

INTERVIEW AUTHORISATION

Pending final approval

on the contents, wording and formulations of an article proposed by one Paul Healy, reporter of the Daily Star

These representations and propositions are given under and upon full understanding of the several provisions embedded in Defamation Act 2009. That Act (after the Defamation Act 1961) and the respective articles under the Bunreacht of Ireland and the ECHR

WITH regard to: Marta Herda Story - Interviewe by Mr Paul Healey of Monika Lyzwa

Paul Healy
News Reporter
Irish Daily Star
Contact : 01 499 3401
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28th October 2017

Dear Mr Healy,

Thank you for your interest in Marta's case and your prompt submission of the draft article. Please be on notice that (at this time) your article will be reviewed and pending our formal acceptance you are kindly ask to withhold the publication.

Nevertheless, we remain convinced that you shall favour journalistic ethics, factual accuracy, moral integrity and a "balanced, non-partisan and unbiased approach" - over sensationalism or provocative narration, and whilst steering away from controversies, innuendo or inflammatory language - you shall produce a fair, accurate, and reasoned (rather than emotional) journalistic account in your rendition of the conversation / interview with Marta's sister - Ms Monika Lyzwa.

You will be aware of the fact that in the advent of our final appeal and whilst under such dire circumstances as Marta is at this time, any such publication may have enormous bearing on: (a) her own psyche, (b) public perception of her case (c) further reactions and opinion-forming in any such professional circles that may be involved at present or at any further stage involved in this case.

Therefore, whilst we respect and honour your journalistic right to independent exercise of the liberty to a "free speech" and to create and form opinions, we shall nevertheless in protection of Marta's rights (under Article 8 of the ECHR Convention and certain rights to a good name retained under the Bunreacht na hÉireann) urge that you shall specifically consider the following propositions.

We are sending you our -impromptu- revision and amendments and - most respectfully - submit the same for your perusal - hoping that you should rid the bias and approach the matter even-handedly and we will cooperate with you fairly in this matter - but by no means will we succumb to any pressures or demands that should result in an unfair and potentially damaging publication.

On the last word - let us both - on either side be professional and let the cooler heads prevail.

It is most disturbing, however, that in some parts of this article you may (inadvertently) present Marta's family (and her sister) as audacious, disrespectful, non compos mentis (as the rendition of her story mostly - in how you phrase it - presents to uneducated reader - a haphazard, helter-skelter, poor-excuse exercise to defend a cold-blooded killer. The paragraphing of your article gives an overwhelming impression that the interviewee is a mere "chancer" palming off a bogus excuse. It cannot escape the conclusion of an experienced reader that a certain "sub-liminal" and skillful (to a degree) manipulation may have taken placen and a pre-judiced story with foregone conclusion will be published in an attire of an "interview with the family" which is contorted and shaped to suit a political preconception. This is not acceptable.

We hope that in your response - we may strive to work out an approach that be fair to the victim and the accused (until the conviction is approved on appeal.

With Kindest Regards

Monika Lyzwa

PROPOSED REVISIONS TO THE 'DRAFT' ARTICLE

THE SISTER OF (1) CONVICTED MURDERER MARTA HERDA HAS CLAIMED SHE HAS (2) BOMBHELL NEW EVIDENCE WHICH COULD HELP FREE HER FROM PRISON.

- (1) *Inflammatory language – “murderer” is a most damaging label – and whilst the appeal process has not been exhausted – any such definitive language is premature, unfairly biased and potentially damaging – it may give rise to future litigation*
- (2) *No such claimed was made. The family is merely organising a team of lawyers and experts to review the Garda investigation with a focus on possible omissions of standards and specific acts of negligence in the same. Any speculation of a “bombshell” evidence is: (i) unfounded, (ii) premature, (iii) unduly sensational.*

Proposed redaction:

THE sister of Marta Herda – ~~convicted of murder whilst causing an accident with a resulting fatality~~ - has claimed ~~that she is vigorously pursuing all avenues to uncover evidence~~ which could help free ~~her sister~~ from prison.

SPEAKING (3) EXCLUSIVELY TO THE STAR, MONIKA HERDA ALSO SAID SHE (4) PROBABLY COULD HAVE ACCEPTED A MANSLAUGHTER CHARGE FOR HER SISTER AS OPPOSED TO MURDER.

