



[2025] JMSC Civ 90

IN THE SUPREME COURT OF JUDICATURE OF JAMAICA

CIVIL DIVISION

CLAIM NO. SU2023CV02369

BETWEEN	INTEGRITY COMMISSION	1ST CLAIMANT
AND	GREG CHRISTIE	2ND CLAIMANT
AND	CRAIG BERESFORD	3RD CLAIMANT
AND	JOY POWELL	4TH CLAIMANT
AND	ALICIA DARBY	5TH CLAIMANT
AND	CAMILLE LEE	6TH CLAIMANT
AND	JULIE MALCOLM	DEFENDANT

IN OPEN COURT

Mrs. Jacqueline Samuels-Brown, KC & Ms. Keisha Spence for the Claimants

The Defendant being absent and unrepresented

July 3, 2025 & July 15, 2025

**Civil Procedure Rules Part 53- Application to commit for contempt of Court Order
– Burden & Standard of Proof –Procedural Requirements- Prohibitory Injunction-
social media posting- Contempt- Breach of Court Orders-Wilful Disobedience-
Appropriate order to be imposed**

WOLFE-REECE, J

THE APPLICATION

[1] On February 18, 2025 the Applicants/ Claimants filed a Notice of Application for Contempt of Court seeking the following orders:

1. *A Declaration that the Defendant/Respondent is in Contempt of court;*
2. *A Declaration that the Defendant/Respondent is in breach of the orders made by the court;*
3. *An Order that the Defendant/Respondent be committed to prison for contempt of Court for such period as this Honourable Court deems just;*
4. *Cost to the Applicants to be taxed if not agreed.*
5. *Such further and/or other relief (s) as this Honourable Court deem just.*

[2] The grounds on which they seek to rely for these orders to be granted are that:

- (a) *This application is being made pursuant to Rules 1.1, 53.1 and 53.7 of the Supreme Court of Jamaica Civil Procedure Rules (hereinafter referred to as "CPR")*
- (b) *Rule 53.1 of the CPR provides that the court has the power to commit a person to prison for failure to comply with an order requiring that person not to do an act within a specific time.*
- (c) *On the 16th day of August 2023, the Honourable Mrs. Justice A. Lawrence-Grainger made the following orders that:*
 1. *The Defendant/Respondent, her servants and/or agents is required to immediately take down/remove all Twitter, YouTube, Tik Tok, Facebook and other social media posts relating to the Claimants and allegations of corruption by the Respondent in relation to complaint submitted by her to the 1st Applicant on the 29th April 2022.*

2. *The Defendant/Respondent, her servants and/or agents is required to immediately take down/remove all Twitter, YouTube, Tik Tok, Facebook and other social media posts relating to the Claimants and allegations of corruption by the Respondent in relation to complaint submitted by her to the 1st Applicant on the 29th April 2022.*
3. *Orders made above shall remain in force until determination of the claim or further ordered.*
4. *Costs to be costs in the claim.*

BACKGROUND

- [3] On the 21st July 2023 the Claimant's commenced proceedings by way a Claim Form against the Defendant seeking damages for defamation. The Claimant's allege that the Defendant through the use of social media platforms made statements which attribute that the Claimants are corrupt and did not act within the remits of the statute establishing the Integrity Commission. The Defendant alleges instances of corruption by Judges in a complaint that she submitted to the Commission on the 29th of April 2022, which was said to have been investigated and dismissed by the 1st Claimant. The Defendant, being unsatisfied with the decision of the Claimants took to social media and made numerous post regarding the action of the Claimants.
- [4] That notwithstanding the claim for Defamation filed against the Defendant, the Defendant persisted in posting what the Claimants deem to be defamatory commentary against them. The Claimants on the 16th August 2023, obtained an injunction against the Defendant prohibiting the Defendant from making any further posts or publications against the Claimants, together with an order for any posts alleging corruption by the Claimant's and that are the subject of the complaint be removed until the determination of the claim. The Claimants assert that the Defendant in direct contravention of the injunction imposed on the 16th of August 2023, posted commentary on her Social Media X account (formerly Twitter)

between the periods of January 10, 2025 to February 7, 2025, regarding the claim before the court and in some instances alleging corruption against them. As a result they have filed the Notice of Application outlined in paragraph 1 above.

