

**Uffiċċju tad-
Delegazzjoni Permanenti
ta' Malta għall-UNESCO**

*Ministeru għall-Affarijiet Barranin u
Promozzjoni tal-Kummerċ*



**Office of the
Permanent Delegation
of Malta to UNESCO**

*Ministry for Foreign Affairs and Trade
Promotion*

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17 June 2020

Mr Moez Chakchouk
Assistant Director-General for Communication and Information
UNESCO Headquarters,
7, Place de Fontenoy
Paris, France

Dear Mr Chakchouk,

I write to reply your letter of the 2nd April 2020, in which you requested information regarding the brutal assassination of Daphne Caruana Galizia, specifically on the status of legal investigations being conducted into the 'unresolved' case and what actions Malta has taken to promote the safety of journalists to combat impunity, as a way to share good practices, and highlighting the specific risks faced by women journalists in the exercise of their work.

Allow me to deal with the queries separately hereunder:

1. The status of legal investigations being conducted into the 'unresolved' case:

A magisterial inquiry led by Magistrate Dr Anthony Vella, who stepped in after Magistrate Consuelo Scerri Herrera who was the duty Magistrate was objected to by the deceased's family, was initiated automatically according to law, immediately after the reporting of the assassination of Daphne Caruana Galizia by means of a car bomb. During the Magisterial Inquiry, evidence was collected in order to find the alleged perpetrators. Malta Police and court investigators were aided by a Dutch forensic team and by investigators from the FBI.

A few weeks after the assassination of Daphne Caruana Galizia, ten people were arrested in a massive operation. Three people, Vince Muscat, George Degiorgio and Alfred Degiorgio, were arraigned in court and charged with her assassination.

The case was in the first place heard before the Court of Magistrates as a Court of Criminal Inquiry in a process referred to as the 'compilation of evidence' stage. In this process, the Court determines whether there is enough evidence to indict the persons charged before a jury. In this case, the Court of Magistrates as a Court of Criminal Inquiry found that there was sufficient evidence against the accused and the Bill of Indictment was filed on the 16th July 2019.

The accused have been detained in preventive custody ever since their arrest and have been denied bail repeatedly by the same Court of Magistrates and by the Criminal Court.

Following further investigations, a fourth person, Yorgen Fenech, was charged on the 30th November 2020 in the Court of Magistrates as a Court of Criminal Inquiry with complicity in the assassination of the journalist. The compilation proceedings are underway.

The accused has been denied bail and since his arrest has been in preventive custody.

The independence and impartiality of the Maltese Courts is protected by the Constitution of Malta and by the principles of the Rule of Law which the same Constitution and various pieces of legislation enshrine. These are also further safeguarded through the various international obligations which Malta has assumed over the years.

2. Actions taken by Malta to promote the safety of journalists and to combat impunity, as a way to share good practices, and highlighting the specific risks faced by women journalists in the exercise of their work:

Following the brutal murder, Prime Minister Joseph Muscat addressed a press conference in which he promised that 'no stone will be left unturned' to find the perpetrators of this heinous crime. A €1 million reward was offered by the Government for information leading to the perpetrator/s.

Prior to this assassination, Government had already started the process to change libel and defamation laws, making them less stringent towards journalists, and removing the possibility of garnishee orders being issued against journalists when faced with libel proceedings. That law was eventually issued and brought into force, following extensive public debate and consultation, on the 14th May 2018,

Moreover as from the initial stages of the inquiry, Magistrate Vella upheld a request to have the murdered journalist's sources protected.

There is no difference in treatment of journalists on the basis of sex. Journalists, of any gender, face the same risks and are given the same level of protection and treatment.

Therefore, dear Mr Chakchouk, please find Malta's official response as requested.

Please accept, dear ADG, the assurances of my highest consideration.



Mgr Dr Joseph Vella Gauci
Ambassador & Permanent Delegate of Malta to UNESCO

Model Table assisting responses by Member States

Section 1: Table

Current List of Journalists Killed (as condemned by the UNESCO Director-General) and Legal Investigations (as reported by UNESCO Member States)

Date: To be sent to UNESCO **by 1 July 2019**

Name of journalist	Gender	Date of alleged murder	Investigating Authority	Case Number	Current Status	Verdict	Additional remarks
<i>Ms. Daphne Caruana Galizia</i>	<i>Female</i>	<i>16 October 2017</i>	<i>Police/ Inquiring Magistrate</i>		A magisterial inquiry led by Magistrate Dr. Anthony Vella, later succeeded by Magistrate Neville Camilleri as explained below, after taking over from Magistrate Consuelo Scerri Herrera's who was objected to by the late journalist's family, was initiated according to law, immediately after the reporting of the murder. During the Magisterial Inquiry, evidence was collected for preservation and in order to identify those responsible. Maltese police investigators and experts appointed by the Inquiring Magistrate were assisted by experts from the Netherlands Forensic Institute, from EUROPOL and from the FBI. A few weeks after the murder of Daphne Caruana Galizia, ten people were arrested in a	Name of alleged perpetrator(s): George Degiorgio Alfred Degiorgio Vince Muscat	