- (3) *No such exclusive rights were given – that word should be omitted*
- (4) *Speculative – any arrangements between the client and her legal team are privileged and it may border on a criminality (an offense) for anyone to try to – furtively – elicit (and moreover) publish such privileged information (it is a serious transgression of the individual’s rights to free trial and due process)*

(5) DUBBED THE ‘ICE QUEEN KILLER’ (6) CALLOUS MARTA (30) WAS CONVICTED LAST YEAR OF MURDERING HER WORK COLLEAGUE CSABA ORSOS (31) ON MARCH 26, 2013.

- (5) *Inflammatory language – and no source is provided – if you quote a source, the origin must be established – otherwise you shall be liable for any effect of the same potentially injurious statement*
- (6) *“callous” is a highly opinionated epithet – for journalistic accuracy you should either (i) withdraw from such accusatory narrative or (ii) provide evidence to support such argument*

Proposed redaction:

Marta (30) was convicted last year of murdering her work colleague Csaba Orsos (31) on March 26, 2013

Possible addition:

In the circumstances that – as she claims – Csaba (weighing more than 100 kg (a body-builder, fit sportsman) harassed her and developed an infatuation which she did not reciprocate. Marta weighed only 50 kg and was afraid of any harm. According to her own words: “Men coming from a Romani culture have their own ways of treating women” and she did not want a husband of such provenance.

THE COURT HEARD HOW (7) THE CALLOUS KILLER DROVE HER CAR THROUGH CRASH BARRIERS AND INTO THE WATER AT SOUTH QUAY IN ARKLOW, (8) KNOWING FULL WELL THAT HER VICTIM COULD NOT SWIM.

- (7) *Inflammatory and sensationalist language – furthermore it purports to quote the actual court findings – please provide direct quote/citation – where the learned court (of either instance) opined in the words that Marta was “a callous killer”)*
- (8) *As above – inflammatory and biased – you are put on notice that you will be asked for evidence in support of such wording. Be aware that the family has procured evidence showing that Mr Orsos was an employee of an oceanic liner (and was tested on his swimming skills prior to employment) – which was a pre-requisite to that job. In publishing such unproven allegation you are seriously exposing yourselves to a potential defamation claim*

BUT SPEAKING THROUGH THE HELP OF AN INTERPRETER, MONIKA HERDA CLAIMED SHE NOW HAS EVIDENCE THAT (9) INNOCENT CSABA WAS ABLE TO SWIM AFTER ALL.

- (9) *Csaba was never put on trial for any such allegations as were made of (i) sexual harassment, (ii) stalking – therefore any such quantifier as “innocent” is moot and redundant – any such quantifier at (innocent Csaba – vs – convicted murderer Marta – is a biased an in flammatory quantifier)*

~~“(10) A PERSON GOT IN TOUCH WITH US WHO CLAIMS CSABA WAS ABLE TO SWIM,” SHE TOLD THE STAR.~~

“THAT PERSON WORKED ON SHIPS WITH CSABA AND IN ORDER TO GET A JOB ON A SHIP YOU HAVE TO BE ABLE TO SHOW YOU CAN SWIM WELL AND ARE NOT AFRAID OF WATER.

~~“(11) WE HAVE A LOT OF EVIDENCE WE WILL BRING TO THE SUPREME COURT AND THIS WILL PROBABLY BE PART OF IT.”~~

- (10) *Evidence please – this is hearsay and speculation (if the interviewee may have alluded to any such fact – you would request evidence or refrain from such conjecture)*

- (11) *upon consulting with the family (and Mrs Lyzwa), such words were never uttered – the family is painfully and costly revising evidence and pursuing any such avenues where certain elements of discovery (that were never performed/) may actually be carried out to produce (undisclosed) and vital evidence. There is no element of audacity, challenge or disrespect towards the Irish system of justice.*

HERDA FAILED IN APPEALING HER SENTENCE EARLIER THIS MONTH, AND NOW HER LAST CHANCE IS AN APPEAL IN THE SUPREME COURT.