ISSUES

1. Was the Defendant/Respondent served.
2. Whether the Orders made by Lawrence-Grainger J, on the 16th August 2023, were clear and unambiguous.
3. Whether the postings of the Defendant on the social media platform X amount to a breach of the Courts Order of 16 August 2023
4. If it is a breach, is it tantamount to a wilful refusal to obey the Orders made by the Court
5. Whether the Defendant should be committed to Prison

Issue # 1: Was the Respondent/Defendant served

[5] The Defendant/Respondent, did not attend the hearing for committal and therefore the Court must satisfy itself based on the evidence that she was served with the Order of Justice Lawrence- Grainger made on August 16 bearing the penal notice. Further the Applicants must also provide evidence of service of the Notice of Application and the affidavit in support of the application upon Ms Julie Malcolm.

[6] Part 53 of the Civil Procedure Rules (CPR) encapsulates the powers of the Court on an application to commit a person to prison for contempt of a Court Order. Rule 53.1 sets out the scope of the section in the following terms:

“This section deals with the ***power of the Court to commit a person to prison*** or to make an order confiscating assets for failure to comply with

- (a) An order requiring that person or

- (b) An undertaking by that person to do an act
 - (i) within a specified time;
 - (ii) by a specific date or

not to do an act (emphasis)

[7] Rule 53.10 provides:

- (1) An Application this section must be made
 - (a) in the case of contempt committed within proceedings in the court, by application under Part 11; or
 - (b) in any other case by a fixed date claim form setting out the grounds of the application and supported in each case by evidence on affidavit
- (2) The general rule is that the claim form or application stating the grounds of the application must be served personally on the person sought to be punished.
- (3) However, the Court may dispense with service under this rule if it thinks it is just to do so.
- (4) An application in respect of contempt committed in proceedings in the court or in any inferior court or tribunal may be heard by a judge of the court.

[8] This Court firstly addresses its mind to the evidence placed before it in respect of service of the Formal Order of Justice Lawrence-Grainger (Ag) bearing the Penal notice on the Respondent. The affidavit of Evian Ortiz filed on February 18, 2025 references that the Defendant was present via zoom on August 16, 2023 when the orders were made. He says that the 1st Claimant filed the Formal Order endorsed with the penal notice. He exhibits a copy of the formal order which he says was served on the Defendant.

[9] Mr Ortiz does not purport to have been the one who served Formal order personally on the Defendant. His evidence is based on what he was told. He relies on his exhibit EO1 the formal Order dated the 16th August 2023 and filed the August 18, 2023 which bears an endorsement with a signature stating as

follows: ***I Julie Malcom am in receipt of this document at August 24, 2023 at 5.20 pm***

[10] The Notice of Application as set out in Paragraph 1 above was set to be Heard on April 3, 2025. On that date Ms Malcolm did not attend however an affidavit of service of Jasneth Bailey filed March 25, 2025 indicated that Ms. Malcolm was served by email. The Court satisfied from the documents filed in this matter that the Defendant who is self- represented provided that address for service is via email made the following orders:

1. The Claimants'/ Applicants' Notice of Application for Court Orders seeking to declare the Defendant/ Respondent in Contempt of Court filed on February 18, 2025 is adjourned to July 3, 2025 at 10 am in Open Court
2. The Defendant/ Respondent, Julie Malcolm is to appear in person at the Supreme Court, King Street on July 3, 2025 at 10 am
3. The Claimants/ Applicants are permitted to serve all documents on the Defendant/ Respondent via [email-juliemalcolm@yahoo.com](mailto:juliemalcolm@yahoo.com)
4. Costs to be the costs in the application
5. The Claimants'/ Applicants attorneys at law are to prepare file and serve this Order.

[11] An Affidavit of Quannia Walker filed on June 24, 2025 exhibits the email and Formal order and she indicates that service of this order was effected by email on June 23, 2025.

[12] The evidence as outlined is unchallenged and it satisfies the Court that the Defendant/ Respondent was served with the Order of Justice Lawrence-Grainger

bearing the penal notice, the Notice of Application for orders of Contempt filed on February 18, 2025, the Formal Order of the Court on April 3, 2025.

