



RESOLUTION ON MALTA

Press freedom has deteriorated significantly in Malta, in particular in the lead up to and aftermath of the assassination of the country's best-known investigative journalist and anti-corruption campaigner, Daphne Caruana Galizia on 16 October 2017.

Nearly one year after her brutal murder, there are major concerns relating to the ongoing investigation by the Maltese authorities into the assassination, which we believe does not meet the standards of independence, impartiality and effectiveness required under international human rights law.¹ While three individuals have been arrested in the murder investigation, it is widely believed² that the mastermind behind the assassination is being protected³. The very same individuals Caruana Galizia was investigating remain in charge of securing justice in her case, despite a judicial challenge in Malta's constitutional court from her family, who have now been completely shut out of the assassination investigation. We therefore welcome the work of the mandate of Dutch MP Pieter Omtzigt as the Parliamentary Assembly of Council of Europe Special Rapporteur into the investigation of the assassination of Daphne Caruana Galizia. On 25 June 2018, Omtzigt said a preliminary overview of the case raised 'many issues concerning the rule of law in Malta, the progress made in investigating the murder and the attitude and behaviour of certain senior public officials.'⁴

PEN believes the assassination of Daphne Caruana Galizia was designed to send a clear signal to any other journalist who would attempt to report on the extremely sensitive corruption issues she was exposing. Impunity in her case, as well as surrounding the corruption upon which she was reporting, appears to have emboldened abuse against other women. Since her murder, female human rights defenders and investigative journalists, Tina Urso and Caroline Muscat - who have been campaigning for justice in Daphne Caruana Galizia's case and against the corruption upon which she was reporting – have been targeted in a coordinated online misogynistic hate campaign in full view of the authorities that are meant to investigate such abuse.⁵ Urso has filed two complaints with the police, but has not been offered any protection. There has been no official response to the death threats received by these women human rights defenders – despite clear evidence of the perpetrators⁶ – pointing to further major concerns relating to the rule of law in Malta.⁷

It is of further concern that the Maltese authorities have taken no action in response to PEN's open letter of concern to the European Commission regarding the comments of Jason Micallef, Chairman of the Valletta 2018 Foundation, and as such the EC Capital of Culture's official representative in

¹ https://www.doughtystreet.co.uk/documents/uploaded-documents/Daphne_Caruana_Galizia_Advice_for_Family_FINAL.pdf

² <http://assembly.coe.int/nw/xml/News/News-View-EN.asp?newsid=7131&lang=2&cat=>

³ <https://www.theguardian.com/world/2018/jun/13/daphne-caruana-galizia-top-eu-official-flies-to-malta> and

⁴ <http://assembly.coe.int/nw/xml/News/News-View-EN.asp?newsid=7131&lang=2&cat=5>

⁵ <http://theshiftnews.com/2018/05/24/behind-the-scenes-how-labour-online-groups-reacted-to-the-assassination-of-daphne-caruana-galizia/>

⁶ http://www.iftf.org/fileadmin/user_upload/images/DigIntel/IFTF_State_sponsored_trolling_report.pdf

⁷ <https://www.indexoncensorship.org/2018/07/double-vision-malta-truth/>

Malta.⁸ Since her assassination, Micallef repeatedly and publically attacked and ridiculed Daphne Caruana Galizia on social media, ordered the removal of banners calling for justice for her death and called for her temporary memorial to be cleared. This is far from appropriate behaviour for an official designated to represent the European Capital of Culture, and in fact serves to further the interests of those trying to prevent an effective and impartial investigation into Caruana Galizia's death.

Despite some welcome developments introduced in the 2018 Media and Defamation Act, including the decriminalization of defamation, we remain concerned that the authorities refused to accept the necessary amendments to legislation which would have prevented the implementation of strategic lawsuits against public participation (SLAPPs) against independent journalists in Malta. These suits generally emanate from law firms in the United Kingdom and the United States representing senior government figures and economically powerful individuals and are used to harass and intimidate Maltese journalists by forcing them to pay prohibitively expensive legal fees just to defend themselves.⁹ The enforcement of SLAPPs has a chilling effect on those investigating corruption perpetrated by those with the resources to bring forward such accusations.¹⁰

In light of this situation, the Assembly of Delegates of PEN International calls on the Maltese authorities to:

- Ensure a full, independent and impartial investigation into the assassination of Daphne Caruana Galizia with the aim of bringing the mastermind(s) behind the killing to justice;
- Ensure a full, independent and impartial investigation into the death threats received by human rights defenders and journalists, Tina Urso and Caroline Muscat;
- Create an enabling environment in which human rights defenders and journalists can effectively pursue their work for the defence and realisation of human rights, including by providing effective protection for these individuals;
- Sanction senior public officials including the Chair of Valletta 2018 who openly threaten the values of democracy, freedom of expression and the rule of law;
- Urgently amend the Media and Defamation Act to exclude the implementation of Strategic lawsuits against public participation (SLAPPs) against independent journalists in Malta.

⁸ <https://pen-international.org/news/european-commission-calls-for-justice-for-daphne-caruana-galizia-and-for-european-capitals-of-culture-to-uphold-european-values>

⁹ <https://www.timesofmalta.com/articles/view/20180613/local/no-legal-obstacle-to-malta-introducing-anti-slapp-legislation.681648>

¹⁰ <https://pen-international.org/app/uploads/Malta-UPR-Final-copy-web.pdf>