				<p>massive operation. Three of those arrested namely Vince Muscat, George Degiorgio and Alfred Degiorgio, were within 48 hours charged in court in connection with the murder. Committal proceedings were heard in the Court of Magistrates as a Court of Criminal Inquiry. . In this process, the Court hears evidence in order to determine whether there is enough evidence to indict the accused and to commit them to trial.</p> <p>The Court of Magistrates as a Court of Criminal inquiry has decided that there is enough evidence to indict the accused. The Bill of indictment was filed on the 16th July 2019 following which the accused have filed a number of preliminary pleas, which are currently being heard by the Criminal Court.</p> <p>The accused have been detained ever since their arrest and have been denied bail by the same Court of Magistrates and by the Criminal Court.</p>		
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				<p>In the meantime, the Magisterial Inquiry into the murder continues for the purpose of examining whether other persons were involved in the murder.</p> <p>On the 30th November 2019, another person was arraigned in court accused of complicity in the murder of the journalist. Committal proceedings are currently underway. The accused has been denied bail and is currently in preventive custody.</p> <p>The Magisterial Inquiry and police investigations being conducted with the involvement of EUROPOL are still ongoing.</p> <p>Independence and impartiality of the Maltese Courts is protected by the Constitution of Malta and by the principles of the Rule of Law which are also safeguarded by the European Convention Act, which incorporates the European Convention on Human Rights and a number of its Protocols into Maltese law and by Malta's</p>	Yorgen Fenech	
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					<p>various international obligations on the subject.</p> <p>In these circumstances, and particularly on account of the fact that three persons were charged with the murder in less than fifty days from the crime and that the Court of Magistrates has decided that there is enough evidence to place these three persons under a Bill of Indictment combined with the fact that the investigation yielded further success when a fourth person was arraigned and also charged with the murder, the Government of Malta has its reservations as to whether the fact that investigations into the murder continue should really qualify this crime as an 'unresolved' murder of a journalist.</p>		
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Section 2: Positive or Innovative Measures the Member State is taking to promote safety of journalists and combat impunity

Activity	Actors	Outcome(s)
<i>Investigation; Legislative change</i>		Following the brutal murder, Prime Minister Joseph Muscat addressed a press conference in which he promised that 'no stone will be left unturned' to find the

	<p><i>Government; Parliament; Inquiring Magistrate;</i></p>	<p>perpetrators of this heinous crime. A €1 million reward was offered by the Government for information leading to the charging of the perpetrator/s.</p> <p>Well before the murder, on the 17th February 2017, Government presented a Bill in Parliament (the Media and Defamation Bill) to change Malta’s libel and defamation laws, granting journalists substantially increased legal protection, removing criminal libel and prohibiting the issue of precautionary garnishee orders and other precautionary acts by plaintiffs involved in civil libel suits against journalists.</p> <p>That Bill was the subject of very wide discussion and consultation, both in Malta and with international organizations (particularly the OSCE). It was enacted as a law after a number of changes making it even more liberal on the 14th May 2018 when it came into force. One of the changes made to the Bill as a result of the consultation process was a provision to discourage the filing of strategic lawsuits against public participation by providing that when multiple libel actions are filed by the same person about the same article the single capping on libel damages of 11,640 euro will apply to all such cases taken together as though they were one case.</p> <p>During the inquiry into the murder Magistrate Vella also upheld a request made by an association of journalists a few days after the murder to have the murdered journalist’s sources protected.</p> <p>In 2018 Magistrate Vella, who had been the Senior Magistrate for a number of years, accepted to be promoted to Judge, and the investigation was taken over by Magistrate Neville Camilleri under whose supervision it continues for the purpose of trying to identify any other accomplices.</p>
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Section 3: Steps the Member State has taken to consider the specific risks faced by women journalists in the exercise of their work

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A journalist's sex never results in different treatment. Journalists of every gender are awarded the same level of protection and treatment which is also protected by Malta's equality and anti-discrimination legal framework.

Section 4: Agreement to post the submitted information on UNESCO's dedicated webpage

Malta agrees with the above information, which is already in the public domain, featuring on UNESCO's dedicated webpage.