TODAY MARTA’S SISTER CLAIMS HER SISTER WAS MISUNDERSTOOD BY (12) GARDAI WHEN TELLING THEM SHE KNEW CSABA COULD NOT SWIM, AND THE WHOLE THING WAS JUST AN “ACCIDENT”

- (12) *Capital letter should be used - Gardai*

“SHE WAS CONVICTED (13) FOR MURDER, BUT WHAT HAPPENED WAS AN ACCIDENT WITH A DEATH,” MONIKA SAID.

- (13) *Grammatical correction – according to Oxford Dictionary – convicted “of” murder – not “for”*

“SHE WASN’T PLANNING AT ALL FOR HIM TO JOIN HER IN THE CAR. SHE DIDN’T WANT HIM IN THE CAR AT ALL.”

MARTA CLAIMS CSABA WAS IN LOVE WITH HER AND OBSESSED WITH HER, AND (14) TOLD HER SISTER THAT SHE RANG HIM (15) ON THE DAY OF THE KILLING ONLY BECAUSE SHE WAS CONCERNED FOR HIS MENTAL HEALTH.

“THE LAST CONVERSATION THEY HAD ENDED UP WITH HIM TELLING HER THAT HE (16) CAN’T EAT, HE CANT SLEEP, AND HIS LIFE HAS NO SENSE WITHOUT MARTA,” MONIKA SAID.

- (14) *“told her sister” but WHO?– there are two preceding subjects in this sentence (i) Marta, (ii) Csaba – who is being meant by the writer? The grammatical formation of the sentence is unclear a subject referred to a subordinate clause t (in the SVO grammatical order) is missing*

- (15) *Inflammatory and biased language – please refer to a definition of killing (Oxford Dictionary etc)*

- (16) *Reported speech or Indirect speech – (grammatical) tense sequence – he couldn’t eat, couldn’t sleep and his life had no sense.*

Proposed redaction:

“She was convicted of murder, but what happened was an accident with a death,” Monika said. “She wasn’t planning at all for him to join her in the car. She didn’t want him in the car at all.” Marta claims Csaba was in love with her and obsessed with her, and (insert: WHO) told her sister that she rang him on the day of the accident only because she was concerned for his mental health. his life has no sense without Marta,” Monika said. “The last conversation they had ended up with him telling her that he couldn’t eat, he couldn’t sleep, and

“HE LEFT HER WITH THESE WORDS AND IT MADE HER FEEL VERY UNCOMFORTABLE AND THAT’S WHY SHE CALLED HIM.

“SHE WANTED TO TALK TO HIM TO MAKE HIM FEEL CALM AGAIN AND (17) TO CHANGE HIS MENTAL STATE.”

(17) This assertion is unreasonable, ambiguous and quite absurd – what does it mean that she wanted to “change his mental state”? in what way, how? Such assertion may only lead to a speculation. It must be explained (absurda sunt interpretanda”) otherwise it leaves a speculative void in the reasoning.

BUT MONIKA SAYS IT ALL WENT WRONG WHEN MARTA WAS MAKING HER WAY TOWARDS THE BEACH AND WAS ALLEGEDLY (18) CONFRONTED BY CSABA IN THE MIDDLE OF THE ROAD.

(18) Where exactly (what is the middle of the road) and in what circumstances –the precise location and any attending circumstances are essential to the determination of either party intent and a potential indication as to mens rea/planning of the accused

“CSABA LIVES CLOSE TO THE BEACH SHE WAS GOING TO AND IT JUST SO HAPPENS BY THE TIME SHE GOT TO THE HOUSE HE WAS ALREADY STANDING ON THE ROAD,” SHE SAID.

“HE JUMPED INTO THE CAR VERY QUICKLY, IT HAPPENED VERY QUICKLY.

“EVERYTHING HAPPENED VERY QUICKLY AFTER HE JUMPED INTO THE CAR. HE SAID HE HAD TO SAY SOMETHING VERY IMPORTANT TO HER AND HE TOLD HER TO GO TO THE BEACH.”

MONIKA CLAIMS HER SISTER TOLD HER THAT CSABA BECAME ERRATIC, AND THIS FRIGHTENED HER, CAUSING HER TO WANT TO TURN THE CAR AROUND AND DRIVE HIM HOME IMMEDIATELY.

HOWEVER IN DAMNING EVIDENCE PRESENTED IN COURT, GARDAI TOLD HOW MARTA HAD HAD ENOUGH OF CSABA, AND SHE TOLD THEM SHE “HIT THE ACCELERATOR” AND DROVE INTO THE WATER.

