

L-Atti tal-Inkjesta datata 19 ta' Novembru 2019, rigward skont it-Termini ta' Referenza ta' l-Inkjesta Pubblika dwar l-Assassinju ta' Daphne Caruana Galizia.

Seduta miżmuma llum l-Erbgħa 30 ta' Settembru 2020, fid-9:30 a.m. fit-Tieni Sular, Awla 20, il-Qorti.

Xhud **Matthew Caruana Galizia** riprodott, bil-lingwa Ingliza u bil-gurament tiegħu jgħid :

Judge A Lofaro :

Yes, you can start

The Witness :

So, I am here to present some information and scans and printouts of notes that my mother took that are contemporaneous notes from meetings with sources.

Dr Therese Comodini Cachia :

If I may, the scope of this testimony is to link the testimony that was already given on the correspondence between representatives of Henley and Partners and members of the government. Following that notes of the diseased were actually identified and this is what the testimony will be dealing with.

The Witness :

The reason that it's coming out such at late stage is that it has taken us a while to go through my mother's archives; and there are many notebooks and many folders and many files. So it has taken us a long time to go through all of them; and we are still doing that. So this has just come up at this point.

These notes all covered the same general period, which is around spring 2017, before the election. The first set relates to something which other witnesses have testified about earlier which is logs of phone calls between Keith Schembri and Saviour Balzan. Now, at around that time I was in Malta, and my mother had asked me to help her because the same source who had given her this information had also given her information about other phone calls, and other call logs. And she asked me to check some phone numbers to see if I could find out who they belonged to.

I have kept no notes myself of these numbers but we found my mother's notes. So one of the numbers which identified at the time from my own memory was of Keith Schembri's wife. But from my mother's notes of other numbers in the logs we can see that there were also logged phone calls with Michaela Spiteri and also with Yorgen Fenech's phone number.

Now, at the time these phone numbers were new to me; but obviously now with everything else that we've uncovered, we've put two and two together. My mother had at the time identified this number as being Yorgen Fenech's. The conclusion that we can draw from these notes is that Yorgen Fenech's number is written down here on this particular page of the notebook because it was locked as being.. as having received a mail or made from a phone call to Keith Schembri.

I can present ... I am presenting a screenshot ..

Judge A Lofaro :

Basically these are copy of your mother's notes.

The Witness :

Yes. This is one; I mean there are other notes which I have to present. This is the first part. We then are going to move on to the Henley and Partners ones; but this is the first part.

Dr Therese Comodini Cachia :

Can I give the Board my copy because it's in colour.

The Witness :

Ok; I mean this is in colour as well, ok.

Judge A Lofaro :

Ok.

Dr Therese Comodini Cachia :

It would be easier for you to follow.

The Witness :

There is a label on the notebook next to Yorgen Fenech's phone number. That label is a label which we have put down.

Judge A Lofaro :

You put that one

The Witness :

We put that; but its in orange.

Judge A Lofaro :

In orange.

The Witness :

But there is... on the third page there is another note which says Yorgen phone call, so..

Judge A Lofaro :

Yorgen phone call

The Witness :

In my mother's handwriting. She had identified it as being Yorgen Fenech's phone number. This was before the elections.

Judge A Lofaro :

In the spring of 2017.

The Witness :

In spring of 2017 yes exactly. I mean my mother was actively investigating those phone calls at the time, which while she had asked me to help her.

Judge J Said Pullicino :

That proof that there was a relationship or friendship between Keith Schembri and Yorgen Fenech?

The Witness :

Yes.

Judge J Said Pullicino :

Basically that is. Its today's established, no?

The Witness :

That they were in conversation

Judge J Said Pullicino :

Ehe.

The Witness :

And now this was.. these logs or phone calls are of course around the same time that my mother had reported about the kitchen safe at Pilatus Bank.

Judge A Lofaro :

Ehe.

The Witness :

So this sort of flurry of phone calls between Keith Schembri and other people..

Judge A Lofaro :

In the wake of that.

The Witness :

In that, exactly.

Judge J Said Pullicino :

Butof the content of the conversation obviously

The Witness :

No absolutely its the data.

Judge A Lofaro :

What about the duration? What about the duration of the phone calls? Do you have that?

