

**Uffiċċju tad-  
Delegazzjoni Permanenti  
ta' Malta għall-UNESCO**



**Office of the  
Permanent Delegation  
of Malta to UNESCO**

*Ministeru għall-Affarijiet Barranin u  
Promozzjoni tal-Kummerċ*

*Ministry for Foreign Affairs and Trade  
Promotion*

Ref: CI/FEJ/2021/12

24 May 2021

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

Dear Mr Qu

I write to reply your letter of the 23rd March 2021, 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 faced by women journalists in the exercise of their work.

Allow me to deal with the queries separately hereunder:

1. The status of legal investigations being conducted into the 'unresolved' case:

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 will deliver its judgment relative to the preliminary pleas on the 7th July 2021. After taking cognizance of the

decision of the Court of Criminal Appeal and depending on the same, the competent authorities may be in a position to pursue the commencement of the trial by jury.

The compilation of evidence relative to the other person (Yorgen Fenech) involved in the murder of Daphne Caruana Galizia is ongoing and sittings are being held on a regular basis and evidence is being duly compiled.

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, is still ongoing. The terms of reference of the Board of Inquiry were published and are available online. The Board of Inquiry has held a number of sittings where evidence is being heard including evidence tendered by public officials.

2. Actions taken by Malta to promote the safety of journalists and to combat impunity, as a way to share good practices, and highlighting the specific risks faced by women journalists in the exercise of their work:

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 also introduced provisions in the Act against strategies which may be used to multiply actions in libel on essentially the same issues.

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 difference 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.

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

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

  
Mgr 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

Name of journalist	Gender	Date of alleged murder	Investigating Authority	Case Number	Current Status	Verdict	Additional remarks
Ms. Daphne Caruana Galizia	Female	16 October 2017	Police/ Inquiring Magistrate		<p>A magisterial inquiry was initiated on the 16<sup>th</sup> October 2017, after the reporting of the murder of Daphne Caruana Galizia. The Magisterial Inquiry is still ongoing.</p> <p>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.</p>	<p>Name of alleged perpetrator(s): George Degiorgio Alfred Degiorgio Vince Muscat</p>	

		<p>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.</p>			
		<p>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.</p>			
		<p>Moreover, the compilation of evidence against two other persons (George Degiorgio and Alfred Degiorgio) arraigned in 2017 relative to</p>			

		<p>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 will deliver its judgment relative to the preliminary pleas on the 7<sup>th</sup> July 2021. After taking cognizance of the decision of the Court of Criminal Appeal and depending on the same, the competent authorities may be in a position to pursue the commencement of the trial by jury.</p>	
		<p>The compilation of evidence relative to the other person (Yorgen Fenech) involved in the murder of Daphne Caruana Galizia is ongoing and sittings are being held on a</p>	

		<p>regular basis and evidence is being duly compiled.</p> <p>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.</p> <p>Independence and impartiality of the Maltese Courts is protected by the Constitution of Malta and by the principles of the Rule of Law.</p> <p>An independent public inquiry, which started in December 2019, in accordance with the Inquiries Act. Cap. 273 of the Laws of Malta, is still ongoing. The terms of reference of the Board of Inquiry were published and are available online. The Board of Inquiry has held a number of sittings</p>					
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					where evidence is being heard including evidence tendered by public officials.		
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**Section 2: Positive or Innovative Measures the Member State is taking to promote safety of journalists and combat impunity**

Activity	Actors	Outcome(s)
		<p>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 also introduced provisions in the Act against strategies which may be used to multiply actions in libel on essentially the same issues.</p> <p>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</p>

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**

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**Section 4: Agreement to post the submitted information on UNESCO's dedicated webpage**

Input can be submitted on UNESCO webpage.