“I REMEMBER I HIT ACCELERATOR AND I THINK I HAVE ENOUGH OF THIS, I HAVE ENOUGH OF HIM, I CAN NO LONGER TAKE THIS,” MARTA TOLD GARDAI AFTER (19) THE KILLING.

(19) The vehicle fell off the cliff into the water – the exact “modus” pending final appeal is still on trial – if you consult the literary definition of the word killing (Oxford, Cambridge Dictionary – none of them entail a reference to a vehicular accident with a passenger fatality) – furthermore – there is no conviction within 20 years plus in the jurisdiction of Ireland, UK, USA, Canada or Australia that a car accident with the driver surviving and passenger fatality – upon a fall off a cliff/pier into harbour waters – be classified as other than a road accident – hence pending the Supreme Court resolution – any such rendition as to “murder” or “killing” is defamatory and raises right to litigation

Proposed redaction:

“I remember I hit accelerator and I think I have enough of this, I have enough of him, I can no longer take this,” Marta told gardai after the accident/fell.

“ALL I CAN SEE IS HIS ANGRY FACE AND SCREAMING. I KNOW THAT I DRIVE TO WATER I COULD NOT TAKE IT ANYMORE.”

BUT MONIKA CLAIMS GARDAI MISINTERPRETED WHAT HER SISTER REALLY MEANT, AND SHE NEVER ADMITTED TO DRIVING INTO THE WATER, LET ALONE ON PURPOSE.

“WHAT I THINK SHE MEANT BY SAYING THAT WAS SHE WANTED TO QUICKLY TURN AROUND AND GO BACK,” MONIKA TOLD THIS PAPER.

“SHE DIDN’T WANT TO ACCELERATE.“ IT SEEMS THERE WAS A BIT OF A MISUNDERSTANDING IN TERMS OF WHAT SHE MEANT.

“SHE NEVER SAID SHE WENT INTO THE WATER DELIBERATELY. SHE SHOULD HAVE SAID SHE FELL INTO THE WATER RATHER THAN ‘WENT INTO.’”

MONIKA SAYS HER SISTER ONLY WANTED TO HELP CSABA, WHO HAD BECOME COMPLETELY OBSESSED BY HER, AND TOLD HER OVER THE PHONE THAT HE DIDN’T WANT TO LIVE WITHOUT HER.

SHE CLAIMS HER SISTER BECAME FRIGHTENED WHEN HE BECAME ERRATIC IN THE CAR - BUT ADMITS THE KILLER CANNOT REMEMBER KEY DETAILS BETWEEN THE ALLEGED ARGUMENT AND THE CAR ENDING UP IN THE WATER.

“MARTA GOT FRIGHTENED AND KEPT ASKING HIM TO PLEASE STOP AND CALM DOWN,” SHE SAID.

“JUST BEFORE THE BARRIERS SHE HAD TO DO A U TURN.

(15)“MARTA DOESN'T REMEMBER THIS BUT THIS IS WHAT I SURMISE IS THERE WAS PUSHING AND SHOVING GOING ON.

(20) This sentence is completely ungrammatical – again and as was stated afore – the Subject-Verb-Objects (direct ,indirect – the ambiguity of structure makes the context unclear and vague – yet by the same opening ways to discretionary speculations – it is just a very bad command of the English language (even if the same be a rendition from a foreign language) it is the duty of the publisher to provide such accurate and professional translation as needed to properly render the context of the interviewee’s intention.

“SHE DOESN'T REMEMBER GOING THROUGH THE BARRIERS, THE ONLY THING SHE REMEMBERS IS THE MOMENT SHE BECAME CONSCIOUS WHEN SHE WAS ALREADY IN THE WATER.

“THE ONE POINT I WANT TO MAKE ABOUT THE BARRIERS IS IF MARTA HAD WANTED TO GO IN THE WATER SHE COULD EASILY HAVE CHOSEN A DIFFERENT SPACE WHERE THERE WERE NO BARRIERS.

“SHE WANTED TO MAKE THE U-TURN, AND FROM WHAT SHE HAS BEEN REPEATING TO US IS THAT THE LAST THING SHE ACTUALLY REMEMBERS, THE LAST IMAGE IN HER MIND WAS THE FACE OF CSABA.