The Witness :

So, my mother have written notes of this; it's on the second page of what we presented.

Judge A Lofaro :

About the duration of the phone calls.

The Witness :

So France for example, I am reading from my mother's notes. France, KS rang at forty-two minutes past midnight (12: 42 am) on 21st, spoke for 524 seconds. Then phone number called KS at 10 :19 am. and 17:24 on 22nd . 23 seconds and 1259 seconds.

Now on the third page there are other names, including for example the name of a journalists and the name of a lawyer ..

Judge A Lofaro :

Which you mother wrote.

The Witness :

Those are not related to this. They are just names of their reminder for her.

Dr Therese Comodini Cachia :

So the first sentence on the third page is not related?

The Witness :

The first sentence of the third page.; *T Fenech, met him for lunch on 16/12 ...*

I don't think that's related to the logs of the phone calls. I think Tonio Fenech was approached by Pilatus Bank to be a part of the Board of Directors of the Bank on recommendation from Keith Schembri. He refused, and I think this note might have related to that approach by Ali Sadr for Tonio Fenech to be on the Board of Pilatus Bank. I think that's why its T Fenech.

Now the second set is related to notes on Henley and Partners. So these notes are from different notes....

Chairman Judge M Mallia :

What Tonio Fenech are you referring to?

The Witness :

Tonio Fenech the former minister

Chairman Judge M Mallia :

The former minister, the accountant

The Witness :

Yes. He told ..

Judge J Said Pullicino :

....

The Witness :

Sorry?

Judge J Said Pullicino :

...its usual pattern how these people work

Judge A Lofaro :

But he told you something?

Judge J Said Pullicino :

He tried to involve people from all sides ..

The Witness :

Yes; I mean the advice to Ali Sadr was involve this person because then it would be difficult for the opposition party to scrutinize the bank ..

Judge A Lofaro :

And Tonio Fenech spoke with you about this..

The Witness :

I spoke to Yorgen Fenech ..

Judge A Lofaro :

No, Tonio.

The Witness :

Sorry, Tonio Fenech afterwards; after my mother was murdered.

Judge A Lofaro :

He spoke to you.

The Witness :

Yes.

Judge A Lofaro :

He explained all these things.

The Witness :

He explained it to me. So the notes on Henley and Partners are from a different notebook; that foolscaps size. And again I was in Malta at the time which is why on the first 3 pages of the notebook there are my notes.

Judge A Lofaro :

Your notes.

The Witness :

My notes; from a conversation that mother and I had with a source who had information on the investment accounts of Keith Schembri and others....

Judge A Lofaro :

And you were taking the notes on that occasion .

The Witness :

....at MFSP. My mother also took notes. But I took my own notes as well. Now, following my notes on this notebook my notes about MFSP that list the offshore company's that held accounts at MFSP Lester Group Holdings which is Adrian Hillman, Selson Holdings which is Malcolm Scerri's, Colson Services which is Keith Schembri's. Then another offshore company Dureille

Family Limited which belongs to a family from Malta with the surname Mizzi, Rita Mizzi, Emanuel Mizzi, Carmen Mizzi.

From my meeting with the source at the time I remember that these accounts in the the name of these offshore companies at MFSP were all handled by Lorraine Falzon and Matthew Pace, who were still are partners at MFSP at the time. And they were aware that the beneficial owners of these companies were these people.

Judge A Lofaro :

This is what the source told you at least, right?

The Witness :

I saw the information with my own eyes.

Judge A Lofaro :

You saw it yourself.

The Witness :

I mean I saw the company's records with my own eyes. There are other notes on the first 3 pages related to other offshore companies that appeared in the Panama Papers. Those did not have accounts at MFSP. Its important to point out that these were all handled by Nexia BT. So there is complete crossover between Nexia BT and MFSP when it comes to these companies. The Adrian Hillman, Malcolm Scerri, Keith Schembri Companies that held accounts with MFSP or rather accounts with BOV that were handled by MFSP were all clients of Nexia BT. And this other offshore company held my the Mizzi family, from Zabbar I think, were also clients.

Judge A Lofaro :

Oh Nexia BT

The Witness :

No sorry, I am not one hundred percent sure about that. They were clients of MFSP but I am not one hundred percent sure that they were clients of Nexia BT as well.

