



LIBE Democracy, Fundamental Rights and Monitoring Group (DFRMG)

<p>Questions to the Maltese authorities</p>
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To the Dr Jonathan Attard, Maltese Minister of Justice:

1. Maltese press reported that on 24 February George Degiorgio was allowed out of prison to attend a family baptism party. The prison authorities said Degiorgio was granted court permission to attend a family occasion following two court decrees, despite the objection of the Attorney General.
 - What was a legal basis for such a temporary release?
 - Did the courts consult the victims – family of Daphne Caruana Galizia?
 - Following this, would the Maltese government revise the legislative framework for such temporary release? (Greens/EFA)
2. On 16 March 2023, several international press freedom and journalists' organisations sent a letter urging the Maltese government to implement strong reforms to improve media freedom and the protection of journalists in Malta.
 - What is the state of play of the media law reforms?
 - How will you ensure that the reforms take into account the recommendations set out in the 2021 Public Inquiry report, as well as the recommendations provided by the EP, the OSCE and other institutions?
 - What is the timetable foreseen for the next steps of the legislative process? There has been criticism about the lack of transparency in the drafting process of the laws and about the fact that the public consultation has not been broadened and open enough, and this situation could affect the quality of the media laws.
 - What will be the concrete steps taken to ensure the adoption and implementation of ambitious and quality media laws that meet international standards as well as to ensure effective transparency regarding that process? (Greens/EFA)
3. On 29 September 2022, the European Commission has referred Malta to the CJEU for its Citizenship by Investment (CBI) programme. In its resolution of 14 October 2022, the European Parliament has called for an immediate ban of the CBI programme.
 - Which steps have been taken by the Maltese government since October 2022 to address these concerns? (Greens/EFA)
4. In the same resolution, the European Parliament has also expressed its concerns regarding the appointment process of a new Ombudsman. Following the appointment of Joseph Zammit Mckeon last March, after two years of blockage, opposition reiterated the process was disrupted by the appointment of the Commissioner for Standards in Public Life, in spite of the anti-deadlock mechanism tabled by the government in November 2022.



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- How will you ensure Joseph Zammit Mckeen will be able to run his Ombudsman mandate independently and free from any political interference? (Greens/EFA)
- 5. What is the state of play concerning the establishment of the Human Rights and Equality Commission and its compatibility with the Paris Principles and EU equality acquis? (Greens/EFA)
- 6. In October 2022, the European Parliament has also expressed its concerns regarding the series of appeals lodged by governmental entities against 40 positive decisions made by the data protection commissioner in favour of freedom of information requests made by The Shift News. It has also called the Maltese government to immediately withdraw these appeals, due to potential chilling effect on journalists and citizens.
 - Has the Maltese government withdrawn this series of appeals? (Greens/EFA)
- 7. On 11 March 2023, a criminal court has declared that freezing orders against individuals charged with money laundering and financial crimes cannot be limited until the case has reached its conclusion. This strongly differs from the interpretation of another court, which has concluded appropriate remedies were provided by the law, even if freezing orders could be applied to all assets of the accused individuals, including assets that had nothing to do with the criminal charges. Judges have urged the Maltese government to amend the law in order to clarify the situation.
 - Which steps is the government planning to take to swiftly ensure legal certainty when issuing freezing orders? (Greens/EFA)
- 8. In February 2023, a court has annulled a deal privatising three Maltese hospitals and handing their management to a private consortium, over fraud suspicions of over 300 million EUR.
 - Could the Maltese government give an update of ongoing investigations?
 - Will a public inquiry be undertaken to look into public contracts awarded during Joseph Muscat's mandate?
 - Which reforms will be taken to better protect private-public partnership process from fraud and corruption? (Greens/EFA)
- 9. From the information available on justice reforms in Malta, there is a desire to change the way the Chief Justice is appointed. The Venice Commission recognised in its opinion that the requirement of a two-thirds majority vote in parliament to appoint the Chief Justice would lead to depoliticisation, but at the same time regretted that no mechanism was provided for preventing deadlock on this issue. Poland has adopted similar solutions for the appointment of its Judicial Council – 3/5 of the parliament should elect its members, and there is also a mechanism to break the deadlock - a simple majority. However, the introduction of such changes has resulted in numerous attacks on Poland by EU bodies. Aren't you concerned, Minister, that, despite the reforms, Malta will remain under criticism? Do you think that the organisation of the judiciary should remain an exclusive



