dak kollu li qed jiġri madwaru. Illi din il-manzjoni hija fdata fidejn ir-raba' pilastru ta' soċjeta demokratika, u cioè' lil ġurnalizmu. Illi minn naħa l-oħra huwa ukoll id-dmir ta' kull ġurnalista li jirrapporta fedelment dak minnu konstatat, bil-messagg li jrid iwassal jkun veritier u affidabbli u li jista' ikun ta' interess pubbliku. Dan ifisser illi huwa fl-interess taċ-ċittadin f'soċjeta' demokratika illi jiġi mgħarrfa b'dak li jkun qed jiġri f'kull proċess penali quddiem il-qrati tal-gustizzja tant illi anke il-proċeduri jsiru dejjem fil-qorti bil-miftuħ. Illi dan magħdud madanakollu, l-qrati ta' gustizzja penali huma mogħnija bis-setgħa li jordnaw divjet fil-publikazzjoni fil-mezzi tax-xandir, fil-midja lokali u l-gazzetti mhux biss ta' isem l-akkużat, iżda ukoll tal-proċess penali saħansitra fl-intier tiegħu meta l-interessi tal-gustizzja hekk jirrikjedu u cioè' meta daww l-interessi jkunu jissuperaw l-interess jew id-dritt tas-soċjeta' għall-informazzjoni. Illi ukoll dan il-jedd għall-informazzjoni ma għandux jissarraff f'jedd għas-sensazzjonalizmu, intiz biex jizzvija lil qarrej, iżda dan għandu dejjem iservi ta' tiftix għall-verita', manzjoni li *del resto* hija mhollija ukoll fidejn il-qrati tal-gustizzja.

Illi l-akkużat jallega illi ic-*chats* ippubblikati mill-kittieb Mark Camilleri huma riproduzzjoni tal-kontenut misjub fid-Dokumenti XYZ1 u XYZ2, eżebiti in atti, li kopja tagħhom giet mgħoddija unikament lil partijiet involuti u fejn il-Qorti Istrutturja saħansitra kienet, bi qbil bejn l-istess partijiet, ordnat id-divjet tal-publikazzjoni tal-kontenut ta' dawn id-dokumenti, hlief ta' dik l-informazzjoni illi tingħata permezz tal-provi u tax-xhieda li jinstemghu matul il-proċess fil-Qorti bil-miftuħ, flimkien mal-projbizzjoni lil partijiet milli jgħaddu xi kopja lil terzi persuni mhux awtorizzati u li l-ksur ta' din l-ordni kellha tikkostitwixxi disprezz lejn l-awtorita tal-Qorti.

Illi l-Qorti tosserva b'dispjaċir, illi f'dan il-każ qed ikun hemm spiss tixrid ta' informazzjoni kontenuta fl-atti proċesswali u d-dokumenti hemmhekk eżebiti li dwarhom kemm il-Qorti Istrutturja kif ukoll din il-Qorti ordnat li dawn ma iġhaddux f'idejn terzi persuni estranji għal kawża. Jidher madanakollu illi l-Ordnijiet maħruga ma humiex qegħdin jiġu osservati, għal xi raġuni jew oħra, inkluż mill-istess akkużat li jipprova juża' materjal eżebiti biex donnu imexxi dan il-proċess gudiżżjarju hu stess minflok il-Qorti b'allegazzjonijiet illi ix-xhieda prodotti mill-Prosekuzzjoni mhumiex kredibbli, manzjoni li għandha tiġi riposta unikament f'idejn il-guriya popolari u il-qrati tal-gustizzja u mhux f'idejn l-akkużat, li għalkemm għandu dritt jipprova l-innoċenza tiegħu, madanakollu dan irid isir fl-ambitu tal-proċess gudiżżjarju u bl-ebda mezz ieħor. Kif bl-istess mod ħadd ma għandu jażżarda juża il-midja u il-mezzi soċjali bi zvelar tal-kontenut ta' dokumenti li jinsabu fl-atti, bil-għan li jgħaddi lill-akkużat minn proċess gudiżżjarju barra l-awla tal-Qorti.