Dr Therese Comodini Cachia :

That document that I.. ..

The Witness :

Yes. So those are my notes from the first 3 pages of the notebook. Now, following my notes there are my mother's notes of a conversation with a source who had access to emails exchange between Joseph Muscat, Keith

Schembri, Own Bonnici, Christian Kalin of Henley and Partners. Now, I was present for that meeting..

Judge A Lofaro :

And the date of this email please? Roughly

The Witness :

So, the dates are in my mother's notes. So, for example 23/11 – 23rd November. 1/12 – 1st December. Then 12/12/2016 – 12th December 2016.

Judge A Lofaro :

Ok.

The Witness :

Now, the meeting with the source was again in spring 2017 before the election. I was present for that meeting. So I was there when my mother was taking these notes; which is why I am testifying about them. Now we can present our transcript, my family's transcript of my mother's notes as well as scans and printouts of the actual pages of the notebook.

Judge A Lofaro :

Of your mother's notebook.

The Witness :

Exactly. And we are also presenting a blog post by my mother from 31st May 2017, that corroborates the notes. Because in the fifth paragraph of this blog post which is entitled - *Why it was in November that the Prime Minister's chief of staff instructed Henley and Partners to threaten to ruin me financially by suing me in a London Court.* My mother writes – *but now in the leaked chain of emails which I have seen between Kalin and members of the Keith and Joseph “...on that josephmuscat.com and accidentally at gov.mt addresses I note to my surprise that it was last November that Keith Schembri and Joseph Muscat instructed Henley and Partners to go after me in the UK Courts. So ask to intimidate me and ruined me financially.* And it goes on. Now this is corroborated in the notes when..; there is mentioned of the election date in the note.

Dr Therese Comodini Cachia :

Matthew, I think you need to take us through each of these emails.

The Witness :

I' ll take you through them one by one, will come to it. So I think they go chronologically. And the first note seems to relate to a meeting between

Christian Kalin and Keith Schembri at the airport. So that they were there together. Then the notes start about the chain of emails. So, my mother writes at josephmuscat.com. Keith, Joseph, Jonathan Cardona, Owen Bonnici participants in the chain of emails, and Peter Krummenacher who is a partner at Henley and Partners. Then, 23/11 - 23rd November 2016. My mother's notes. Kalin wrote to the others to say that he met OW – that's Owen Bonnici, and JC – that's Jonathan Cardona. Kalin "*we agreed that the justice Minister would take action against them in Malta*" that's verbatim from the emails. Then a note, Jason Azzopardi. Then verbatim from the emails "*whereas we would seek redress in a foreign jurisdiction, probably the UK, because this would significantly increase the pressure on the adverse parties*". Then form according to the notes, an email from Hugh Morshead who is also an employer in Henley and Partners. *Take care not to be seen to be ganging up on them just before the general election.* That's verbatim from the emails. Again, this is November 2016.

Judge J Said Pullicino :

Therefore you actually saw the emails?

The Witness :

Yes I saw them with my own eyes. I was there with my mother.

Judge J Said Pullicino :

Because the first document showing the logs ... the telephone calls. This case you are saying you actually saw the emails with this source.

The Witness :

Yes. With my mother we saw the emails.

Judge J Said Pullicino :

The emails. Its not a question with the source relating or there were ..

The Witness :

These are all different sources..

Judge A Lofaro :

But you actually saw them.

The Witness :

Yes I saw these emails.

Judge A Lofaro :

Ok.

The Witness :

These are all different sources; there was the source from the phone call..

Judge A Lofaro :

Yes yes.

The Witness :

...for the call logs, and the source for MFSP, and then for these particular emails

Judge A Lofaro :

..emails.

The Witness :

Exactly.

Dr Therese Comodini Cachia :

Was you were asked to specify is that in relation to these emails the notes that you are reading out are the notes that your mother took after you and she actually read and saw these emails

The Witness :

No the notes are contemporaneous as we were going to ..

Judge A Lofaro :

As they are going along..

The Witness :

My mother was writing notes.

Dr Therese Comodini Cachia :

Exactly.

The Witness :

These are contemporaneous

Judge A Lofaro :

But he was seeing the emails too.

