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P9_TA(2021)0148

Assassination of Daphne Caruana Galizia and the rule of law in Malta

European Parliament resolution of 29 April 2021 on the assassination of Daphne Caruana Galizia and the rule of law in Malta (2021/2611(RSP))

(2021/C 506/09)

The European Parliament,

- having regard to Articles 2, 4, 5, 6, 7, 9 and 10 of the Treaty on European Union (TEU),
 - having regard to Article 20 of the Treaty on the Functioning of the European Union,
 - having regard to Articles 6, 7, 8, 10, 11, 12 and 47 of the Charter of Fundamental Rights of the European Union (the ‘Charter’),
 - having regard to its resolutions of 15 November 2017 ⁽¹⁾, 28 March 2019 ⁽²⁾ and 16 December 2019 ⁽³⁾ on the rule of law in Malta,
 - having regard to the hearings, exchanges of views and delegation visits carried out by the Democracy, Rule of Law and Fundamental Rights Monitoring Group of the Committee on Civil Liberties, Justice and Home Affairs since 15 November 2017,
 - having regard to the exchanges of letters between the Chair of the Democracy, Rule of Law and Fundamental Rights Monitoring Group and the Prime Minister of Malta, the latest of which took place in April 2021,
 - having regard to resolution 2293(2019) of the Parliamentary Assembly of the Council of Europe of 26 June 2019 entitled ‘Daphne Caruana Galizia’s assassination and the rule of law in Malta and beyond: ensuring that the whole truth emerges’,
 - having regard to the report on the follow-up to resolution 2293(2019) of the Parliamentary Assembly of the Council of Europe, endorsed by the Parliamentary Assembly’s Committee on Legal Affairs and Human Rights on 8 December 2020,
 - having regard to the opinion of the Venice Commission of 8 October 2020 on ten acts and bills implementing legislative proposals subject of opinion CDL-AD(2020)006,
 - having regard to the Commission’s 2020 Rule of Law Report,
 - having regard to the judgment of the European Court of Justice of 20 April 2021, *Repubblika v Il-Prim Ministru* ⁽⁴⁾,
 - having regard to Rule 132(2) of its Rules of Procedure,
- A. whereas the European Union is founded on the values of respect for human dignity, freedom, democracy, equality, the rule of law and respect for human rights, including the rights of persons belonging to minorities; whereas these values are universal and common to the Member States;
- B. whereas the rule of law and respect for democracy, human rights and fundamental freedoms and the values and principles enshrined in the EU Treaties and international human rights instruments are obligations incumbent on the Union and its Member States and must be complied with; whereas, in accordance with Article 2, Article 3(1) and Article 7 TEU, the Union has the possibility to act in order to protect the common values on which it was founded;

⁽¹⁾ OJ C 356, 4.10.2018, p. 29.

⁽²⁾ OJ C 108, 26.3.2021, p. 107.

⁽³⁾ Texts adopted, P9_TA(2019)0103.

⁽⁴⁾ Judgment of 20 April 2021, *Repubblika v Il-Prim Ministru*, C-896/19, ECLI:EU:C:2021:311.

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- C. whereas the Charter is part of EU primary law; whereas freedom of expression and freedom and pluralism of the media are enshrined in Article 11 of the Charter and Article 10 of the European Convention on Human Rights (ECHR);
- D. whereas the independence of the judiciary is enshrined in Article 19(1) TEU, Article 47 of the Charter and Article 6 of the ECHR, and is an essential requirement of the democratic principle of separation of powers;
- E. whereas the systematic refusal of one Member State to comply with the fundamental values of the European Union and the Treaties to which it has freely acceded affects the EU as a whole;
- F. whereas the Maltese anti-corruption investigative journalist and blogger Daphne Caruana Galizia was assassinated in a car bomb attack on 16 October 2017; whereas she was the target of harassment and numerous threats in the form of threatening phone calls, letters and text messages, as well as an arson attack on her house and the murder of her dog; whereas the self-confessed hitman testified in court on 16 March 2021 that two years before Daphne Caruana Galizia was murdered there was a previous and separate plot to assassinate her using an AK-47 rifle;
- G. whereas the murder investigations led by the Maltese authorities and assisted by Europol have led to the identification, arraignment and ongoing trial of several suspects and one potential mastermind behind the murder, the owner of the Dubai-based company 17 Black Ltd. and former Member of the Board of Directors of ElectroGas Malta Ltd.; whereas the Federal Bureau of Investigation (FBI) was also involved in the investigations;
- H. whereas one of the alleged accomplices and certain recordings exhibited in court proceedings have implicated the former Chief of Staff to the Prime Minister of Malta in the planning, funding and/or the attempted cover-up of the murder;
- I. whereas the former Chief of Staff to the Prime Minister resigned on 26 November 2019 following an interrogation by the police over the assassination of Daphne Caruana Galizia; whereas he was arrested and charged with money laundering, fraud, corruption and forgery on 20 March 2021 in a separate case, which was the subject of Daphne Caruana Galizia's work, along with several of his business associates; whereas he was granted bail and was released from pre-trial detention on 5 April 2021;
- J. whereas the then Minister for Tourism of Malta, formerly the Minister for Energy, resigned on 26 November 2019; whereas a consortium of investigative journalists has published a detailed report about the business connections between a Chinese family and the former Minister for Energy as well as the former Prime Minister's Chief of Staff⁽⁵⁾; whereas the Chinese family allegedly played a central role in the negotiations for an investment worth EUR 380 million by China's state-owned Shanghai Electric Power in Malta's state power company Enemalta, and owns the companies Dow's Media Company and Macbridge, the latter of which planned to pay up to USD 2 million to Panama firms controlled by the former Minister for Energy and the former Prime Minister's Chief of Staff; whereas the investigations into these business transactions were at the centre of Daphne Caruana Galizia's work when she was assassinated;
- K. whereas a public independent inquiry into the murder of Daphne Caruana Galizia was initiated in late 2019 and is still ongoing;
- L. whereas one of the suspects in the ongoing court case on the murder of Daphne Caruana Galizia has been granted a presidential pardon for his involvement in a separate case and gave testimony under oath; whereas he implied that the former Minister for the Economy could have been involved in a plot to kill a journalist and that a sitting government minister was involved in a major crime, sparking speculation about an attempted heist of HSBC bank headquarters in Qormi in 2010 that led to a shoot-out with the police;

