

Ref: CommHR/DM/sf 043-2019

Mr Joseph MUSCAT
Prime Minister of Malta

Strasbourg, 26 November 2019

Dear Prime Minister,

Further to our recent correspondence, I would like to follow up on certain issues concerning the investigation into the murder of investigative journalist Daphne Caruana Galizia.

I welcome the establishment of an independent public inquiry into the murder and take note of the important steps taken by the Maltese authorities in this investigation.

However, I am seriously concerned by recent allegations of political interference in the investigation.

In this respect, I would like to highlight that the obligation to protect the right to life under Article 2 of the European Convention on Human Rights, to which Malta is a Party, requires that there should be some form of effective official investigation when there is reason to believe that an individual's death occurred in suspicious circumstances. For such an investigation to be effective, the persons who carry out the investigation should be fully independent from any political influence or interference. This means not only a lack of hierarchical or institutional connection but also a practical independence.

The Recommendation (2016)4 of the Committee of Ministers of the Council of Europe to member states on the protection of journalism and safety of journalists and other media actors underscores that investigations must be effective in order to maintain public confidence in the authorities' maintenance of the rule of law, to prevent any appearance of collusion in or tolerance of unlawful acts and, in those cases involving State agents or bodies, to ensure their accountability for deaths occurring under their responsibility.

To conclude, I trust you would agree that it is of the utmost importance that the investigation into the murder of Daphne Caruana Galizia remain free from any political interference. I call on you and your Government to refrain from taking any action which would be in contradiction with the above standards, and to ensure that the investigation is fully independent in order to bring long overdue justice to her family and Maltese society as a whole.

Yours sincerely,



Dunja Mijatović