Issue # 2 Whether the words of the Order of Justice Lawrence-Grainger (Ag) made August 16, 2023 were clear and unambiguous

[13] The Formal Order filed on August 16, 2023 reflects that the Defendant was present at the hearing when the Orders were made. It was ordered as follows:

1. An injunction requiring the Defendant her servants and/or agents to take down/remove all Twitter, Youtube, Tik Tok, Facebook and other social media posts relating to the Claimants and allegation of corruption, including but not limited to the following post by the Respondent in relation to the complaint submitted by her to the 1st Applicant on April 29, 2022.
2. An injunction restraining the Defendant, her servants and/or agents from uploading, publishing or communicating the post to Twitter, Facebook or other social media post at Orders 1 above as well as any further words of the same or similar content as that of the videos and posts that are the subject of this order.
3. The Orders made above will remain in force until the determination of the Claim or until further Order of the Court.
4. Costs to be the costs in the claim
5. The Applicants' attorney at law is to prepare file and serve Order herein

[14] The Claim brought by the Claimants against Ms Malcom is for Defamation which arose as a result of posts she made on social media in respect of the Claimants. The injunction granted ordered the Defendant to take down/ remove all posts from specific platforms and social media in general relating to the Claimants and allegations of corruption. The Order further stipulated that this removal included

but was not limited to the complaint submitted by the Respondent to the Integrity Commission on April 29, 2022

[15] In analysing whether an order is clear and unequivocal the Court asks itself whether the words of the Order are straightforward and leave no room for doubt or confusion and is capable of only one interpretation. In assessing Order 1 I acknowledge that the word Defendant and Respondent is used to refer to Ms Malcolm. I must therefore determine whether this would cause any ambiguity in the mind of a lay person. In my view the Order seeks to have the Defendant remove all posts made on social media which referred to the Integrity Commission and allegations of corruption, until the determination of the Claim. The Order is clear that the posts to be removed included the complaint filed on April 29, 2022 but was not limited to that complaint.

[16] In respect of Order 2 the Court restrained Ms. Malcolm her uploading, publishing or communicating posts to specific platforms and social media in relation to the Order 1 as well as any further words of the same and similar content as that of the videos and posts that are subject of the Order.

[17] It is clear that the aim of the Order was to cause the Defendant to remove posts made and to restrain her from making any further posts that refer to the Claimants and any allegations of corruption by them. I find that there is no ambiguity in terms of the Order. I find the Order was clear and served the purpose of instructing the Defendant / Respondent that she was to remove posts in respect of her allegations of corruption against the Claimants and it restrained her from publishing any further words of same or similar content.

Issue # 3 Whether the postings of the Defendant on the social media platform X amount to a breach of the Courts Order of 16 August 2023

[18] In proceedings of this nature for the Court to make a finding that the Defendant/ Respondent is in Contempt of the Court order it must first find that there has been a breach of the Order of the Court by the Defendant/ Respondent. The question

therefore is whether the Defendant has deliberately breached those orders imposed by the court through her social media publications?

- [19] Counsel Ms. Spence submitted that the rule in respect to the granting of contempt order is set out in Part 53 of the CPR, more particularly rule 53.1 which gives the Court the jurisdiction to commit a person to prison for failure to comply with an order requiring that person to do an act within or by a specific time or not to do an act. She referred the Court to the case of **Margaret Gardner v Rivington Gardener, Rivington** [2012] JMSC CIV 160, Anderson K.J set out the requirements for establishing contempt of court in civil proceedings including the standard of proof. At para 12:

On an application for committal for contempt, there can be no doubt that is now settled law that even though an Application for committal may arise out of civil proceeding before the Court, nonetheless, because of the consequence could be as severe as imprisonment, it is the criminal standard of proof that must be met by the Applicant. This therefore, means that the standard of proof is that of proof beyond a reasonable doubt. This court must feel sure that, not only is the Defendant in breach of a Court Order, but also that he is in such breach (which is the actus reus of contempt for breach of a Court Order), whilst at the same time, being in breach as a consequence of a wilful disobedience to, or wilful refusal to obey, that same Order which alleged contemnor is said to be in breach of (which is the means rea of contempt for breach of a court a Court Order. The mens rea (guilty mind) in respect of the alleged breach, just as now is the law, in respect of any criminal offence, cannot be presumed.

