


**FILED IN THE SUPREME COURT
TURKS & CAICOS ISLANDS**
TIME: 7-35 pm DATE: 18/7/09
BY: 

No. 10
Originating summons-expedited form (O.7, R. 2)



IN THE SUPREME COURT OF
THE TURKS AND CAICOS ISLANDS

[YEAR] 2009 No. _____

IN THE MATTER OF AN APPLICATION FOR AN INJUNCTION TO RESTRAIN PUBLICATION IN ANY LEGIBLE OR AUDIBLE FORM OF THE REDACTED PARTS OF THE REPORT OF THE TURKS AND CAICOS ISLANDS COMMISSION OF INQUIRY REPORT 2008- 2009 (“the Report”)

DR CEM KINAY (1)
TURKS DEVELOPMENT LP (2)
THE STAR LIONS LIMITED (3)

Plaintiffs

and

THE EDITORS OF THE TURKS AND CAICOS WEEKLY NEWS (1)
THE EDITORS OF THE TURKS AND CAICOS FREE PRESS (2)
THE EDITORS OF THE TURKS AND CAICOS SUN NEWSPAPER (3)
THE EDITORS OF WIV CHANNEL 4 NEWS (4)
THE EDITORS OF TCI NEW MEDIA NETWORK CH 7 NEWS (5)
THE PROPRIETORS OF THE RADIO STATION BROADCASTING ON 88.7FM (6)
THE PROPRIETORS OF THE RADIO STATION BROADCASTING ON 92.5FM (7)
THE PROPRIETORS OF THE RADIO STATION BROADCASTING ON 102.5FM (8)
THE PROPRIETORS OF THE RADIO STATION BROADCASTING ON 107FM (9)
THE EDITORS OF THE TCI JOURNAL (10)
THE EDITORS OF TURKS & CAICOS NET NEWS (11)

Defendants

Let the Defendants and each of them attend before the Judge sitting at The Court House, Providenciales, on Monday, the 20th day of July, 2009 at ~~10-00~~ 10:00’ clock, on the hearing of an application by the plaintiffs for an injunction restraining publication in legible or audible form or in any form which may be edited, copied and viewed of any redacted part of the Report of the Turks and Caicos Islands Commission of Inquiry 2008- 2009 (“the Report”) on the grounds that such publication would amount to a breach of and defeat the purpose and intent of the orders and declarations of this Court in Action CL 93/09 of June 18th, 2009 in relation to the Report and the position of the Plaintiffs.

And let the defendants and each of them within [14 days] after service of this summons on him counting the day of service, return the accompanying Acknowledgment of Service to the Registry.

Dated the 18th day of July, 2009.

Note: This summons may not be served later than 12 calendar months after the above date unless renewed by order of the Court.

This summons was taken out by Misick & Stanbrook or Richmond House, Providenciales, Turks and Caicos Islands attorney for the said plaintiffs whose address is whose address is c/o Misick & Stanbrook for the purpose of these proceedings.

Note: If a defendant does not attend personally or by his attorney at the time and place above-mentioned such order will be made as the Court may think just and expedient.

IMPORTANT

Directions for Acknowledgment of Service are given with the accompanying form.

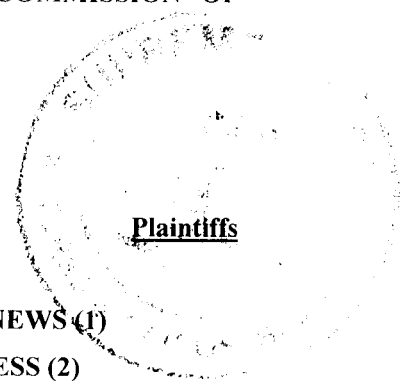
FILED IN THE SUPREME COURT
TURKS & CAICOS ISLANDS
18/7/09
TIME: 7-35, u DATE:
BY: *[Signature]*

IN THE SUPREME COURT
TURKS AND CAICOS ISLANDS

ACTION NO. /2009

IN THE MATTER OF AN APPLICATION FOR AN INJUNCTION TO RESTRAIN PUBLICATION IN ANY LEGIBLE OR AUDIBLE FORM OF THE REDACTED PARTS OF THE REPORT OF THE TURKS AND CAICOS ISLANDS COMMISSION OF INQUIRY REPORT 2008- 2009 ("the Report")