Dan magħdud, għalkemm l-akkużat jikkontendi illi dina l-ordni giet imsejsa fuq dak li jiddisponi l-artikolu 517 tal-Kodiċi Kriminali, ma jidhirx madanakollu li l-Qorti Istrutturja iċċitat din id-disposizzjoni tal-liġi meta

nghata d-digriet imsemmi. Illi fil-fatt mill-informazzjoni mogħtija mir-Registratur tal-Qorti, u dan fuq ordni ta' din il-Qorti, ma jidhirx lanqas illi giet sewgieta il-proċedura infraskritta f'din id-disposizzjoni tal-ligi biex b'hekk lanqas ma jista' jingħad illi kien hemm it-twaħħil tal-Ordni fl-edifizzju fejn toqgħod il-Qorti li allura kellha isservi bħala notifika *ad omnes*, sabiex b'hekk min jisfida dik l-ordni ikun passibbli għal proċeduri fit-termini ta' l-artikolu 997 tal-Kapitolu 12 tal-Ligijiet ta' Malta, fejn allura l-Qorti li tkun giet oltragġjata għandha tordna lir-Registratur tal-Qorti jistitwixxi proċeduri fit-termini ta' l-artikolu 1003A tal-Kapitolu 12 tal-Ligijiet ta' Malta, kuntrarjament għall-oltraġġ li jsir *in faciem curiae*.

Illi fil-każ in diżamina l-Qorti, madanakollu, ma tistax timxi fit-termini ta' l-artikoli tal-ligi hawn fuq iċċitati u dan għaliex hemm dubbju dwar jekk l-awtur tal-oltraġġ allegat mill-akkużat kienx debitament notifikat bl-ordni tal-Qorti, kif hemm dubbju wkoll dwar is-sors minn fejn inkisbet l-informazzjoni kontenuta fid-dokumenti tal-Qorti, li tagħhom giet ipprojbita il-pubblikazzjoni, u min setgħet kienet dik il-persuna li marret kontra l-Ordni tal-Qorti Istrutturja u għaddiet l-informazzjoni lil Camilleri, liema fatti jistgħu jemerġu unikament minn investigazzjoni tal-pulizija.

Illi l-Qorti hija tal-fehma illi, għalkemm l-artikolu 517 tal-Kodiċi Kriminali jagħti setgħa lill Qorti tordna id-divjet fil-pubblikazzjoni dwar ir-reat li fuqu tkun miexja l-kawża, jew dwar il-persuna tal-imputat jew l-akkuża, madanakollu f'dan il-każ peress illi huwa fl-interess tal-gustizzja u tas-soċjeta in generali li jkun infurmati dwar dak li qed iseħħ f'dan il-proċess penali u allura f'dawk il-proċeduri li jsiru fil-qorti bil-miftuħ, din id-disposizzjoni tal-ligi għandha tigi reza applikabbli limitatament għall-atti u d-dokumenti, kemm dawk dattilografati kif ukoll dawk elettronici, li jinsabu eżebiti in atti u li ma jkunux instemgħu fil-qorti bil-miftuħ. Illi din l-Ordni għandha tigi iffirmit mir-Registratur u mwahħal fil-bieb tal-edifizzju li fih il-

Qorti toqgħod u dan sakemm tintemm il-kawża. B'dan għalhekk illi dina l-affissjoni għandha isservi ta' notifika *ad omnes*, u kull min jikser din l-Ordni jista' jkun passibbli għal proċeduri ta' disprezz lejn l-Awtorita' tal-Qorti. B'żieda ma' dan, fiċ-ċirkostanzi partikolari ta' dan il-każ, billi il-proċeduri kriminali kontra l-akkuzat qed jirċevu attenzjoni wiesgħa mill-midja in general, tordna li din l-Ordni tiġi ppubblikata mir-Registratur fil-Gazzetta tal-Gvern u f'zewg gazzetti lokali. Il-Qorti terga' ttenni illi l-Ordni tiswa biss għall-atti u d-dokumenti kollha li jinsabu fl-atti proċesswali li ma jkunux inqraw jew instemgħu fil-Qorti bil-miftuħ u, li l-aċċess għalihom huwa rizervat unikament għall-partijiet involuti f'dan il-proċess penali fit-termini ta' l-artikoli 518 u 440(1) tal-Kodiċi Kriminali. Illi ukoll galdarba il-partijiet għandhom jedd għall-aċċess għall-atti kollha proċesswali u kopji ta' l-istess, tordna ukoll illi ebda parti mill-atti ma jistgħu mill-partijiet jew l-avukati tagħhom jiġu mghoddija lil terzi persuni, jkunu min ikunu, mingħajr il-permess speċjali tal-Qorti.