Dr Therese Comodini Cachia :

And you are seeing those too

The Witness :

I was seeing these emails, and I am sitting next to my mother as she took these notes.

Dr Therese Comodini Cachia :

Ok.

The Witness :

And in fact we used the same notebook which is mine notes on the first few pages of the notebook.

Judge A Lofaro :

Ok.

The Witness :

So then the next note. *Sympathetic judge*; the implication is that they would like to have a sympathetic judge

Judge A Lofaro :

In the UK?

The Witness :

In the UK. So, then 1/12 from the notebook. 1st December 2016. Kalin. And then I am quoting verbatim from the emails. *“What we will need now is one of several prospective clients ideally from the UK office who would be willing to state that due to the negative statements made they have waited with going ahead with giving our firm business.. basically anything that can demonstrate that it has caused us a loss of business”*.

Then a reply from Mark Pihlens who is either an employee or an advisor of Henley and Partners. Verbatim from his email. *“We have no such examples of this in the UK office, I’m afraid”*

So then next in the chain of emails my mother’s note 12th December 2016 she notes the email addresses - owen.bonnici@gov.mt; jonathan@josephmuscat.com . The email is addressed to Owen and Jonathan, in parentisi is Chris, meaning it’s from Christian Kalin. *“To threaten (and if need be action) conclude that Henley and Partners would be the ones?”*

Then there is a reply. *“Thanks Chris, this looks good. Very kind regards.”*

Then another email..

Dr Therese Comodini Cachia :

Can I ..

Judge A Lofaro :

And who wrote that one?

The Witness :

There is no mention of that. It just open quotes and email is quoted verbatim. Someone replying to Christian Kalin. Here replies to Christian Kalin. They called him 'Chris'

Dr Therese Comodini Cachia :

But this email was sent to Owen Bonnici and to Jonathan Cardona, right?

The Witness :

Jonathan@josephmuscat.com, that is Jonathan Cardona..

Dr Therese Comodini Cachia :

Ok; so the reply would have been either from Jonathan of from Owen Bonnici?

The Witness :

Presumably yes; and from what I remember as well from the emails yes. Then there is a reply from the Prime Minister, and we know because my mother wrote from the PM. “..

Dr Therese Comodini Cachia :

Did you miss a line?

The Witness :

Sorry, I missed a line. I missed a line, sorry. So, there is an email from someone else. “*Dear Joseph and Keith, do you agree with thus course of action?*”

And then there is my mother's notes : *from the PM*. And then verbatim from the Prim Minister's email “*I don't object*”.

My mother's notes says – *this was forwarded it by Kalin to all of the Board*; are the Board of Henley and Partners . Then my mother's note says : Keith Schembri replied verbatim from Keith Schembri's email “*Good move Chris*”. That email comes from – keith.a.schembri@gmail.com according to my mother's note.

My mother's note about the content of the chain of emails somewhere along it; also planned to write to The Times, the Malta Independent and Malta Today. Presumably that Henley and Partners wanted to write to the newspapers some kind of legal thread or ..

Judge J Said Pullicino :

...

Judge A Lofaro :

Ehe.

The Witness :

Then verbatim from the emails “*The UK is the best place to do that because of its plaintiff friendly libel laws, and us it will be H P UK Limited – Henley and Partners UK Limited, that needs to take action*”. Then “*We have looked into how to stop certain media related activity in Malta regarding our involvement with Malta IIP*”. This is Christian Kalin speaking. From what I remember from those emails.

I the left margin of the notebook my mother wrote down Simon Busuttill’s email address, simon.busittill@pn.org.mt. But obviously that email doesn’t come from Simon Busuttill.

Then another email from Eric Major. I have no date for this but it’s around the same period. Eric Major is the CEO or was at the time the CEO of Henley and Partners. “*Chris, have you received approval from the OPM (i.e. Keith) for us to ‘pick a fight with’ JA and Daphne? It will get political very fast; so we should definitely obtain the OPM’s blessing*”.

Then emails from Mark Pihlens: “*There has been no financial or reputational loss for H & P UK. These negative articles have not been mentioned by any prospective client or agent in our office. We do not feel it is in the best interest of H & P UK to proceed with a political litigation case. We do not think we can conv ...*

Judge A Lofaro :

Convince

The Witness :

I think its convincingly because present this case to court or to anyone.