DR CEM KINAY (1)
TURKS DEVELOPMENT LP (2)
THE STAR LIONS LIMITED (3)



And

THE EDITORS OF THE TURKS AND CAICOS WEEKLY NEWS (1)
THE EDITORS OF THE TURKS AND CAICOS FREE PRESS (2)
THE EDITORS OF THE TURKS AND CAICOS SUN NEWSPAPER (3)
THE EDITORS OF WIV CHANNEL 4 NEWS (4)
THE EDITORS OF TCI NEW MEDIA NETWORK CH 7 NEWS (5)
THE PROPRIETORS OF THE RADIO STATION BROADCASTING ON 88.7FM (6)
THE PROPRIETORS OF THE RADIO STATION BROADCASTING ON 92.5FM (7)
THE PROPRIETORS OF THE RADIO STATION BROADCASTING ON 102.5FM (8)
THE PROPRIETORS OF THE RADIO STATION BROADCASTING ON 107FM (9)
THE EDITORS OF THE TCI JOURNAL (10)
THE EDITORS OF TURKS & CAICOS NET NEWS (11)

Defendants

EX PARTE SUMMONS OF THE PLAINTIFFS SEEKING INJUNCTIVE RELIEF

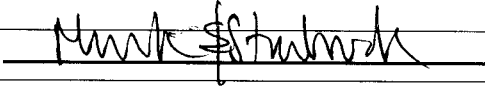
TAKE NOTICE THAT the Plaintiffs will apply *ex parte* to Lordship Chief Justice Gordon Ward OBE sitting in Grand Turk, Turks and Caicos Islands on Saturday July 18th, 2009 for an order by way of injunction (in the form of the annexed draft) that:

1. The Defendants, their servants or agents are restrained from publishing in legible or audible form or in any form which may be edited, copied and viewed any redacted part of the Report of the Turks and Caicos Islands Commission of Inquiry 2008- 2009 until 5.00pm on Monday July 20th, 2009 or sooner order.
2. For such further or other orders as to the Court shall seem fit

AND TAKE NOTICE THAT the Plaintiffs shall rely on the 1st affidavit of Michel Neutelings

AND FURTHER TAKE NOTICE THAT this application is made on notice to the Attorney General of the Turks and Caicos Islands in that capacity and as representative of the Commissioner of the and His Excellency the Governor Gordon Wetherell

Dated this 18th day of July, 2009



MISICK & STANBROOK

TO:	The Registrar of the Supreme Court
AND TO:	The Attorney General

FILED IN THE SUPREME COURT
TURKS & CAICOS ISLANDS

TIME: 7-35 pm DATE: 18/7/09

BY: [Signature]

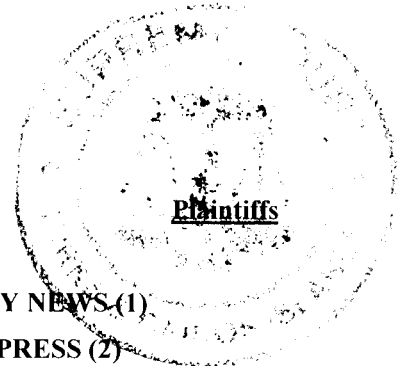
Plaintiffs
M.Netelings:1st
Sworn: 18.07.08
Filed: 18.07.09

ACTION NO. /2009

IN THE SUPREME COURT
TURKS AND CAICOS ISLANDS

IN THE MATTER OF AN APPLICATION FOR AN INJUNCTION TO RESTRAIN PUBLICATION IN ANY LEGIBLE OR AUDIBLE FORM OF THE REDACTED PARTS OF THE REPORT OF THE TURKS AND CAICOS ISLANDS COMMISSION OF INQUIRY REPORT 2008- 2009 ("the Report")

DR CEM KINAY (1)
TURKS DEVELOPMENT LP (2)
THE STAR LIONS LIMITED (3)