The Court further opined:

“...that in terms of the mental element required to be proven for civil contempt arising from the alleged of a court order by a party, what must be proven is that there has been, on the part of the respondent to a contempt application, a wilful and mala fide (in bad faith) refusal or failure to comply with the relevant Court Order...nothing less than a wilful refusal to comply with a Court

Order, or the wilful disobedience of a Court Order, will suffice as constituting the requisite guilty mind (mens rea).

[20] Counsel submits that the definition of “wilful refusal” is defined in the case of **Stewart Brown Investments Ltd v Alton Washington Brown** where Laing J referred to the case of **Stancomb v Trowbridge UDC** [1910] 2 CH 190 that in respect of wilful disobedience if a person or corporation is restrained by an injunction from doing a particular act, that person or corporation commits a breach of the injunction, and is liable for contempt. However, if he or the corporation commits and act without any direct intention of disobeying the order, then such an act would not be considered to be a wilful disobedience

[21] Counsel urged that the approach taken by the court in considering an application for contempt of court is similar to that of strict liability. In support of this counsel further relied on the authority of *Stewart Brown Supra*, where Laing J opined at para 57 that:

Nevertheless, although a defendant who fails to comply with an injunction is not necessarily absolutely liable, the weight of the authorities tip the scales considerably in favour of a test of strict liability in the sense that the absence of negligence or intention to disobey will not amount to a defence. Because orders are meant by the Court to be obeyed, the motive for disobedience is irrelevant for the purposes of establishing a case of contempt.

[22] Ms Spence argues that in the case at bar the Defendant was served with the Court Order with attached to it was a penal notice notifying the Defendant of contempt proceedings if the order is breached. Counsel submits that the Defendant has wilfully disobeyed or breached the Court Orders on the 16th August 2023, in that the Defendant was present when the order was made and in almost one year, the Defendant did not make any post in reference to the Claimants. The Defendant was served with a demand letter to remove her posting on Facebook, Twitter and other social media platforms, and up to this date the said posting have not been removed. Counsel argues that the Defendant’s conduct has shown an intentional disregard for the Orders and process of the Court. With actions that are tantamount

to perverting the administration of justice. Counsel submits that it is in the interest and the protection of the court that the Defendant be punished for her wilful conduct for the breach of the injunction by either imprisonment or imposition of a fine to secure good behaviour.

[23] In the **National Export Import Bank of Jamaica Limited v Stewart Brown Investments Limited** [2021] JMCA Civ 40, Brooks P at para 43 submitted that:

*“For there to be contempt of court, the order should clearly specify the behaviour that must, or must not, be done. Any ambiguity in the order must be resolved in favour of the person charged with contempt. Contempt of court, at common law requires not only an act or an omission (the actus reus), but it also requires a mental element (the mens rea). Lord Nicholls of Birkenhead, in the decision of **the House of Lords case in Her Majesty’s Attorney General v Punch and Another** [2002] UKHL 50 said, in part, at paragraph 20 of his judgment:*

For the defendant company of Mr Steen to be guilty of contempt of court, the Attorney General must prove that they did the relevant act (actus reus) with the necessary intent (mens rea).”

[24] It is therefore imperative that before the Court can make a finding of one being in Contempt of Court the Court must be satisfied beyond a reasonable doubt that the Defendant/Respondent not only committed a breach of the Court order but that time she had the requisite intention to do so. I therefore will examine the purported acts/ actions being complained of as breaching the Orders made by Lawrence-Garinger, J.

[25] Mr. Ortiz evidence at paragraph 7 of his affidavit outlines the posts made by The Defendant her X account (formerly Twitter) between the periods of January 10 to February 7, 2025. He also exhibited at EO 2 a-q screenshots of the postings which originated from handle Julie Malcolm @Juliel.Malcolm2. It is his contention that the 17 exhibited posts breach the Court’s Order.

