



PRIME MINISTER  
AUBERGE DE CASTILLE, VALLETTA, MALTA

1 April 2021

MEP Sophie in't Veld,  
Chair of the Democracy, Rule of Law and  
Fundamental Rights Monitoring Group (DRFMG)  
European Parliament

*Chair of the DRFMG*

Dear Ms in't Veld,

I would like to thank you for your letter, dated 25 March 2021, and for giving me the opportunity to update the DRFMG on the unprecedented constitutional and institutional reforms my Government has been carrying out.

In one of the opening paragraphs of your letter you underline that the Maltese Government must still consider the fight against crime, corruption and the intimidation of journalists as of utmost priority. I firmly believe that my Government's actions speak loudly and clearly in this regard. **We are leaving no stone unturned to ensure that justice is served and that whoever breaks the law, no matter who he or she is or was, is prosecuted.**

In your letter you have also expressed your particular concern regarding the allegation of Mr Vincent Muscat, that a public official was involved in the homicide of journalist Daphne Caruana Galizia. Similar allegations have been made in two separate pardon requests to the President of the Republic. I believe that these claims have to be treated with caution and on these issues I choose to rely on the advice given from the Attorney General and the Commissioner of Police. Note should also be taken of the statements made by the Caruana Galizia family and which were also sent to Members of the European Parliament.

Furthermore, I have to point out that Mr Muscat's confessions in his testimony in the ongoing court case on the homicide of journalist Daphne Caruana Galizia came after he was granted a Presidential pardon for his involvement in a separate case and tireless work by the Malta Police Force (MPF). **I have full trust in the MPF and the Commissioner of Police, and I continue to urge anyone with information pertaining to the case to report it to the MPF without any delay.**

As regards the allegations concerning former Economy Minister Chris Cardona, I would like to underline the fact that Dr Cardona is no longer a member of the Government or the legislature and is now a private citizen. The relevant authorities are looking into all allegations.



You refer to allegations relating to the former Parliamentary Secretary Rosianne Cutajar in the same sentence in which you mention the allegations concerning Dr Cardona. The allegations concerning Ms Cutajar are not related to the homicide. Ms Cutajar has resigned from Cabinet and the allegations made in her regard are being investigated by the Commissioner for Standards in Public Life. I believe it would not be prudent and fair for me to comment further on this case before the Commissioner concludes his investigation.

The Government does not have an issue with providing updates to the European Parliament on the ongoing court proceedings concerning the homicide of journalist Daphne Caruana Galizia. In fact, in a bilateral meeting I had last week with President Sassoli, I extended an invitation to the Conference of Presidents of the European Parliament for an official visit to Malta to experience first-hand the functioning of our institutions. However, since just as in any consolidated democratic system of Government the institutions in Malta function independently from one another, I cannot answer questions on ongoing investigations and cases which are before the Courts. Such questions should be directed to the MPF, the Courts or the Prosecution. **We strongly believe in the importance of allowing the institutions to carry out their work without any hindrance or pressure, and therefore cannot but note with regret that the European Parliament held a debate on ongoing court proceedings in a Member State.**

With regard to Mr Vince Muscat's allegation that a current Government Minister was involved in a crime carried out in 2010, **the Commissioner of Police and the MPF have taken action and I am informed that following his testimony Mr Muscat was immediately questioned by the Police.** It transpires that Mr Muscat did not divulge any information and did not name anyone. I have appealed to the Opposition Leader and his MPs who repeated the allegations made by Mr Muscat to convey any information they might have on the case to the MPF or make it public. **To date, no one has come forward with any information.**

Regarding the charges against Mr Keith Schembri and 11 other persons, I would like to underline that I have full trust in the investigations currently being carried out by the relevant authorities. Concrete measures were taken dating back to October 2020 to freeze assets personally owned and also owned by family members.

