

Mandates of the Special Rapporteur on extrajudicial, summary or arbitrary executions; the Independent Expert on the effects of foreign debt and other related international financial obligations of States on the full enjoyment of all human rights, particularly economic, social and cultural rights; the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression and the Special Rapporteur on the situation of human rights defenders

REFERENCE:
UA MLT 2/2017

18 October 2017

Excellency,

We have the honour to address you in our capacity as Special Rapporteur on extrajudicial, summary or arbitrary executions; Independent Expert on the effects of foreign debt and other related international financial obligations of States on the full enjoyment of all human rights, particularly economic, social and cultural rights; Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; and Special Rapporteur on the situation of human rights defenders, pursuant to Human Rights Council resolutions 35/15, 34/3, 34/18 and 34/5.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning **the murder of Maltese journalist Daphne Caruana Galizia**.

According to the information received:

Ms. Caruana Galizia was one of the most prominent investigative journalists in Malta for many years. During her long career she was a columnist for *The Sunday Times of Malta* and an editor for *The Malta Independent*. She founded, managed and wrote for the website *Running Commentary*, where she published some of her most significant investigative journalism.

Ms. Caruana Galizia was an outspoken critic of tax abuse and all forms of corruption, both within Malta and abroad. Most recently, she was well-known for reporting on alleged links to foreign companies by high-level government officials and the spouse of the prime minister, among others. She also reported allegations that the prime minister and his spouse had connections to Azerbaijan's ruling family. She reported intensively based on her own findings and the collection that has come to be known as the Panama Papers. Before her murder, she had testified before the Committee of Inquiry on money laundering and tax evasion established by the European Parliament after the so-called Panama Papers. In her work, Ms. Caruana Galizia exposed the involvement of financial intermediaries within the country making use of the jurisdiction in Malta to facilitate corruption, money laundering and tax evasion by politically exposed persons and international corporations. Her final blog post was critical of the opposition in Malta.

In recent weeks, Ms. Caruana Galizia was subject to death threats, which she reported to the police. It has been reported that the threats did not result in protection measures to ensure the safety of Ms. Caruana Galizia. On the afternoon of 16 October 2017, her rental car exploded, though the exact circumstances and modalities of the attack remain under investigation. She was killed in the blast.

The prime minister issued a statement, saying, "Everyone knows Ms. Caruana Galizia was a harsh critic of mine, both politically and personally but nobody can justify this barbaric act in any way." It has furthermore been reported that one of the police officers in charge of investigating the killing, issued the following post on Facebook: "Everyone gets what they deserve".

After the murder, members of her family reportedly filed an application demanding the change of the inquiring magistrate, who was on duty and assigned to the investigation of her case. The application argued that the respective magistrate had earlier become under criticism by Ms. Caruana Galizia, and that the family was concerned about the impartiality needed in the investigation.

We express grave concern at the killing of Ms. Caruana Galizia, and the lack of protection measures despite her having reported about threats received. We express concern that her killing takes place in the context of her high profile work as an investigative reporter. We express concern at the chilling effect that such a killing may have on the press' watchdog role in democratic society and on deterring individuals from exercising their right to freedom of expression. If found to be connected to her work as a journalist, the killing would not only be inconsistent with her right to life as protected by Article 6 of the International Covenant on Civil and Political Rights (ICCPR), acceded to by Malta on 13 September 1990, but also Article 19 of the ICCPR, which protects everyone's right to seek, receive and impart information and ideas of all kinds. It would also be inconsistent with the UN Declaration on Human Rights Defenders, notably article 6 which establishes everyone's right to study, discuss, form and hold opinions on the observance, both in law and in practice, of all human rights and fundamental freedoms and, through these and other appropriate means, to draw public attention to those matters.

We are pleased to know of the Government's immediate response calling the killing "barbaric". We urge the Government to pursue a prompt and independent investigation and take all possible steps to hold the killers of Ms. Caruana Galizia accountable. Further, given the impact the killing may have on other reporting, we urge the Government to take all possible steps to protect and support journalists working to uncover corruption and cover other matters of the highest public interest.

We are further concerned that Ms. Caruana Galizia may have been murdered because of her role in exposing illicit financial flows, such as tax evasion, corruption and money laundering, which have adverse human rights impacts and undermine the rule of law. Such illicit financial flows deprive Governments of public resources that should be spent on the realization of human rights in accordance with article 2(1) of the

International Covenant on Economic, Social and Cultural Rights, acceded by Malta on 13 September 1990.

The full texts of the human rights instruments and standards recalled above are available on www.ohchr.org or can be provided upon request.

In view of the urgency of the matter, we would appreciate a response on the initial steps taken by your Excellency's Government to safeguard the above-mentioned rights in compliance with international instruments.

As it is our responsibility, under the mandates provided to us by the Human Rights Council, to seek to clarify all cases brought to our attention, we would be grateful for your observations on the following matters:

1. Please provide any additional information and any comment you may have on the above-mentioned allegations.
2. Please provide the details, and when available the results, of any investigation or other inquiries carried out in relation to her killing. Please include whether the police took any measures to protect Ms. Caruana Galizia after she reported the death threats just weeks ago.
3. Please provide detailed information concerning measures to ensure that everyone can exercise and defend their right to freedom of expression without fear of harassment or retaliation, including the ability to investigate matters that might implicate the most senior officials in government, elected or otherwise.
4. Please provide us with detailed information concerning investigations carried out by the authorities of Malta in response to the allegations made by Ms. Caruana Galizia, concerning the involvement of politically exposed persons, financial intermediaries and international corporations in tax evasion, money laundering and corruption.

While awaiting a reply, we urge that all necessary measures be taken to ensure the accountability of any person responsible of the murder.

We intend to publicly express our concerns in the near future as, in our view, the information upon which the press release will be based is sufficiently reliable to indicate a matter warranting immediate attention. We also believe that the wider public should be alerted to the potential implications of murder of Ms. Caruana Galizia. The press release will indicate that we have been in contact with your Excellency's Government's to clarify the issue/s in question.

Your Excellency's Government's response will be made available in a report to be presented to the Human Rights Council for its consideration.

Please accept, Excellency, the assurances of our highest consideration.

Agnes Callamard

Special Rapporteur on extrajudicial, summary or arbitrary executions

Juan Pablo Bohoslavsky

Independent Expert on the effects of foreign debt and other related international financial obligations of States on the full enjoyment of all human rights, particularly economic, social and cultural rights

David Kaye

Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression

Michel Forst

Special Rapporteur on the situation of human rights defenders