[26] The exhibited posts are as follows:

- ***January 10, 2025, at 9.14 am Its always good for political representatives to have things in common with their constituents. It makes them more relatable. Sadly, what I have in common with @AndrewHolnessJM today is that we both have just cause to pursue the Claim that the IC investigative process is unfair.***

The Defendant posted on her X account that both she and The Hon Dr. Andrew Holness have just cause to question the investigating procedure of the IC as being unfair- is the Defendant prohibited from posting about the 1st Claimant in general? The Order was specific that she is prohibited from posting about the Claimants in respect of any allegation of corruption and matters concern the substantive claim. I cannot conclude that the allegation of unfairness in a process automatically falls within the realm of being corrupt. I acknowledge that the two may overlap, however I am not of the view that this posts breaches the Order of the Court.

- ***January 11, 2025, at 6.08 pm: Tom Tavares Finson is correct but Jacqueline Samuels Brown KC and Justice Ann Marie Lawrence-Grainger, by demonstration do not believe this. Not only did they deny me the opportunity to seek representation but they both held an exclusive meeting & lied that I was heard. Ask IC***

The Defendant commented that she was denied the opportunity of representation during the hearing of the Injunction application. This post directly references the injunction. The post refers by specifically naming Kings Counsel who appeared in the application for the Injunction and the Judge who made the Order. The post also lays serious allegations against the Kings Counsel and the Judge. It is accepted that the post made is in reference to the Court proceedings and no specific reference is made to the Integrity Commission or the Claimants. However, I find that Order number 2 restrains the Defendant/ Respondent from publishing or posting anything in respect of the injunction granted in Order 1, or any further words subject to the Order.

- ***January 16, 2025 at 9.31am and 10.14 a.m.: No. The #Integrity Commision is not at all #misguided in its failure to acknowledge & investigate my December 02.24 complaint on #fraud #Conspiracy & #gross dereliction of duty by (Jamaica's) highest Judicial officers. IC knows wt section 38 of the IC Act says. We hv to find another word***
10.14 a.m. How can \$2b p/yr funded integrity commission allow this critical complaint to go #unacknowledged and uninvestigated while watching how much of his salary a private citizen gives to his MP wife @JULIETCUTHBERT

In this post the Defendant chastises the IC on its failure to “unacknowledged & uninvestigate” a critical complaint made by her and refuses to investigate her 2024 claim for fraud, conspiracy and gross dereliction of duty by the highest Judicial officers. This, in my mind, touches Order No.2 where the Defendants is prohibited from posting about anything that is in respect of the claim before the court.

- ***January 20, 2025 @ 11.19: Like Marcus Garvey, I advocated for Justice and I am now being maliciously prosecuted w the filed instruction of the IC in the Supreme Court. IC filed docs r incl/d in my December 02.24 IC compliant because the Supreme Court & the COAppeal hv consistently discarded/fabricated my filed evidence***
- ***@ 11.19: Since August 9, 2023, I hv been maliciously prosecuted by Justice Ann Marie Lawrence-Grainger & KC Jacqueline Samuels-Brown under the instruction of the IC. Meanwhile the IC is unconstitutionally on my Dec. 02, 2024 complaint w irrefutable verifiable evidence of egregious crimes...***
- ***@ 6.29 pm: Julie Malcolm is treated w contempt by IC bc she criticizes 's oppressive justice system with its unfair judges and court registrars who engage in evidence tampering, unauthorized hearings &***

published lies with the IC (12/02/24), @AndrewHolnessJM & @MarkJGolding, & HISTORY says

Mr Garvey was charged for contempt of Court and convicted in 1929 for criticizing Jamaica's legal system, which he reportedly described as "oppressive" whilst calling for laws to punish judges who acted unfairly

@6.43 All I heard today was @MarkJGolding @Mikkie_J&P. Trevor Munroe a biit-op dem gum bout the appearance of @Delroychuckjm breaching the IC Act 2017 but di chrri a dem on the ACTUAL irrefutable proven fact that the IC currently stand in clear breach of Section 38 of the same Act.

In the January 20 posts the Defendant/Respondent commented that, like Marcus Garvey, she is advocating for justice and for that she is now being maliciously prosecuted by filed instruction from Integrity Commission and now being sued for contempt of court. I find the series of posts for January 20 are tantamount to breach, as they reference the claim brought by the Integrity Commission against her. I find that the reasonable inference and conclusion by her use of the term "maliciously prosecuted" is that Defendant has used further words of same and similar content and is in breach of Order 2 made by Lawrence-Grainger, J.

