16th May 2022

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

Dear Mr Jelassi

I write to you in reply to your letter dated 4th March 2022, in which you requested information regarding the 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 face by women journalists in the exercise of their work.

As far as the status of the legal investigations are concerned, a magisterial inquiry was initiated on the 16th October 2017, after the reporting of the murder of Daphne Caruana Galizia. The Magisterial Inquiry is still ongoing.

In December 2017, three persons (George Degiorgio, Alfred Degiorgio and Vincent Muscat) were arraigned in court charged with the murder of Daphne Caruana Galizia. In 2019, another person (Yorgen Fenech) was arraigned in court charged with the murder of Daphne Caruana Galizia.

Major developments took place recently in the investigations of the murder of Daphne Caruana Galizia. On the 23 February 2021, Malta saw the first conviction relative to this murder, as Mr Vincent Muscat was found guilty and sentenced to fifteen years effective imprisonment and to the payment of the proceeds of the crime as well as his share of the court expenses.

On the following day, 24 February 2021 two other persons (Robert Agius and Jamie Vella) were arraigned in court charged with the participation in the murder Daphne Caruana Galizia. Sittings are being held on a regular basis and evidence is being duly compiled.

Moreover, the compilation of evidence against two other persons (George Degiorgio and Alfred Degiorgio) arraigned in 2017 relative to the murder of Daphne Caruana Galizia was concluded with a formal Bill of Indictment filed on the 16 July 2019. The Criminal Court by means of its judgment of the 30 October 2020 rejected all the preliminary pleas filed by the accused persons. The accused have filed an appeal from the said judgment before the Court of Criminal Appeal. The Court of Criminal Appeal delivered its judgment on the 22nd September 2021. Additional preliminary pleas were filed by the accused. The Criminal Court delivered its judgment on the additional preliminary pleas on the 15th December 2021. The accused filed an appeal from the judgment of the Criminal Court. The Court of Criminal Appeal will be delivering the judgment on the additional preliminary pleas on the 22nd June 2022, after which sitting the acts of the proceedings will be transmitted to the Criminal Court for the trial by jury to be scheduled.

The compilation of evidence relative to the other person (Yorgen Fenech) arraigned in 2019 relative to his involvement in the murder of Daphne Caruana Galizia was concluded with a formal Bill of indictment filed on the 18th August 2021. The accused has filed his preliminary pleas before the Criminal Court. Final oral
submissions on the preliminary pleas before the Criminal Court are scheduled for the 20th May 2022 following which the sitting will be adjourned for judgment.

These developments are important milestones, bringing us closer towards achieving justice. Malta remains determined in taking the necessary steps, to ensure that justice is served, and to deter any possible future attacks against the safety and dignity of journalists.

Independence and impartiality of the Maltese Courts is protected by the Constitution of Malta and by the principles of the Rule of Law.

An independent public inquiry, which started in December 2019, in accordance with the Inquiries Act. Cap. 273 of the Laws of Malta, was concluded and the Board of Inquiry published its conclusions on the 29th July 2021.

Insofar the promotion of safety of journalists is concerned, the legal regime regarding media freedom has been amended to make it more protective of journalists and media houses through the enactment of the Media and Defamation Act (Chapter 579 of the Laws of Malta). For instance, Malta removed criminal libel from its legal system and introduced provisions in the Act against strategies which may be used to multiply actions in libel on essentially the same issues.

As a general rule in the case of death during the pendency of a case of any party to the suit, the heir of such party may make an application for an order enabling him to continue the suit in substitution of the party deceased. If no application is made to continue the suit in substitution for the deceased party, the other party in the proceedings may demand the court that the suit be continued in the name of the presumptive heir or heirs of the deceased. However, in order to provide for a proper balance between the rights of all those involved in such a suit, Chapter 579 provides that in establishing the amount of damages, the Court is obliged to take into account the effect that the payment of the damages will have on the person ordered to pay. This measure aims at better safeguarding the principle of proportionality.

There is no different in treatment towards journalists on the basis of gender. Journalists, being either male or female, face the same risks and are given the same level of protection and treatment.

Finally, I would like to confirm that since the information included in this reply is already in the public domain, the Maltese Government agrees to have it published on the UNESCO website.

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

[Signature]

Mr. 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 before 30 May 2021

<table>
<thead>
<tr>
<th>Name of journalist</th>
<th>Gender</th>
<th>Date of alleged murder</th>
<th>Investigating Authority</th>
<th>Case Number</th>
<th>Current Status</th>
<th>Verdict</th>
<th>Additional remarks</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ms. Daphne Caruana Galizia</td>
<td>Female</td>
<td>16 October 2017</td>
<td>Police/Inquiring Magistrate</td>
<td></td>
<td>A magisterial inquiry was initiated on the 16th October 2017, after the reporting of the murder of Daphne Caruana Galizia. The Magisterial Inquiry is still ongoing.</td>
<td>Name of alleged perpetrator(s): George Degiorgio, Alfred Degiorgio and Vincent Muscat</td>
<td>In December 2017, three persons (George Degiorgio, Alfred Degiorgio and Vincent Muscat) were arraigned in court charged with the murder of Daphne Caruana Galizia. In 2019, another person (Yorgen Fenech) was arraigned in court charged with the murder of Daphne Caruana Galizia.</td>
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### Section 2: Positive or Innovative Measures the Member State is taking to promote safety of journalists and combat impunity

<table>
<thead>
<tr>
<th>Activity</th>
<th>Actors</th>
<th>Outcome(s)</th>
</tr>
</thead>
</table>
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In so far as civil cases are concerned, as a general rule in the case of death during the pendency of a case of any party to the suit, the heir of such party may make an application for an order enabling him to continue the suit in substitution of the party deceased. If no application is made to continue the suit in substitution for the deceased party, the other party in the proceedings may demand the court that the suit be continued in the name of the presumptive heir or heirs of the deceased. However, in order to provide for a proper balance between the rights of all those involved in such a suit, Chapter 579 provides that in establishing the amount of damages, the Court is obliged to take into account the effect that the payment of the damages will have on the person ordered to pay. This measure aims at better safeguarding the principle of proportionality.

There is no different in treatment towards journalists on the basis of sex. Journalists, being either male or female, face the same risks and are given the same level of protection and treatment.

Section 3: Steps the Member State has taken to consider the specific risks faced by women journalists in the exercise of their work
Section 4: Agreement to post the submitted information on UNESCO’s dedicated webpage

Input can be submitted on UNESCO webpage.