

Ref: CommHR/DM/sf 032-2022

Mr Robert ABELA
Prime Minister of Malta

Strasbourg, 23 September 2022

Dear Prime Minister,

I am writing to you subsequent to our meeting during my visit to Malta in October 2021 and to my ensuing [report](#), published in February this year. I take this opportunity to follow up on the developments concerning the establishing of accountability for the murder of Daphne Caruana Galizia and the implementation of the recommendations of the public inquiry report of 29 July 2021 regarding state responsibility in that respect.

As I stressed in my report, it is of utmost importance that the Maltese authorities step up investigative efforts to identify and bring to justice all those responsible for Daphne Caruana Galizia's assassination, including those who masterminded it. This is necessary both to deliver justice to Daphne Caruana Galizia and to her family and to uphold the rule of law and the state's human rights obligations with respect to freedom of expression, including media freedom.

I would be grateful for any information you could provide regarding the measures that your government has taken in this matter since the publication of my report, including in relation to the need to strengthen the protection of journalists' safety.

In this respect, I was informed that the committee of experts tasked to provide advice on changes to the media sector in Malta has already presented its feedback on several draft laws proposed by your government and that legislative work aimed at curbing the use of strategic lawsuits against public participation (SLAPPs) is ongoing. However, I am concerned at reports indicating that while the committee includes some representatives of the media sector, it has not reached out to civil society or the broader journalism community, and that its working process lacks transparency. In connection to this, it is my understanding that several defamation cases continue against Daphne Caruana Galizia's family, despite numerous calls that I and other international actors have made over the years to end such vexatious lawsuits.

Another issue of concern is the continued difficulties that journalists face in accessing information of public interest and the use of SLAPPs in response to freedom of information requests. I learned that forty governmental entities have recently lodged a series of appeals against decisions made by the Data Protection Commissioner in favour of freedom of information requests made by "The Shift News". Although the judicial process is still ongoing, the appeals already send a chilling message to media actors and the Maltese people at large that the government is ready to vigorously counter efforts to place official information under public scrutiny. Therefore, I reiterate my recommendation to avoid taking measures that may impinge on media freedom and the public's right to know. Instead, I call on you and all Maltese authorities to ensure that journalists and the public have access to accurate and timely information and that exceptions to the rule of public disclosure are interpreted and applied narrowly.

Freedom of expression, including media freedom and the safety of journalists, is a prerequisite of any democratic society. The murder of Daphne Caruana Galizia, the lack of effective results in establishing accountability almost five years later and the above-mentioned vexatious lawsuits against her family and journalists in Malta show the urgency of strengthening the protection of media actors. To this end, it is crucial that the government set out a plan with defined objectives and timings to implement the recommendations of the public inquiry report and communicate it clearly to the public. As I stressed before, to ensure the success of this vital task, it is necessary to comply with international standards, effectively engage civil society in the reform process and ensure accountability and transparency at all stages.

I look forward to receiving your information concerning the above-mentioned issues and to continuing our constructive dialogue.

Your sincerely,

A handwritten signature in black ink, appearing to read 'Dunja Mijatović', with a stylized flourish at the end.

Dunja Mijatović