



18 September 2019

F. Zerafa

Thank you for your letter of the 12th September 2019.

You will be aware that the Media and Defamation Act which regulates defamation actions is a very recent piece of legislation which was enacted by my Government following lengthy consultations both at local and international level, particularly with the OSCE. This legislation entered into force on the 14th May, 2018.

The new Act is progressive and forward looking. It abolished, with immediate effect, criminal libel and practically all related offences in the Criminal Code and in other laws. Also, the new Act provided against the filing of a multiplicity of libel actions against journalists while keeping in place a capping of EUR 11,600 on the maximum amount of damages which can be awarded under this law.

The protection of journalistic sources was also enhanced as it was also extended to protect citizen-journalism, while the legal defences of journalists were modernized to reflect the most recent case law and jurisprudence of the European Court of Human Rights.

I am informed that the issue of the possibility of an action in libel continuing against the heirs of a deceased journalist who would have accepted the inheritance was not raised as an issue in the professional evaluations of the OSCE preceding the adoption of the legislative act. It is relevant that the Act also provides for the filing of an action in libel by heirs of a deceased person who is defamed and that it was this article which mostly raised debate by the Opposition, claiming that the Act should provide for the opportunity of heirs to protect the memory of a deceased person from defamation by way of libel proceedings.

I have also been advised that the abolition of a civil action without compensation upon the death of a defendant in libel would raise issues relating to, inter alia, the right to a fair trial under the European Convention on Human Rights. This in all effect means that the Government cannot interfere in, abolish or truncate civil actions started by third parties and private citizens against the heirs of a deceased journalist who would have accepted the inheritance.

I would therefore be grateful if your office could engage with our Government to identify whether there is a common European approach on the matters raised in your letter.

You also mention my own pending civil action in libel against the heirs of the late Daphne Caruana Galizia.



I have already stated formally in the relevant Court proceedings that I would be ready to drop this libel case if the Caruana Galizia family make a declaration to the effect that they accept the findings of the Egrant Inquiry. This independent Inquiry, presided over by a Magistrate, had exonerated me and my family from very serious accusations levelled against us by Ms Caruana Galizia and found that the documents that were supposed to prove wrongdoing were forged. The findings were immediately made public by the Attorney General.

Kind regards,



Joseph Muscat
Prime Minister