

‘Joseph Muscat told me to make sure Fenech did not leave country’ - Keith Schembri

It was Prime Minister Joseph Muscat who told Keith Schembri, his then chief of staff, to contact Yorgen Fenech to convince the businessman not to leave the country on the eve of his arrest in connection with the murder of journalist Daphne Caruana Galizia, Schembri himself testified in court yesterday.

Schembri was testifying in the compilation of evidence against Fenech, who stands accused of being the mastermind in the murder of the journalist, who was killed in October 2017 by a car bomb.

It was noted at the beginning of his testimony that the prosecution could not exclude criminal proceedings being opened against Schembri. Schembri was given the choice not to testify as a result, but chose to testify regardless.

During his testimony, Schembri said that while he has known Fenech since he was around 13 years old, and became good friends with him as of 2010, Fenech had never mentioned anything related to the murder to him.

Screenshots exhibited by Prosecutor Keith Arnaud showed that Fenech had contacted Schembri asking for help on 19 November 2019, the day before Fenech was arrested, with a link from a media article speaking of the granting of a presidential pardon to the murder middleman attached.

“Fenech sent me a message that there are the Times right behind him – today I know that’s because of Ivan Camilleri’s messages,” Schembri testified. Camilleri denied giving Fenech any information in a statement.

Schembri added that he received a telephone call at around 9pm that they had information that Fenech was trying to leave the country.

He said that he was told to try and convince him not to leave the country, after which he called Fenech and spent 24 minutes talking to him.

He said that Fenech had told him that he was only going to take his boat to Italy, to which Schembri had said that it was not necessarily the time to do that.

Fenech replied however that his lawyer had said it was fine to do so as he wasn’t under arrest. “He [Fenech] said, okay I will think about it,” and that was that, Schembri said.

Later asked how he had obtained information about the arrest, Schembri made what was most probably the most shocking revelation of his testimony: he said that it was Prime Minister Joseph Muscat who had told him to speak to Fenech to make sure he does not leave the country.

It was not the first time he had heard that Fenech was a suspect: Schembri testified that he had frequently been present in police briefings on the case along with the then Prime Minister.

“Up until Theuma’s arrest, there were always doubts about Yorgen Fenech's involvement,” he said at one point. He indicated that Theuma and his recordings are key for the case against Fenech. “How do you know this?” the magistrate asked.

“Because I was part of the briefings,” Schembri said.

Through the testimony Schembri denied every allegation related to the murder levelled against him.

Arnaud said that Fenech was alleging that he (Schembri) was the brains behind the assassination and that he had passed on money to the Degiorgio brothers. “It is not true,” Schembri replied. Arnaud continued, saying that Fenech had said that he had given him €75,000 or €80,000 to pass on to the Degiorgios; Schembri denied again. “In a Reebok bag,” Arnaud continued. “Absolutely not true,” Schembri again insisted. Arnaud at one point said that Fenech had alleged that after the Degiorgios were arrested, he had met Schembri who then called Kenneth Camilleri to kill Melvin Theuma. Schembri denied this as well.

Schembri also denied passing a letter on to Fenech after the businessman was arrested, and he also denied ever giving any document to the doctor Adrian Vella to pass on to Fenech. Schembri insisted on this when asked whether he felt that the doctor therefore was lying, and after being reminded of the consequences of perjury. Schembri also denied getting involved in an attempt to get bail for the Degiorgio brothers. “Yorgen never asked me about bail or the case,” he insisted having already stated that he had never spoken to Kenneth Camilleri – an OPM security guard – about bail and that he had also never mentioned Melvin Theuma to him.

Asked about Fenech’s words in the recordings, where he said that Schembri would give him information about the investigations, Schembri replied: “Definitely not.” “What I can say is that I really would go through fire for him [because he was his friend], but we never spoke about this case. Not even when you were getting close to him – I had to keep a straight face and pretend not to know,” he said.

Magistrate Montebello at one point asked: “So all these people are lying?”

“I deny ever having this involvement as described by the people in this case,” Schembri replied.

In reply to other questions, Schembri said that he was not privy to the terms and conditions of Theuma’s eventual pardon, and that the leaks that were happening on the case were “incredible”. Indeed, at one point he said that one media outlet – MaltaToday through its editor Saviour Balzan – had known about one of the raids. This was denied by Balzan in a statement.

Schembri said that he had been invited over to Fenech’s ranch sometimes, where businessmen, politicians and sometimes policemen – a reference later clarified to be for Silvio Valletta – had attended. Schembri said that Fenech once told him that Opposition Leader Adrian Delia had gone to Fenech to ask for €50,000 for David Casa not to be elected in the 2019 MEP elections. Schembri added that Fenech had also told him that the same Opposition leader used to send Pierre Portelli to pick up €20,000 at the end of each month, noting that he had once seen Portelli waiting in the Portomaso reception. Both Delia and Portelli have denied the allegations.

Schembri was also asked – albeit briefly and in spite of protests from the defence – about the company 17 Black, which belongs to Fenech and which has been connected to corruption allegations surrounding the Electrogas power stations.

For the first time after years of denial, Schembri admitted that he knew that 17 Black belonged to Fenech, and said that it was one of 20 target clients which he had marked for his trust in New

Zealand. He did this because he wanted to do business with Fenech after leaving politics.

This was the reasoning behind Schembri wanting to set up a trust, he said – that he wanted to get back into business after politics. Initially, he said, he had set up a trust in Malta with Bank of Valletta – but he was later told that information and amounts in his trust had been leaked. BOV, he said, could not guarantee that there hadn’t been a leak. This made him conclude that he could not trust Maltese banks, and so his advisors said that he should set up a trust in either New Zealand or Singapore. He

ultimately opted for the former and chose to set up a company in Panama connected to the trust because this was the quickest jurisdiction for him to do it at.

In other parts of his testimony, Schembri said that it was Johann Cremona who had asked for a meeting with him – effectively contradicting Cremona’s testimony, who had said that Schembri had phoned him himself for a meeting.

He also testified that within five minutes of hearing the news of Caruana Galizia’s murder, he had called US Ambassador Mark Shapiro for possible assistance. He also said that he is pretty sure that nobody had actually sent Theuma to him to look for a job, and that Theuma had come out of his own free will – something apparently quite common.

Finally, he said that he used to take whatever Caruana Galizia wrote about him “in his stride” after he entered politics – although he was at first seriously affected by it, especially when he had not yet entered politics before 2013.

Both the parte civile and the defence are yet to cross-examine Schembri; they will do so another day, with the prosecution expected to bring Schembri back to testify further.

Kenneth Camilleri – the former OPM security guard who is alleged to have been trying to help arrange bail for the Degiorgio brothers – was also called to testify yesterday. He, like Schembri, was advised that criminal proceedings could still be opened against him.

Camilleri barely spent three and a half minutes in the courtroom, stating that he would be taking advantage of his right to silence and not testifying.

This left the stand to Inspector Kurt Zahra, Keith Arnaud’s colleague in the investigation. He recounted the investigation into the case and the investigations into Theuma’s recordings.

He said that Fenech could be heard saying in one that “the guy who arranged all this has fewer problems than the guy who carried it out.” He said that both Fenech and Theuma had requested pardons, but that the latter’s was eventually deemed to be more credible as it was backed by evidence while the former’s was not.

Zahra testified that Fenech had wanted to tell all about corruption cases, but further details in this regard were left tantalizingly unclear, with the sitting finishing behind closed doors.