... *convincingly present this case to court or to anyone*. It continues verbatim; ...*all allegations all done in Malta in Maltese public/websites and concern Malta IIP*.

Then my mother notes that there was a reply to this advice against litigation from Christian Kalin. So email verbatim from Christian Kalin : “*We need jurisdiction in the UK; this was discussed with Keith, Jonathan, Owen and PM who all support this action, in fact it was them who suggested it.*”

Then my mother’s note. This is a question written down by my mother’s, its a rhetorical question for herself. *Why was Malta not chosen instead?* She is explaining to context.

And there is a verbatim quote from the email from Christian Kalin : “*Malta is cumbersome and pol. Problematic.*”

I am not sure what the ‘pol’ is stand for; politically I think – politically problematic.

Then the email from Christian Kalin continues, verbatim : “*because it is expensive to litigate and defend in London and this is the key leverage here; to send a message to Daphne and Jason that if they don’t stop this nonsense than it may get very expensive for them. Of course we have no intension to go to court over this, but.*”

So, then my mother’s notes continue about other emails. My mother writes “*Elaine Mallia 1, May 12 to 30/6/15, head of compliance and risk.*” I think there she is explaining the period of when this person was head of compliance and risk at Henley Estates. Because the next lines is Henley Estates.

The companies and directors may face criminal proceedings in the worst case for not complying with the AML regulation. These procedures and / or administrative penalties... (she crosses out ‘penalties’ underwrite), procedures will have a deep impact

There are no quotes here, but I assume she is quoting from emails, quoting the head of compliance and risk.

Then my mother writes 4th March; Christina Federle, Head of group legal and Compliance, Dubai office; “*Is this the best time to persue this libel case?*”

Ok, here we go, now 9th December 2016 according to my mother’s notes. Quoting verbatim from an email : “*Dear Tonio, as per our discussion I am pleased to introduce to you Ali Sadr the owner of Pilatus Bank in Malta. I think it would be mutually beneficial for both of you to meet each other.*”

Then my mother’s notes. *Pilatus Bank – discussed financing for those who buy Maltese Passports, to clients bona fide*

Judge J Said Pullicino :

Sorry; who is that Tonio? Fenech?

The Witness :

Tonio Fenech.

Judge J Said Pullicino :

...

The Witness :

Sorry?

Judge J Said Pullicino :

....Fenech

The Witness :

Tonio Fenech

Judge J Said Pullicino :

Tonio Fenech, ok.

Chairman Judge M Mallia :

That was the minister.

The Witness :

Exactly. So my mother's writing about here notes from the emails, about internal discussions at Henley and Partners, discussing at the importance of Pilatus Bank. So *Pilatus Bank – discussed financing for those who buy Maltese passports; to clients were bona fide – not to general email or telephone enquires.*

Then in the next line my mother quotes another line on a different subject, again quoting verbatim from an email; *“We are finding it extremely difficult to secure minimum budget property – Sliema, St Julians. Please encourage them to consider property outside the main holiday areas especially if they are going to stay in hotels during their time in Malta.* December 2015 is my mother's note.

Then another set. My mother notes the date 1st May; quoting verbatim from an email; *“Congratulations, Joseph! Excellent speech, best of luck for this campaign.”* That's Christian Kalin in congratulate Joseph Muscat on a speech during the 2017 electoral campaign. And she writes – *CC Ray Barbara.* Sorry. That CC Ray Barbara is for the next email.

An email addressed to Keith and Joseph; *“Keith, Joseph, if you could confirm for 10th November 2016 if Henley could secure Joseph Calleja to come for the big event in London ok?”*

And that email is addressed to Keith and Ray at gov.mt; according to my mother's note. That means addressed to keithschembri@gov.mt and raybarbara@gov.mt.

There is another note, then in another line that Christian Kalin discussed details of the residency program with KS - Keith Schembri. That 'KS' in my mother's notes means 'Keith Schembri'.