**Furthermore, the Government has enacted major reforms to strengthen democracy and the institutions that deliver it.** In fact in our meeting of 13 July, the letter of 5 October 2020 and other updates sent regularly to the European Parliament, I have referred to the unprecedented reforms which my Government has enacted in the first few months of taking office which go to the core of our democracy and institutions. The below are the most salient points for ease of reference:

- The President of the Republic and the Chief Justice will now be appointed following a two-thirds majority vote in Parliament. We have made the selection process of members of the Judiciary and the Police Commissioner more independent, open and transparent, and the involvement of the Prime Minister from these processes has been totally removed. We have separated the functions of the State Advocate from those of the Attorney General. The Office of the Ombudsman has been strengthened and the role of the Ombudsman has been enshrined in the Constitution. The possibility of a judicial review of the Attorney General's decisions has been introduced, and the Permanent Commission Against Corruption has been strengthened.



- **The Government has also carried out extensive work related to the fight against crime and money laundering.** The powers of the Commissioner for Revenue to fight tax evasion and the regulatory framework relating to the Company Services Providers Act have been strengthened. Cash payments have been capped under the Prevention of Money Laundering Act. Significant resources have been invested in the training and development of the Police Force, particularly its Financial Crimes Investigations Department and its Anti Money Laundering Unit, the Financial Intelligence Analysis Unit (FIAU) and the Malta Financial Services Authority, amongst others.

I am also enclosing a factsheet listing the main measures undertaken by the Government in the last couple of months. **Such an extensive reform in within a short span of time is a clear demonstration of the Government's resolve and commitment to carry out all the necessary changes without delay.**

Concerning **Malta's citizenship by investment, the authorities undertake a rigorous background check of the applicants** with particular emphasis on criminal background and the source of wealth and source of funds of the families applying. The Maltese regulations require the independent regulator to oversee the entire application process in order to ensure the highest level of transparency and accountability. Furthermore, **all adult applications are screened with international databases, such as Europol and Interpol.** The agency is also obliged to carry out a risk assessment for every application received. It is also to be noted that details of applicants are forwarded to the Financial Intelligence Analysis Unit, which is a government agency established under the Prevention of Money Laundering Act, for the sake of full transparency.

Moreover, under the new Regulations individuals can only apply for citizenship after 3 years residing in Malta, or by exception through higher investment after 1 year; otherwise a person would be considered ineligible and will therefore be unable to apply for citizenship. These are but a few of the many safeguards which have been put in place in order to ensure that Malta's programme attracts investment and talent without in any way undermining European security or violating EU rules. **The new Regulations have also garnered the support of the Leader of the Opposition.**

Regarding the legal regime applicable to elected officials and members of political parties, I confirm that neither of these categories enjoys immunity from prosecution or requires some lifting of immunity to be prosecuted. **The safeguards of independence, honesty and efficiency applicable in respect of the investigation of such persons are the same as those applicable to all criminal investigations.** The independence of the Police in carrying out their duties is enshrined in the provisions of the Criminal Code. As stated above, a transparent process to appoint the Commissioner of Police, which includes parliamentary scrutiny, was introduced as part of the reforms to the criminal justice system in 2020 and is provided for in the Constitution and in the Police Act.

**The independence of the prosecution service is guaranteed by the Constitution, which also grants the Attorney General security of tenure, making the holder of the said office removable only by a two-thirds majority in parliament on the basis of specified grounds.** The Constitution also guarantees the independence of the Attorney General in deciding whether to institute or to discontinue a prosecution, subject to judicial review of decisions not to prosecute, which was introduced in 2020.



Furthermore, the Ombudsman, the Auditor General, the Permanent Commission Against Corruption and the Commissioner for Standards in Public Life have been granted legal standing at par with the injured party to seek judicial review of decisions not to prosecute taken by the Attorney General in cases where they would have referred suspected corrupt practices to the Attorney General based on their findings. The independence of the prosecution service was further strengthened by the enactment of the State Advocate Act in 2019, which did away with the former dual role exercised by the Attorney General as Chief Prosecutor and Chief Legal Advisor to the Government. I would also like to underline that the independence of Magistrates carrying out Magisterial Inquiries is guaranteed by the Constitution as all members of the judiciary.

With regard to your question **on the anti-SLAPP mechanism, I strongly believe that it would be best to address this matter at an EU level**, thereby avoiding the risk of a domestic anti-SLAPP regime violating current EU law.