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competence of the Member States and should not be assessed by EU bodies, especially the Court of Justice? (ECR)

To the Maltese government:

10. There are continuous reports that the Maltese authorities are not assuming responsibility for the Maltese Search and Rescue Zone. Even more, ships are reportedly ordered not to engage in SAR activities and there appears to be ongoing cooperation with the Libyan forces. Can the government explain how it ensures the respect for international maritime law in its SAR zone, including ensuring SAR and offering individuals a safe port? (Renew)
11. Malta is now the only EU Member State still administering a Citizenship by Investment Programme. The Commission has referred Malta to the CJEU in the ongoing infringement procedure in this case. Is the Maltese government planning to address the concerns proactively, or is it simply going to wait for the CJEU judgment before any action is taken? (Renew)
12. Can the Maltese government elaborate whether Russian and Belorussian individuals that obtained Maltese citizenship over the past years have been identified as persons holding property and other assets on Malta, and whether they are covered by EU sanctions? If not covered by EU sanctions, is it possible they are not identified for sanctions exactly because they have obtained Maltese (and thereby EU) citizenship? (Renew)
13. The convicted killer of Daphne Caruana Galizia was let out of prison recently, to attend a family event. This sparked wide outcry and raised many questions. Can the government clearly elaborate how and why this decision was taken, what regime is applicable to such cases, and whether it deems this regime to be adequate and in line with European and international standards? It is reported that Mr Digiorgio continues to request such leaves from prison, how will these be dealt with? (Renew)
14. Journalists in Malta continue to report difficult working conditions and challenges to their work being conducted freely and safely, including due to behaviour by governmental authorities and statements by politicians. What is the government doing to address this? In particular, can the government give us a detailed of the implementation of the recommendations of the recent public consultation on the media law and the recommendations of the independent inquiry into the murder of Daphne Caruana Galizia? (Renew)
15. Concerning the cooperation with EPPO, there have been reports recently that due to Maltese legal obstacles, EPPO cannot have full access and full cooperation with EPPO investigations and prosecutions. Can the government explain how it will ensure the full cooperation with EPPO? (Renew)



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16. Can the government give us a detailed and up-to-date overview of fraud and corruption investigations by the Maltese authorities and the extent to which they have led to prosecutions and convictions? (Renew)
17. Why does Malta's justice system fail to prosecute anyone close to government where there is ample evidence of criminal offences? (EPP)
18. Why officials of Pilatus Bank were allowed to enter and leave Malta despite pending European Arrest Warrants? Why were charges allowed to be time-barred despite clear instructions to prosecute? And why were only a minority of those identified by a magisterial inquiry were actually prosecuted? (EPP)
19. And why is it that Iosif Galea, who accompanied former Prime Minister Joseph Muscat on holiday, was allowed to fly out of the country despite a pending European Arrest Warrant, only to be arrested in Italy? (EPP)
20. Why is the Government still refusing to grant an Article 2 ECHR compliant public inquiry into the death of Jean Paul Sofia? (EPP)
21. Putin's Russia has left no illusions about its aggressiveness for years. From at least the attack on Georgia in 2008, to the attack on Ukraine's Crimea in 2014, to the still ongoing war with Ukraine, Russia's intentions have been clear. It is no secret that Malta has been selling citizenship and residency to third-country nationals. In this regard, I would like to ask for information on how many Russians have received EU citizenship or EU residency from the Maltese government since 2008 in exchange for investment, and how many of these citizenships and residencies Malta has taken away in the course of sanctioning the criminal Russian regime? (ECR)