So now there are new notes on another conversation about the parliamentary accounts committee. The conversation is between Christian Kalin and Jonathan Cardona and Keith Schembri. So email from Chris Kalin : *“Keith, is it now time to come out with the Chairman of the PAC – Parliament Accounts Committee that had asked for a copy of H & P – Henley and Partners contract with the government? How come the PAC Chairman is a member of the*

opposition? Christian Kalin is asking to Jonathan Cardona according to my mother's notes.

And the reply is : *"That is the practice for checks and balances in the parliamentary system."* And then according to my mother. Verbatim; according to mother's notes Christian Kalin then replies, again verbatim : *"I see. But I assume the government can insist and remain steadfast on keeping some parts of the contracts covered, correct?"*

Another note by my mother of the emails like a separate thread. I read verbatim from her notes. *"Chris Kalin arranged for cars to meet KS, that means Keith Schembri, 'and the people he is with' at the airport in London.* So there was an instruction from Chris Kalin to some staff member at Henley and Partners to arrange for cars to pick up Keith Schembri and the people he is with at an airport in London.

So this is that last section of notes. My mother wrote : *"Dear Joseph,... and she writes down the email address – joseph@josephmuscat.com "Sure" "You have a good choice of institutions, lousy choice of journalist".* Then the reply presumably from Joseph Muscat. *"Not sure what you mean"*

Then Christian Kalin's reply : *"They are all hostile"*

So this is an exchange between Christian Kalin and Joseph Muscat about in what was Henley and Partners opinion hostility from journalist including my mother.

Then the next line in my mother's notes says KS at OPM. I can't remember what that refers to. Then the next line after that, again, my mother's note taken from what she was seeing contemporaneously in email threads between Henley and Partners and government officials. Verbatim from my mother's notes. *"JM stayed in suites paid for by H & P."* So Joseph Muscat stayed in suites paid for by Henley and Partners.

Then again my mother's note. *KS writes emails to Chris K,* so Keith Schembri writes emails to Christian Kalin *to discuss stuff and refers to justice minister as "Owen".* Like as in they were on a first name basis.

Another note by my mother : *"Last Feb they gave H & P a letter of recommendation for their bid for Montenegro."* So Henley and Partners were bidding or lobbying the government of Montenegro for the concession to sell Montenegrin passports

Judge A Lofaro :

And they were given the recommendation by the Maltese government, right?

The Witness :

Not necessary.. not exclusively in Montenegro ..

Judge A Lofaro :

General recommendation.

The Witness :

General recommendation.

Judge A Lofaro :

Yes.

The Witness :

Henley and Partners was paying the expenses of Joseph Muscat, Keith Schembri and so on. But this lobbying for the Montenegro.. I mean this particular line is on the lobbying for the concession in Montenegro.

Judge A Lofaro :

Yes I understood.

The Witness :

So government officials were supporting that. A note by my mother on Boxing Day as in she is noting that the email which she is going to quote after this was sent on Boxing Day. *“Some time ago you introduced me to the BOVs CEO. But he left and is no longer there. We are encountering some serious issues with the bank – could you introduce me.”*

Then the reply from either Keith Schembri, Jonathan Cardona or Joseph Muscar : *“In hand.”*

My mother’s last note on related to this is - *quarrel last October when MI Coleiro was engaged to speak. Then, both on josephmuscat.com. That’s it.*

Sorry I have to present a copy of the blog post because I am not sure whether we had presented it in a previous testimony.

So just to point out from what I remember, from the email threads, addresses are different domains were used. The Henley and Partners domain, so @henleyandpartenrs.com, or @henleyglobal.com; @gov.mt address; and also @josephmuscat.com addresses. So fro example Jonathan Cardona the @josephmuscat.com address was used. With the Prime Minister the @josephmuscat.com address was used. With Keith Schembri and Owen Bonnici there were some crossover. Sometimes keith@josephmuscat.com; sometimes keith.schembri@gov.mt. So there is ..

Judge A Lofaro :

And what about Owen Bonnici?

The Witness :

Owen Bonnici I can't remember for certain. I can't remember for certain.

Judge J Said Pullicino :

He figured that the emails an intervention of him, I mean it doesn't personally intervene Owen Bonnici..

The Witness :

Sorry?

Judge J Said Pullicino :

.....exchanges basically

The Witness :

Owen Bonnici is copied in and there are some emails which are addressed to him; and there are responses from him.