ADDITION

A. According to the court’s finding a handbrake was pulled (in the last minute or before the vehicle entered water) and the same was most likely exercised from the passenger’s side. This manouvre alone – might have or not (a determination to be left to expert opinion – which the Gardai never procured) changed the course of motion, direction and the traction of the vehicle. It is a substantial factor to be left for analysis – as to the mens rea of Marta – and a possible intervening factor by Csaba) as to who intended what in the last crucial seconds preceding the disaster.

and:

B. Whilst Marta is being labelled as an Ice-Queen or such – it – for the fairness of this story – should not be omitted – that Csaba weighed in excess of 100kg, was a gym addict and took steroids which have a potential of altering the mind, reaction and psyche. Marta has never had any history of violence and/or no antecedants whether in Ireland or elsewhere. She had worked 11 years in Irleand at minimum or close wage and paid taxes and never had any conflict with the law.

“SHE SAID IT HAD THIS TWISTED WEIRD GRIMACE ON IT AND HIM SAYING THINGS THAT WEREN'T EVEN COMPREHENSIBLE.”

MONIKA SAYS SHE BELIEVES HER SISTER, WHO IS NOW LOCKED UP AND SERVING A LIFE SENTENCE IN DUBIN'S DOCHAS CENTRE PRISON, DOES BARE SOME RESPONSIBILITY FOR CSABA'S DEATH HOWEVER.

“IN SO FAR AS SHE WAS THE DRIVER I THINK SHE WAS RESPONSIBLE, BUT DEFINITELY NOT FOR A MURDER.

“YOU KNOW THE WAY ACCIDENTS HAPPEN SOMETIMES THAT RESULT IN DEATH BUT IN THAT RESPECT SHE DEFINITELY TAKES RESPONSIBILITY.”

ASKED IF SHE WOULD HAVE ACCEPTED A MANSLAUGHTER VERDICT FOR HER SISTER MONIKA SAID :

”I THINK IT WOULD BE FAIRER OR MORE JUST THAN MURDER.”

THE SUPREME COURT CHALLENGE WILL BE THE POLISH NATIVE'S LAST CHANCE TO APPEAL HER CONVICTION HERE, WITH THE ONLY OTHER OPTION BEING AN APPEAL IN THE EUROPEAN COURTS.

YOUR FINAL RENDITION OF THIS INTERVIEW WILL BE SCRUTINISED AND SUBJECT TO APPROVAL PRIOR TO PUBLICATION

Upon receipt of redacted version a final decision shall be made promptly and within a 24hrs (wherein unless further redactions are needed you shall be permitted to publish the article – and upon such terms as shall be agreed)

ANY ATTEMPT TO CIRCUMVENT THE PROCESS AND PUBLISH THE SAME AS “INDEPENDENT REPORT” OR “EDITORIAL” WILL BE TAKE APPROPRIATELY

YOU ARE HEREBY PUT ON NOTICE WITH REGARD TO ANY IMPLICATIONS OF THE ABOVE

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KILLER'S JAIL VIDEO



MARTA'S SCARY TALES
Pier plunge murderer reads 'Ugly Duckling' behind bars

IN CHARGE: Ireland's Roy Keane (R), Martin O'Neill

Just 1,900 tickets from Danish for big clash

STINGY Danish football officials have vowed they won't increase the ticket allocation for Irish fans for the crunch World Cup play-off first leg in Copenhagen. Despite an expected Green Army invasion of 10,000 fans, the Danes will allow just 1,900 tickets for away supporters for the hotly anticipated game on November 11.

■ PAGE THREE

VICTIM: Herda drove tragic Ceaba off a pier

KILLER STORY: Marta Herda during her trial and (left) in video reading fairy tale

KILLER Marta Herda has been filmed reading children's stories in jail. The Polish waitress, who is serving a life sentence for murdering Caaba Orso in 2011, read a fairy tale on camera for her niece at the Dochas centre in Mounjoy. Her family posted the video online, stating: "Could this person kill anybody?"

■ PAGES 4&5

We will analyse the contents of this publication for any biased, defamatory and illegal statements.

We retain the rights to litigate this matter and or to litigate the author in person at any court in Ireland and to remit this matter to any such Tribunal as shall be pertinent and to sue the personal assets of the author for any such compensation as may be required