(5) 'Special Report: Money trail from Daphne murder probe stretches to China', *Reuters*, 29 March 2021.

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- M. whereas the former Parliamentary Secretary for Civil Rights and Reforms in the Maltese Ministry for Justice, Equality and Governance is alleged to have accepted cash from the person charged with commissioning the murder of Daphne Caruana Galizia, after she claimed to have acted as a broker on a projected property sale in 2019; whereas this property sale never took place;
- N. whereas serious concerns persist regarding the fight against corruption and organised crime in Malta, as outlined in the Commission's 2020 Rule of Law Report; whereas the existing standards of prevention, investigation and prosecution are clearly inadequate; whereas this threatens to undermine the trust of citizens in public institutions, resulting in dangerous interconnections between criminal groups and public authorities; whereas organised crime is primarily enabled by corruption; whereas a structural reform project has been launched to address gaps and strengthen the institutional anti-corruption framework, including law enforcement and prosecution;
- O. whereas journalists, notably but not exclusively investigative journalists, are increasingly being issued with so-called 'strategic lawsuits against public participation' (SLAPP), which are intended purely to frustrate their work, avoid public scrutiny and prevent authorities from being held to account, creating a chilling effect on media freedom; whereas at the time of her assassination Daphne Caruana Galizia's assets had been frozen by precautionary warrants issued in conjunction with four libel suits brought by Malta's former Minister for the Economy and his aide; whereas the cases were among 42 civil libel suits open against her at the time of her death, including one brought by the then Prime Minister, two by the then Minister for Tourism, and two by the then Prime Minister's Chief of Staff;
1. Is deeply concerned about the latest revelations in the investigations into the assassination of Daphne Caruana Galizia, in particular the possible involvement of government ministers and political appointees; acknowledges the progress made in the murder investigations; reiterates, however, that the recent revelations raise new questions about the case and related investigations;
 2. Urges the Government of Malta to deploy all the necessary resources to bring to justice not only every individual implicated in the murder of Daphne Caruana Galizia, but also those implicated in all other cases currently being investigated or reported which she had brought to light prior to her assassination; believes that Daphne Caruana Galizia's work has been essential in exposing corruption in Malta and that recent developments on related investigations affirm the paramount importance of an independent media and active civil society as fundamental pillars of justice, democracy and the rule of law;
 3. Reiterates its call for the full and continuous involvement of Europol in all aspects of the murder investigation and all related investigations; calls for Europol's involvement to be reinforced as it yields results;
 4. Welcomes the continuation of the public independent inquiry into the murder of Daphne Caruana Galizia; calls on the Government and the competent authorities of Malta to implement in full all recommendations stemming from the inquiry;
 5. Expresses concerns about the repeated offer and use of presidential pardons in the context of the murder trial; stresses that testimonies offered for other crimes should be very carefully assessed and should not be used to evade full justice for murder; notes, however, that a presidential pardon and plea bargain were two of the elements that led to the arrest in November 2019 of one individual suspected of commissioning the assassination;
 6. Acknowledges the progress made, albeit greatly delayed, in some of the investigations in related cases of money laundering and corruption, particularly with regard to the former Chief of Staff to the Prime Minister; stresses, however, that the latest testimonies and revelations have brought new suspicious facts and potential criminal acts to light and therefore calls on the Maltese authorities to also launch and advance investigations in these cases without delay, including possible attempts by public officials to conceal evidence and obstruct investigations and judicial proceedings;