**We do not tolerate violence in any form against anyone and we take harassment, threats and any kind of abuse against journalists extremely seriously.** A Cyber Support Unit has been set up within the Technical Support Department of the Malta Police Force to provide technical assistance in the detection and investigation of crime involving digital technology. The Unit's involvement is not limited to criminal acts commonly associated with technology *per se*, but extends to investigations such as fraud and threats. The Unit also analyses the digital evidence seized in connection with investigations as well as identifies persons who are committing crimes over the internet. Any other threats reported to the Police are actioned immediately.

**I am pleased to inform you that the Freedom of Information Act, the Data Protection Act and the Whistleblower Act have been fully implemented.** The Government is currently in the process of commissioning a review of the Freedom of Information Act to ensure that it is up to date with current European standards and is in line with a recommendation made in the Fifth Evaluation round of GRECO. The law regulating various appointment, including that of the Information and Data Protection Commissioner was approved by the House of Representatives in March 2021 and will be published in April 2021.

**Regarding your question on full access to official / Government press conferences, indiscriminate access is granted to all journalists and newsrooms.** Access cards to Government press conferences are issued once an editor of a media organization endorses an application. New applications by individual journalists and / or newcomers in the media are given a temporary access card. If after three months the journalist in question proves to be active, s/he is issued with a permanent card. Furthermore, due to restrictions related to the COVID-19 pandemic, press conferences are currently being streamed on the public broadcasting channel, together with live feeds on social media platforms.

In terms of media literacy, on 28 January 2021, the Government announced the establishment of the Media Literacy Development Board under the powers of the Broadcasting Law Act which was amended by Parliament after a discussion on the implementation of the European Directive on Audiovisual Media. This panel consists of a number of media experts and in consultation with the Broadcasting Authority and other governmental entities and has the aim of drawing up a plan, promoting and taking any measures to ensure the development of literacy skills in the media field. The panel will also ensure that measures are put in place to ensure that citizens have advanced media literacy skills and that they have access to information to use, access and create content securely and responsibly.



Furthermore, the panel will seek to ensure that the measures taken are not only limited to learning about tools and technologies but must ensure that citizens can exercise the power of judgment, analyse complex realities as well as distinguishing between opinion and facts.

I would also like to take the opportunity to mention a particular media literacy project which is certainly raising awareness about journalists' role in the protection of democratic institutions. The 'Our Island III' initiative is an art project organized by the Voluntary Organization Aditus **with the support and sponsorship of the Malta Arts Council Communities**, the French embassy in Malta as well as the Embassy of the Kingdom of the Netherlands in Malta. **The Government fully supports such initiatives.**

**Regarding public procurement, the national regulations are fully in line with the applicable EU legislation. Maltese legislation includes various safeguards, including the right to appeal to the Public Contracts Appeals Board and even to the Court of Appeal. Furthermore, contracting by means of a direct order is strictly regulated.**

Finally, I would like to refer to the following articles which appeared on the portal of the Times of Malta on 29 March and subsequently in print in the Times of Malta on the following day: 'Chinese negotiator behind secret company Macbridge', 'China energy negotiator in Enemalta deals is behind Macbridge', 'Who is Chen Cheng and what are his links to Malta' and 'How the Macbridge mystery was finally unraveled.' A similar article was uploaded to the portal of Reuters. On 30 March I sent a letter to the Police Commissioner whereby I brought the said articles to his attention and asked him to ensure that all claims made are investigated immediately. **Such prompt action is a clear demonstration of my Government's full commitment to fight crime and corruption.**

It is hard to comprehend the stance of a number of MEPs vis-à-vis the situation in Malta. The Maltese Authorities and Institutions are employing huge efforts to carry out the reforms in a timely manner and the Government is supporting them by ensuring that they receive the necessary resources to carry out the job. In one year Malta has undertaken reforms that have been due for years, possibly decades, and my Government is committed to continue. I invite all MEPs without an agenda to judge us according to our actions.

I look forward to hosting the Conference of Presidents of the European Parliament in Malta to discuss this further.

Sincerely,

Robert Abela  
Prime Minister of the Republic of Malta

Enclosures: Factsheet: Observing the Rule of Law and the strengthening of judicial systems in Malta  
Copy: David Maria Sassoli, President of the European Parliament  
Evarist Bartolo, Minister for Foreign and European Affairs  
Dr Edward Zammit Lewis, Minister for Justice, Equality and Governance