And

THE EDITORS OF THE TURKS AND CAICOS WEEKLY NEWS (1)
THE EDITORS OF THE TURKS AND CAICOS FREE PRESS (2)
THE EDITORS OF THE TURKS AND CAICOS SUN NEWSPAPER (3)
THE EDITORS OF WIV CHANNEL 4 NEWS (4)
THE EDITORS OF TCI NEW MEDIA NETWORK CH 7 NEWS (5)
THE PROPRIETORS OF THE RADIO STATION BROADCASTING ON 88.7FM (6)
THE PROPRIETORS OF THE RADIO STATION BROADCASTING ON 92.5FM (7)
THE PROPRIETORS OF THE RADIO STATION BROADCASTING ON 102.5FM (8)
THE PROPRIETORS OF THE RADIO STATION BROADCASTING ON 107FM (9)
THE EDITORS OF THE TCI JOURNAL (10)
THE EDITORS OF TURKS & CAICOS NET NEWS (11)

Defendants

1ST AFFIDAVIT OF MICHEL NEUTELINGS

I MICHEL NEUTELINGS Vice President of Turks Development LP of Salt Mills Plaza, Grace Bay, Providenciales, Turks and Caicos Islands MAKE OATH and say as follows:

1. I am the Vice President of and employed by the Second Plaintiff and am authorized to make this affidavit on behalf of the Plaintiffs and do so from facts and matters within my personal knowledge which are true, save where the context appears otherwise. Where otherwise

deposed to the matters are true to the best of my knowledge information and belief from the sources and grounds deposed to.

2. Early on Saturday July 18th, 2009 I became aware that a redacted copy of the Report of the Turks and Caicos Commission of Inquiry 2008-2009 had been published on the website of the Commission of Inquiry at www-tci-inquiry.org with effect from 14.00 BST or about 9.00AM local time (Eastern Standard Time). As a result I visited this website and downloaded a copy of the Report in pdf format. I saw that it was redacted and entered a search option under the name "Kinay" and this produced a search result for all references to this name. I was surprised to see that the references included references in the redacted parts which were fully legible. As a result I opened a blank Word document in order to copy the references that were highlighted which I was able to do successfully. I discovered thereafter that by copying from the pdf format to the Word format the full text of the Report could be read.
3. I believe that there was a failure to simply and adequately lock the edited and redacted version of the Report. As a consequence the Report could be easily and simply read in full and all adverse references to Dr. Kinay and the other Plaintiffs could be viewed in full. The effect of this is or was to defeat the purpose of the order and declarations of the Supreme Court made on June 18th, 2009 in Action CL93/09.
4. As a result I contacted Conrad Griffiths QC of Misick & Stanbrook, Stephen Parkinson an attorney admitted in connection with Action CL93/09 and the principals of the Plaintiffs and Dr. Kinay.
5. I am informed by Conrad Griffiths QC and Stephen Parkinson that immediate contact was made with the legal representatives for the Commission of Inquiry and for the Governor. As a result the body of the Report was removed from the website of the Commission at about 2.30pm local time (Eastern Standard Time).
6. I have made inquires of the editors of one newspaper (the Turks and Caicos Free Press) who had the pdf Report available on line and asked them to remove it which they indicated they would do. However I have no lawful means of asking news outlets to remove the pdf version of the Report which can be viewed. If the pdf version remains available then the entire purpose of the proceedings under Action CL 93/09 will have been defeated and the Plaintiffs will inevitably suffer irreparable damage.
7. I am informed that the Attorney General has indicated to Conrad Griffiths QC that he is supportive of an application for an injunction seeking to prevent publication in legible or audible form of the redacted part of the Report. I wish to make clear that the Plaintiffs do not seek to prevent publication of the Report in redacted form at all. These circumstances have been forced on them through no fault of their own.

Sworn before me this 18th day of July

In Providenciales, Turks and Caicos Islands



 Commissioner for Oaths
 Jonathan Katan LL.B (Hons)
 Attorney at Law

Miller Simons O' Sullivan
 Providenciales, Turks & Caicos Islands
 (649) 946 4650



MICHEL NEUTELINGS