Judge A Lofaro :

Ehe, or copied

The Witness :

But he also interacted in the conversation

Judge J Said Pullicino :

...think he gave us a different impression

Judge A Lofaro :

Yes yes, and he didn't. He didn't even reply

The Witness :

Maybe there are. I can't.... I am not..; I think there is one note of Owen Bonnici remembering, but I do remember from seeing the emails that Owen Bonnici did interact.

Chairman Judge M Mallia :

But he told us otherwise.

The Witness :

Ok. Not necessarily in this thread; but in other conversations with Henley and Partners certainly.

Judge A Lofaro :

About this proceeding.

The Witness :

Yes.

Judge A Lofaro :

....about these proceedings

The Witness :

Sorry, no, about other matters. Fro example legal matters related to the concession. They did interact, and I also saw these emails .

Judge J Said Pullicino :

That's acceptable, I mean he is justice minister ..

The Witness :

Of course ..

Dr Therese Comodini Cachia :

What we are after is the thread of emails, the initial treads I think on the first of second page of those thread of emails; if it indicates whether Owen Bonnici did reply or not; I believe at the bottom of one of those pages there is a reply and we established that that could have been only one of two people; either Owen Bonnici or Jonathan Cardona.

Judge A Lofaro :

But we don't know who, do we?

The Witness :

"Thanks Chris, this looks good." Yes that could have been Owen Bonnici.

Judge A Lofaro :

And it could have not been him

The Witness :

Sorry?

Judge A Lofaro :

And it also could not has been him.

The Witness :

The number of people that it could have been is very small.

Judge A Lofaro :

2, but its fifty fifty, no?

The Witness :

Yes; I mean..; exactly.

Judge J Said Pullicino :

But we have to balance that with his evidence. He gave evidence here.

Judge A Lofaro :

Yes. He denied it.

The Witness :

He denied it, but the whole point of records being kept by government and government officials using their official email addresses is that we have a record of conversations such as these.

Judge A Lofaro :

Yes.

The Witness :

What these officials have done is completely thrown.. they have thrown all these regulations out of the window; and they setup the josphmuscat.com server and used those emails addresses for specifically that purpose.

Dr Therese Comodini Cachia :

The person who setup or the person who was administrator for josephmuscat.com server was that Jonathan Cardona?

The Witness :

Jonathan Cardona is not a technical person as far as I know; the person who manage and setup the josephmuscat.com servers is the same person who worked on the Labour Party's the tech side of the Labour Party's electoral campaign. I can't remember his name offhand. He had also setup a fake website pretending to be Simon Busuttill's website. I can't remember his name offhand. But he is a well-known service provider to the Labour Party.

Dr Therese Comodini Cachia :

Just to go back to the correspondence that named Owen Bonnici. If I understood well I think it's on the second or third page there are emails from Mr Kalin confirming that he has already discussed with Dr Bonnici on proceedings being taking in the UK and indicating that Owen Bonnici agreed to that, right?

Judge J Said Pullicino :

This is denied; ...the reply ..

The Witness :

Silence is consent. If Owen Bonnici didn't object to that and there is no evidence that he ever objected and he doesn't even say that he objected then he consented to it. Owen Bonnici is the justice.. was at the time Minister of Justice. Not some random person at the street was accidentally copied into the..

Judge J Said Pullicino :

...establish the evidence ..

The Witness :

Of course of course.

Dr Therese Comodini Cachia :

I don't have anymore ..

Jien ghamilt domanda lil Matthew, illi hu hsitbu li kien jaf l-informazzjoni, imma l-informazzjoni tafha Corinne li hija d-domanda jekk Jonathan Cardona kienx il-persuna illi rregistra 'l josephmuscat.com. Pero` Corinne qed tindika illi hi iva, hi taf ir-risposta. Jigifieri just mistoqsija ..

Din hija s-sustanza tax-xhieda ta' **Matthew Caruana Galizia**, riprodott, dettata minnu stess fil-prezenza ta' l-istess xhud.

Niddikjara li traskrivejt bl-ahjar hila tieghi x-xhieda ta' l-istess xhud.

Saviour Scicluna

Traskrittur