Għaldaqstant il-Qorti qed tidisponi mir-rikors tal-akkuzat billi:

1. Tordna lill-Kummissarju tal-Pulizija sabiex jinvestiga jekk seħħ ksur tal-Ordni mogħtija mill-Qorti tal-Maġistrati bhala Qorti Istrutturja tat-30 ta' Novembru 2020 u għalhekk jekk hemmx xi persuna li tista' tkun passibbli għal proċeduri imfassla fl-artikolu 997 tal-Kapitolu 12 tal-Liġijiet ta' Malta, reżi applikabbli għal qrati ta' ġustizzja penali permezz ta' l-artikolu 686 tal-Kodiċi Kriminali.
2. Tordna ukoll lir-Registratur tal-Qorti sabiex jara illi jitwahħhal fil-bieb tal-edifizzju li fih il-Qorti toqgħod, u dan sakemm tintemm il-kawża, kif ukoll li ssir il-publikazzjoni fil-Gazzetta tal-Gvern u f'zewg gazzetti lokali ta' l-ordni tal-Qorti illi "ma jsir ebda pubblikazzjoni kemm fil-midja lokali, fuq il-midja soċjali, fil-mezzi tax-xandir, f'kwalunkwe kitba stampata kemm dattilografikament kif ukoll elettronikament tal-kontenut tal-atti u d-dokumenti li jinsabu fl-atti proċesswali fl-isem

“Ir-Repubblika ta’ Malta vs Yorgen Fenech” li għalihom għandhom aċċess unikament il-partijiet. Din l-Ordni ma tolqotx il-proċediment penali li jsir fil-Qorti inkluż allura dawk l-atti u d-dokumenti li ser jinstemgħu jew instemgħu fil-Qorti bil-miftuħ. Tordna ukoll projbizzjoni lil partijiet f’din il-vertenza u lill-avukati rispettivi tagħhom li jgħaddu kopji ta’ dawn id-dokumenti lil terzi persuni, jkunu min jkunu, u cioè’ anke lil persuni mhux involuti fil-midja, jekk mhux bil-permess speċjali tal-Qorti.”

Tordna notifika ta’ dan id-digriet lil:

1. Yorgen Fenech
2. Dr. Charles Mercieca/Dr. Gianluca Caruana Curran/Dr. Marion Camilleri (notifika waħda)
3. Dr. Philip Galea Farrugia għall-Avukat Ġenerali
4. Il-Kummissarju tal-Pulizija u s-Supretendent Keith Arnaud sabiex jaraw li jsiru l-investigazzjonijiet kif ordnati.
5. Dr. Jason Azzopardi għal *parte civile*.
6. Registratur tal-Qorti sabiex jiehu hsieb jara illi l-Ordni mogħtija permezz ta’ dan id-digriet tiġi ippubblikata kif indikat iktar ‘il fuq u imwaħħla fl-edifizzju tal-qorti fit-termini ta’ l-artikolu 517 tal-Kodiċi Kriminali.

Edwina Grima

Imħallef

Qorti Kriminali
Imhallef
Onor. Dr Edwina Grima LL.D.

Ir-Repubblika ta' Malta
Vs
Yorgen Fenech

Illum 23 ta' Marzu, 2023

Il-Qorti,

Regghet rat in-nota ipprezentata mill-Avukat Generali tat-22 ta' Marzu 2022 u d-dokument anness mieghu.

Rat id-digriet taghha tal-istess jum fejn ordnat lill-Kummissarju tal-Pulizija jinvestiga l-allegat agir inkriminatorju ndikat mill-imsemmi Avukat Generali.

Rat in-nota tal-Kummissarju tal-Pulizija pprezentata llum stess minn fejn jirrizulta illi minn investigazzjoni kondotta mill-pulizija certu Mark Camilleri (I.D. card 88088M) kiser l-Ordni ta' din il-Qorti moghtija fid-29 ta' Novembru 2021 moghtija fil-kawza: 'Ir-Repubblika ta' Malta vs Yorgen Fenech', liema atti jinsabu prezentement pendenti quddiem il-Qorti tal-Appell Kriminali (Sede Superjuri), f'liema ordni kien gie ipprojbit kwalsiasi publikazzjoni fil-mezzi tax-xandir, fuq il-midja socjali u permezz ta' kwalunkwe kitba stampata tad-dokument XYZ1 et seq., ezebiti fl-atti tal-kawza, u dan bi ksur tal-artikolu 517(1) tal-Kodici Kriminali.