- ***January 28, 2025 @8.23 p.m. According to the Integrity Commission Act, 2017 the unconstitutional silence/unacknowledgement, & consistent refusal to execute the constitutional mandate to investigate wrong doing without fear/favour equates to #grossnegligence, a crime 4 which the IC's privilege ceases to obtain.***

It is the Courts assessment that the Defendants' comments on the failure of IC to carry out its mandate pursuant to its establishing Act and their refusal to execute their mandate to investigate without fear or favour is an allegation of corruption on the part of the Claimants and directly breaches Order No. 2

- **February 2, 2025 at 10.03 a.m.** *“This mean that IC is demonstrating “gross negligence” a crime for which the IC according to the IC Act, . 2017 must be held accountable. It is my civic duty & tht of aal ns, to ensure that this IC breach is dealt w bc injustice to one is injustice to all.*
- **February 3, 2025 @7.53 p.m.** *The gross negligence, according to the IC Act, 2017 in which the IC moves, breathes & has its being, demands that the IC be investigated, prosecuted & punished There is clear & adequate proof that the IC’s inaction also provides known and direct benefit to the above named miscreants.*
- *There are other bodies that are constitutionally available to defend and uphold the CO & those who take shelter therein such as the IC but the elements therein are also unyielding to the CO & the rights it affords me. IC has not acknowledged my stated judicial complaint.*

The Defendants posts of February 2-3, 2025, the Defendant complains of the action of IC being tantamount to negligence, and a call for transparency and accountability. It appears to me to expression of an opinion and nothing directly relates to the claim before the Court or corruption on the part of the Claimants. I therefore find that these posts do not breach the Orders made.

- **February 5, 2025 @ 7.11 a.m.** *The Constitution of Jamaica, Integrity Commission Act 2017 demands that Beresford Craig, Director of Information & Complaints at Integrity Commission resign and be investigated prosecuted & punished for negligence @MOCAJamaica @AndrewHolnessJM @MarkJGolding @anticorruption*
- **February 7, 2025 6.23p.m.** *NOTICE: This X account replaced my primary Twitter account on August 16, 2023 when a named KC under the stated instruction of #IC fraudulently and in concert with a named*

Supreme Court judge, obtained an unconstitutional order for me to destroy primary evidence filed in my defence

- ***said evidence is on my primary Twitter ac that remains preserved for the day of justice which is hindered bc since the unconstitutional Aug. 09, 2023 serving of documents signalling malicious prosecution, the s/court has barred me from presenting my filed defence before the Court.***

The 3rd Claimant in this Claim is Craig Beresford. The Particulars of Claim filed on July 21, 2023 identifies him as the Director, Information and Complaints of the Integrity Commission which is the 1st Claimant. I find that the February 5, 2025 post made at 7.11 a.m. directly relates to the 3rd Claimant. I also draw the reasonable inference that the tagging MOCAJamaica and @anticorruption that the Defendant/ Respondent is attributing corruption to the 3rd Claimant and as result is calling for him to be investigated prosecuted. It is patently clear that this post breaches the Orders of Justice Lawrence-Grainger.

- [27] In her postings made at 6.23 on February 7, 2025, the Defendant/Respondent makes specific reference to the Order of 16th August, 2023 and her intention not comply with the Order. This publishing and posting of further comments in respect of the Order made by the Court is in direct breach and violation of the Orders Made.

April 29, 2022 complaint & December 2, 2024 complaint

- [28] In the Order of Lawrence-Grainger, J on 16th August 2023 Order #1 referred to the removal of posts relating to Claimants and allegations of corruption including but not limited to posts by the Respondent in relation to the complaint submitted by her to the 1st Applicant on April 29, 2022. I am therefore of the view that this Court must make a determination whether prohibition of further posts on social media at Order 1 as well as any further words of the same or similar content would apply to the December 2, 2024 complaint.