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7. Considers that all allegations of corruption and fraud, especially at a high political level, should be investigated and prosecuted with the appropriate rigour and at the appropriate level, including in relation to the possible involvement of foreign actors; questions whether it is appropriate that the allegations against the former Parliamentary Secretary for Civil Rights and Reforms are only being investigated by the Commissioner for Standards in Public Life;
8. Reiterates that the Maltese Government must consider the fight against organised crime, corruption and the intimidation of journalists as of the utmost priority;
9. Acknowledges that in its ruling of 20 April 2021, the Court of Justice of the EU found that the provisions introduced by the Maltese constitutional reform of 2016 on the appointment of members of the judiciary strengthened judicial independence and were therefore in line with EU law;
10. Deeply regrets how developments in Malta over the years have led to serious and persistent threats to the rule of law, democracy and fundamental rights, including questions as to the freedom of the media, the independence of law enforcement and the judiciary from political interference, and the freedom of peaceful assembly; considers that constitutional guarantees in respect of the separation of powers should be further strengthened; notes that following the implementation of some of the recommendations of the Commission, the Council of Europe and the Venice Commission, the Government of Malta made progress in relation to the rule of law; encourages the Government of Malta to continue to pursue endeavours to strengthen its institutions;
11. Is deeply concerned about some of the Commission's findings in its 2020 Rule of Law Report with regard to Malta, notably 'deep corruption patterns'; welcomes, nonetheless, the launch of the structural reform project; reiterates its call on the Commission to use all the tools and procedures at its disposal to ensure full compliance with EU law vis-à-vis the efficient functioning of judicial systems, the fight against money laundering, banking supervision, public procurement, and urban planning and development;
12. Reiterates its call on the Maltese authorities to fully implement all outstanding recommendations by the Parliamentary Assembly of the Council of Europe, the Venice Commission, Group of States against Corruption (GRECO) and the Committee of Experts on the Evaluation of Anti-Money Laundering Measures and the Financing of Terrorism (Moneyval); considers that the recommendations concerning the national Parliament and MPs, the effect of Constitutional Court judgments and the specialised tribunals should be properly implemented; calls on the Maltese authorities to request the Venice Commission's opinion on compliance with its recommendations; reserves the right to make such a request itself in accordance with Article 3(2) of the Statute of the Venice Commission and paragraph 28 of the Memorandum of Understanding between the Council of Europe and the European Union;
13. Acknowledges that the assassination of Daphne Caruana Galizia triggered reforms to improve the protection of journalists and defend media freedom; stresses, however, that the Maltese authorities should take further demonstrable steps, setting long-term legislative and policy measures that serve to ensure an environment for critical, independent journalism in Malta and the accountability of politicians and officials, in particular as regards preventing and sanctioning threats, harassment, bullying and the dehumanisation of journalists, publicly or online; calls on the Maltese Government to address existing concerns related to media freedom and the independence of media regulators and public and private media from political interference and the increasing use of hate speech on social media;
14. Is deeply concerned about the harmful impact of citizenship and residence schemes on the integrity of EU citizenship; recalls the recent revelations regarding the lenient interpretation of residence requirements for naturalisation, as well as the role of intermediaries and involvement of public officials; reiterates its call on the Maltese authorities to assure transparency and terminate its investor citizenship and residence schemes rather than modify them; calls on the Commission to issue its reasoned opinion in the relevant infringement case as soon as possible;
15. Notes that the protection of investigative journalists and whistleblowers is in the vital interests of society; notes the key role of international and Maltese civil society organisations and journalists in continuing Daphne Caruana Galizia's investigations; calls on the Maltese authorities to ensure the protection of the personal safety, livelihoods and thus the independence of journalists and whistleblowers at all costs and at all times; calls on the Maltese authorities to swiftly implement Directive (EU) 2019/1937⁽⁶⁾;

⁽⁶⁾ Directive (EU) 2019/1937 of the European Parliament and of the Council of 23 October 2019 on the protection of persons who report breaches of Union law (OJ L 305, 26.11.2019, p. 17).

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16. Calls on the Commission to propose EU anti-SLAPP legislation in order to protect journalists from vexatious lawsuits; calls on the Maltese authorities to enact domestic legislation on SLAPP in the meantime; stresses that when fighting corruption and maladministration, investigative journalism should receive particular consideration and financial or fiscal support as a tool serving the public good; underlines the need for rapid response mechanisms for violations of press and media freedom, as well as the cross-border investigative journalism fund;

17. Instructs its President to forward this resolution to the Commission, the Council, the governments and parliaments of the Member States, the Council of Europe and the President of the Republic of Malta.
