

Rapporteur on the assassination of Daphne Caruana Galizia reacts to the resignation of Maltese Prime Minister Joseph Muscat

Pieter Omtzigt (the Netherlands, EPP/CD), rapporteur on ‘the assassination of Daphne Caruana Galizia and the rule of law in Malta and beyond: ensuring that the whole truth emerges’, today issued the following statement.

“After the astonishing events of the past two weeks, and especially the last 24 hours, now is the time to take stock and to look to the future.

These have been the main developments in the criminal investigation and the related political context:

- In December 2017, Vince Muscat and the two Degiorgio brothers were arrested and charged with the murder of Daphne Caruana Galizia in October 2017. In July 2019, they were indicted.
- Muscat is reported to have provided evidence against the Degiorgio brothers and the alleged middleman, Melvin Theuma, detailing how the murder plot had been planned and carried out. Muscat's request for a pardon in return for this testimony was refused.
- On 14 November 2019, Theuma was arrested for money-laundering. Theuma then provided evidence against wealthy businessman Yorgen Fenech, detailing how he had commissioned and paid for the murder.
- Fenech is reportedly the owner of a secret off-shore company expected to make large payments to secret offshore companies owned by Keith Schembri, **Prime Minister Muscat's** chief of staff, and Konrad Mizzi, a government minister. Daphne had reported on most of the details of this scheme, which allegedly relates to corruption in major government contracts.
- On 19 November, **Prime Minister Muscat** promised Theuma a conditional pardon.
- On 20 November, at around 05.30 a.m., Fenech was arrested leaving Malta on his yacht. It was later reported that telephone data showed frequent contact between Fenech and Schembri, including a lengthy conversation shortly before Fenech's arrest.
- It later emerged that **Prime Minister Muscat** had ordered security service surveillance of Fenech 15 months previously and that Schembri had been present at the resulting briefings.
- Fenech later claimed that a week before his arrest, he, his doctor, Adrian Vella, and Schembri had concocted a plan for Fenech's flight by yacht.
- On 21 November, **Prime Minister Muscat** stated that Fenech's request for a pardon had not been granted as he has not provided “full information”.
- On 23 November, Fenech was admitted to hospital. He later claimed that during this period, Vella transmitted messages to him from Schembri. Vella was later arrested and reportedly confessed to this.
- It was later reported that Fenech had mentioned Schembri to the police in relation to several cases of corruption and that Schembri's name appeared in recordings of conversations between Fenech and Theuma.
- The same day, economy minister Chris Cardona, was questioned by the police. (It had previously been alleged that Cardona – who had dropped a libel suit against Daphne over allegations that he visited a German brothel whilst on official business – had been in contact with one of the three initial suspects both before and after the murder.)
- On 25 November, Theuma was formally granted a conditional pardon.
- The same day, Schembri and Mizzi resigned and Cardona ‘suspended himself’.
- On 26 November, Schembri was questioned by police, his house was searched and he was arrested. It was reported that Fenech had mentioned Schembri in relation to several cases of corruption and that Schembri's name appeared in recordings of conversations between Fenech and Theuma.
- On 28 November, it was reported that Fenech had accused Schembri of responsibility for the murder. Investigators were said to be treating Schembri as a ‘person of interest’.
- Later that day, **Prime Minister Muscat** announced his hope that the investigation would be completed “within hours”.
- A few hours later, the police announced that Schembri had been released without charge.
- On 29 November, in the early hours of the morning following a cabinet meeting, **Prime Minister Muscat** announced that Fenech would not be granted a pardon and that he himself intended to remain in office until the investigation was complete.
- Later that day, it was reported that **Prime Minister Muscat** had informed colleagues and the president of his intention to resign “imminently”. It was also reported that Fenech had named **Prime Minister Muscat** in a sworn statement to police, although the details were unclear.

Prime Minister Muscat's involvement in the case – on the levels of operational and political decision-making and communication with the public – has caused alarm both nationally and internationally. This is because (i) Prime Minister Muscat has an obvious conflict of interest, given that Schembri, Mizzi and Cardona – and possibly even himself – have been implicated in various ways; and (ii) any Maltese Prime Minister has a preponderant role in the criminal justice systems, to the extent of appointing magistrates and promoting them to judge, hiring and firing the chief of police, appointing the attorney general (responsible for prosecutions) and the security commissioner, deciding on presidential pardons, and much more.

The release of Keith Schembri without charge on 28 November was thus a matter of particular concern, given the suspicions that have arisen against him:

- Passing information from the security services to its subject, Yorgen Fenech;
- Conspiring with Fenech to evade arrest, for which corroborative telephone evidence may exist;
- Conspiring with Fenech to obstruct justice, to which a co-conspirator may have confessed;
- Complicity in the murder of Daphne Caruana Galizia.

These are in addition to the numerous serious allegations against him of corruption and money-laundering as Prime Minister Muscat's chief of staff, which have still not been properly investigated.

I therefore welcome Prime Minister Muscat's decision to resign as belated recognition of his political responsibilities and a necessary step to allow investigations into the murder and other serious offences to proceed free of the stench of political interference.

Still, the murder investigation continues, only the three initial suspects have been charged and no-one has been convicted. It is therefore absolutely essential that the next government is free of the suspicions of corruption and misconduct that surrounded the Muscat administration.

I therefore call on:

- Prime Minister Muscat, following his announcement of his intention to resign, to tender his resignation at the earliest possible opportunity and in the meantime, to transfer his official duties to his deputy, especially those duties relating to the criminal justice system in general and the murder investigation in particular; and to resign from parliament;
- The Maltese political parties and parliament to ensure that the next Prime Minister has no personal or political conflict of interests in relation to the investigation into the murder of Daphne Caruana Galizia or the allegations of corruption that arose under the Muscat administration, and that s/he is personally untainted by any suspicions of corruption or other misconduct;
- The next Prime Minister to act in strict compliance with the Constitution, respect the spirit of the reforms recommended by the Venice Commission and GRECO in practice and take immediate action to implement those reforms in law, as recommended by the Assembly in Resolution 2293 (2019);
- The parliamentary opposition to co-operate in good faith with the next government on immediate implementation of the reforms recommended by the Venice Commission and GRECO;
- The Maltese parliament to exercise fully and effectively its constitutional role of oversight over the executive;
- The police and attorney general, in close co-operation with Europol, and other international agencies as appropriate, to review all operational decisions taken in relation to the murder investigation, at least since the arrest of Theuma;
- the new public independent inquiry into the assassination of Daphne Caruana Galizia, as constituted following discussions with the Caruana Galizia family, to proceed expeditiously with its examination of the wider circumstances of the case.

Strasbourg, Friday 29 November 2019