[29] In assessing the Particulars of Claim the April 29, 2022 complaint alleges evidence tampering by Judges and other public officers of the Supreme Court and the Court of Appeal. It is in my assessment of the posts of January 20, 2025 in particular is in reference to evidence tampering by Judges and staff of the Supreme Court. The Order having not been limited to the April 29, 2022 must encompass any further complaint that is of same and of similar content. The Order does not prohibit the Defendant from making further complaints to the Integrity Commission, however it precludes her from posting similar words to those she was ordered to remove.

Issue #4: If it is a breach, is it tantamount to a wilful refusal to obey the Orders made by the Court

[30] Having found that there appears to be instances of the breach of the said Order the onus on the claimants to prove beyond a reasonable doubt that the Defendant deliberately breached the Orders of the court. In the case **Navigator Equities Limited and another v Oleg Deripaska ('Navigator Equities')** [2021] EWCA Civ 1799 at para 82 the Court stated the following:

“For a breach of order or undertaking to be established, it must be shown that the terms of the order or undertaking are clear and unambiguous; that the respondent had proper notice; and that the breach is clear (by reference to the terms of the order or undertaking).”

[31] It cannot be disputed that an Order was imposed on the Defendant/ Respondent prohibiting her from commenting on the Claimants and the matters pertaining to the substantive claim on her social media postings. It is undisputed that between the periods of January 10 to February 7, 2025, the Defendant posted on her social media account X, particularly in respect to January 20 and February 7, 2025, that directly touches and concerns the proceedings before the court. It is evident in my mind that the actus rea of the offence has been established beyond a reasonable doubt.

[32] The crux of the matter surrounds the intention of the Defendant when the tweets were posted. This requires for an inference to be drawn by the court based on the conduct of the Defendant /Respondent within the specific circumstances in which the action that breaches the Court Order took place. When I examine the posts it is clear that the Defendant/ Respondent wilfully made the posts. It is clear that she is aggrieved by the Order of the Court made on August 16, 2023. Her persistent post albeit not necessarily using the word corruption use words referencing to same or similar content.

[33] I therefore find that the Claimants/Applicants have satisfied me beyond a reasonable doubt Julie Malcolm the Defendant/ Respondent breached the Order of Justice Annmarie Lawrence- Grainger made on August 16, 2023. I also find that at the time she wilfully breached the said order and was cognizant that her action could have consequences.

Issue# 5: Whether the Defendant should be committed to Prison

[34] Rule 53.9 sets out the various options to the Court where it has been determined that there has been contempt of the Court Order.

“(1) This Section deals with the exercise of the power of the court to punish for contempt.

(2) In addition to the powers set out in rule 53.10 the Court may

(a) fine the contemnor

(b) take security for good behaviour

(c) make confiscation of assets order

(d) issue an Injunction

(3) Nothing in this Section affects the power of the Court to make an order of committal of its own initiative a person guilty of contempt in the face of the court”.

[35] The Notice of Application seeks an order that the Defendant/ Respondent be committed to prison for contempt of Court. I am acutely aware that every case must

be assessed on its own facts and the sanction imposed must be proportionate to breach of the Courts Order. It is indeed the Courts view that these posting were deliberate acts by the Ms. Malcolm, However the interference with one's liberty is indeed not be done lightly and without careful thought and assessment.

[36] In my view whilst Ms. Malcolm may be dissatisfied with the Orders of the Court, there is a process to challenge same. The Orders of the Court must be complied with. The court is satisfied beyond reasonable doubt that the Defendant/ Respondent wilfully breached the orders of Lawrence –Grainger, J made on the 16th of August 2023. In my careful assessment I conclude that the imposition of a fine is a sufficient remedy in the circumstances.

Disposal

1. The Defendant/ Respondent Julie Malcolm is in breach of the Order of Justice A. Lawrence-Grainger dated 16th day of August, 2023.
2. The Defendant/ Respondent is found to be in Contempt of Court by breaching the said order dated 16th day of August, 2023.
3. The Defendant /Respondent Julie Malcolm shall pay a fine of five hundred thousand dollars (\$500,000.00) within ten days of the date of service of this order or serve twenty-one days in prison.
4. Costs awarded to the Claimants / Applicants to be taxed if not agreed.
5. The Claimants'/Applicants' attorney at law shall prepare file and serve this order.

.....
S. Wolfe-Reece, J