Wara li rat l-artikolu 517(4) tal-Kodici Kriminali, tordna lil Kummissarju tal-Pulizija sabiex jiehu passi kriminali kontra l-imsemmi Mark Camilleri quddiem il-Qorti tal-Magistrati bhala Qorti ta' Gudikatura Kriminali, ghal disprezz lejn l-awtorita taghha

u allura bir-reat imfassal fl-artikoli 517 u 686 tal-Kodici Kriminali, kif ukoll l-artikolu 997 tal-Kodici ta'l-Organizzazzjoni u Procedura Civili u dan meta fil-21 ta' Marzu 2023 fuq is-sit www.markcamilleri.org huwa kiser l-ordni ta' din il-Qorti datata 29 ta' Novembru 2021 u ppubblika fuq l-imsemmi sit parti mill-kontenut tad-Dokumenti XYZ1 et seq. misjuba fl-atti tal-kawza surriferita.

Tordna li kopja tad-digriet data id-29 ta' Novembru 2021 moghti minn din il-Qorti fl-atti tal-kawza surriferita jigi notifikat ukoll lil Kummissarju tal-Pulizija.

Notifika : Kummissarju tal-Pulizija.

(ft) Onor. Dr. Edwina Grima
Imhallef

Vera Kopja



Joyce Agius
Deputat Registratur



Mark Camilleri

29 October 2021 · 🌐

Good morning. Rosianne Cutajar you are a foolish coward to hide behind your family and "humanity". You are also a liar and totally corrupt.

You have asked me to pull down my Facebook post and even opened a libel case against me. You expect me to comply because you come from a corrupt environment where money rules and the game is set on conspiracies. You are going to be very disappointed because I am a trader and I trade and destroy things for a living. So, let's make a deal. Let's make a trade.

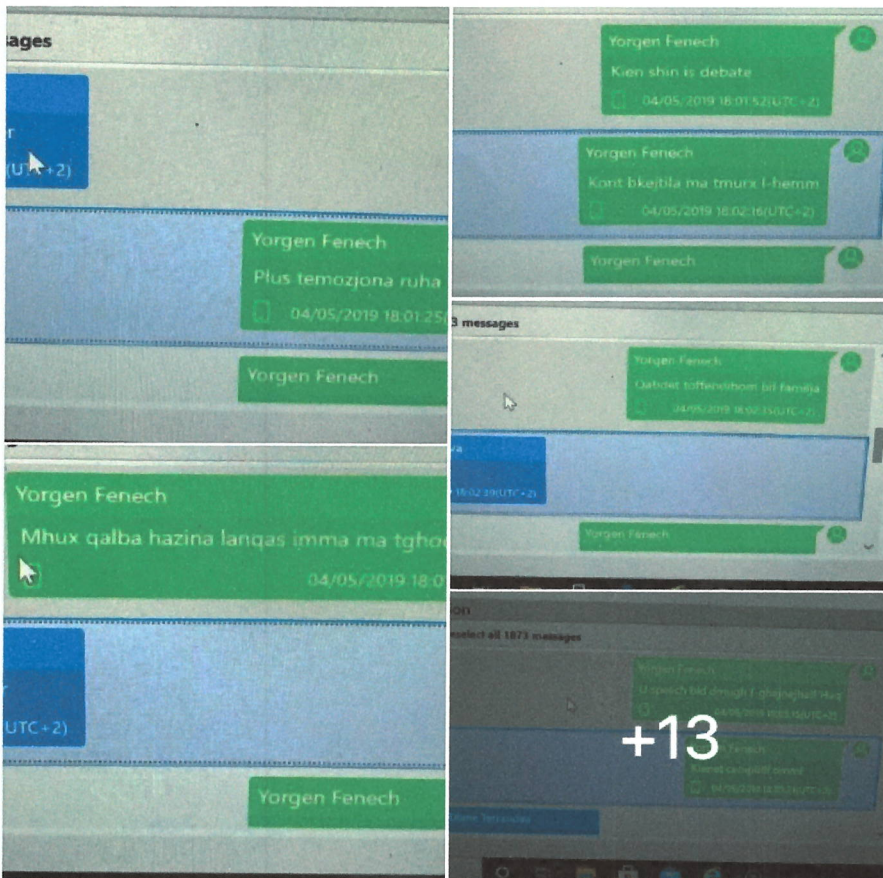
I will remove my posts about you including my NFT of you if you resign from politics completely. You will never hear of me again if you leave politics.

Your alternative is this. Stay in politics, keep up your libel case and I will become your worst nightmare.

You are corrupt, Rosianne, and you belong in jail. You and your corrupt friends have not only ruined the Labour Party but have also ruined the country. I look forward to the day when the Labour Party will be cleansed from you and other corrupt idiots.

This is a conversation by Yorgen Fenech with Diane Izzo about Rosianne Cutajar just after Rosianne made a speech in parliament defending Yorgen Fenech. This is practically one single batch of evidence that you had an intimate relationship with Yorgen Fenech.

You all belong in jail.



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