

OPENING HEARING 2 NOVEMBER 2021

WITNESS STATEMENT OF MATTHEW CARUANA GALIZIA

On the case of journalist Daphne Caruana Galizia

1. My name is Matthew Caruana Galizia, I am the son of Maltese journalist Daphne Caruana Galizia. My mother was murdered on 16 October 2017. I am the director of the Daphne Caruana Galizia Foundation, but I am delivering this witness statement as my mother's son.

2. My family has faced numerous obstacles in our pursuit of justice for the murder. Many of these obstacles began even before the murder: the more or less deliberate weakening of Maltese authorities and institutions, which facilitated corruption and impeded investigations. You could even say that this is what led to the murder. My mother was an investigative journalist and published information on high-level corruption. Based on the evidence she collected, a group of activists and opposition members were trying to start criminal investigations against implicated public officials. These investigations never moved forward due to the intricate network of the accused politicians, the investigators and the prosecutors which provided them with impunity. Nevertheless, these powerful figures came to see my mother as a threat: she was, to a large extent, the only person in Malta holding anyone to account. The government adopted mechanisms which consistently and systematically dehumanised her and made her the subject of hate, while persons from this corrupt network thought that all their problems would be solved if they would get rid of her entirely.

Obstacles to achieving justice after the murder

3. After the murder, the first obstacle to justice presented itself within an hour. The magistrate who was appointed to lead the investigation was someone my mother had investigated in the past. She had not only investigated this magistrate, but also testified against her. That same evening, we started proceedings to have her removed from the investigation. We soon discovered that the most senior police officer in charge of the murder investigation was married to a cabinet minister. We filed proceedings to have him removed from the case as well. Although the government resisted, the court decided in our favour. The government appealed the decision. Because of this, the matter dragged on for many months and valuable time was lost.

4. In addition to the criminal investigations, we called for a Public Inquiry to be established. The government opposed our public campaign and resisted every step of the way. They claimed that the Public Inquiry was unnecessary. The government also opposed calls by the Council of Europe to establish the inquiry, until the Council of Europe set them a deadline. At the last minute, the government announced it will conduct a Public Inquiry on its own terms and through persons it chose. Following the announcement, we had two months of negotiations with the government about the Inquiry, seeking to establish appropriate terms of reference and providing the Inquiry with protection of independence and impartiality. All this again delaying the process.

5. The government was also actively obstructing the murder investigation. For example, in the proceedings against Yorgen Fenech, who was indicted for the murder in August 2021, we discovered that the Prime Minister's Chief of Staff had leaked evidence concerning the people that have now been accused of the murder.

6. At the time of her death, my mother had 42 SLAPP (strategic lawsuit against public participation)-suits filed against her. Most of the cases were filed by Maltese politicians or businessmen whom my mother investigated. After the murder, they kept these cases going. This meant that the cases continued against my family. There were cases that were filed by the Prime Minister himself. This took up valuable time and resources. Mentally and physically, it was very draining, which was of course what the cases were intended to do. The claims against us prevented us from doing the work we should have been doing for the murder investigation.

7. One consequence of the obstacles and delays in investigation was the potential loss of evidence. Moreover, our suffering dragged on, and the trauma for the people of Malta dragged on. There was at least one year during which absolutely nothing happened. Had we not resisted so strongly, those responsible for the murder would have succeeded, due to the government officials' complicity in covering up the murder and delaying tactics adopted which at times appeared to completely destroy the investigation.

The push towards justice: international support and solidarity

8. The murder had a deeply chilling effect. Perhaps without consciously knowing, journalists are worried and afraid to report on corruption. More journalists than before stay away from these stories. Worse than that, no single important source has come to my family since the murder. Before the murder, many people shared information with my mother. Although some sources

connected to the criminal investigation approached a few key journalists after the murder, there has been an observable decline in the number of sources who are coming forward with information. Again, they are afraid to do so.

9. This is partially why investigating the corruption that led to the murder of my mother has been instrumental in making progress in the pursuit of justice. Understanding and continuing these corruption investigations simultaneously with the murder investigation, has been very important. We were supported by a group of international journalists who continued my mother's investigations. International press freedom NGOs worked together to campaign for justice. This led to a lot of international attention for this case.

10. The Council of Europe mobilised its various institutions, which set a lot of direct action in motion. The Secretary General of the Council of Europe set the deadline for the government to institute the Public Inquiry. The Parliamentary Assembly of the Council of Europe appointed Special Rapporteur Pieter Omtzigt to the case. The review of Malta's political system by MONEYVAL (Committee of Experts on the Evaluation of Anti-Money Laundering Measures and the Financing of Terrorism), the Venice Commission and GRECO (Group of States against Corruption) was really crucial and came at the right time. The evaluation by the different institutions of the Council of Europe focused on systems. Their intervention resulted in some systemic changes in Malta. For example, the separation of the Attorney General into the State Advocate and the Chief Prosecutor. All of this work was good and important. However, there is very little recourse at the Council of Europe level when it comes to specific cases of high-level corruption. In addition to focusing on systems, there should be more focus and action on implementation. There could be more tools at the Council of Europe level for cases of high level corruption.

11. Currently, seven people have been charged in the murder investigation. The first person, and currently the only one, who has been sentenced was one of the hitmen. He pleaded guilty as part of a plea deal. The two other hitmen have been indicted and are awaiting trial. The two people who supplied the bomb are undergoing pre-indictment hearings, and the person accused of masterminding the murder has been indicted and is currently awaiting trial. Despite this, the investigation is still ongoing while we as a family await the trial of the remaining six persons indicted with my mother's assassination and their conviction.

The need for systemic change

12. We have the feeling that we can never rest. Malta's institutions are still quite weak so things could change at any moment. I do believe that there is a chance for convictions but our justice system is really creaking and falling apart at the seams. Even in countries with the best performing justice systems, cases like this are difficult to prosecute. Impunity is the norm in 96% of the cases. It is a huge achievement for us to get to this stage. Yet, as I have noted, there were many obstacles that we had to overcome, including the resignation of the Prime Minister. I think this says a lot about the level of difficulty when it comes to achieving justice in these cases. At the same time, it says a lot about the potential for us to send an anti-impunity message, even when it comes at a great cost. Meanwhile, the hatred towards my mother which was the intended outcome of a government's well oiled machinery dehumanising her has spilled onto us as her family and onto few other journalists and activists who still dare to investigate and call out corruption and impunity. This is done within a context whereby the government itself, though found by the Public Inquiry to have been the orchestrator of such a machinery, has so far failed to formally and publicly denounce this culture of hatred and fully implement the Inquiry's recommendations to entrench press freedom as Malta's fourth pillar of democracy providing an enabling environment for journalists and has not started the process of reform proposed by the Inquiry in relation to how Malta can strengthen its legal framework on corruption and abuse of power.

13. This was one murder case in one of the smallest member states of the European Union. We will simply not be able to keep up if all of this international attention must be mobilised for just one case, considering all of the journalists that are murdered every year. It is impossible to mobilise this level of support for every single case, and it should not be necessary.

I confirm that the facts stated in this witness statement are true.

Date: 4 November 2021

Name witness and signature: **Matthew Caruana Galizia**

The People's Tribunal
on the Murder of Journalists.

A Safer World For The Truth