

L-Atti tal-Inkjesta datata 19 ta' Novembru 2019, rigward skont it-Termini ta' Referenza ta' l-Inkjesta Pubblika dwar l-Assassinju ta' Daphne Caruana Galizia.

Seduta miżmuma illum il-Gimgha 24 ta' Lulju 2020, fid-9:30 a.m. fit-Tieni Sular, Awla 20, il-Qorti.

Witness **Pauline Ades-Meval** from RSF with solemn declaration states in the English language :

The Witness :

Good morning. Thank you for accepting me here and welcoming me here. It's an important moment; I have been working on this case for the past almost 3 years, and I should say three years and a half because I was already very wear of the difficult situation of journalist in Malta. The reason why I wanted to ..today ..

Chairman Judge M Mallia :

Yes go-ahead.

The Witness :

My name is Pauline Ades-Meval and I am currently the spoke person for Reporter without borders; and I am also the editor in Chief; but from 2016 to at the end of December last year I was responsible for monitoring the situation for press freedom in the European Union and the Balkan countries. And as such I was monitoring 40 countries, not only the Balkans, or not only part of Europe, but 40 counties. And its important that I tell you that because Reporters without Borders publishes an index every year that ranks 180 countries. One by one we followed these countries all the year and we sent questioners to people on the ground, scholars, journalists and the media owners etc, were able to tell about the situation in their country.

And then when I joint I noticed immediately that Malta was very well ranked at the time in the index, it was 46 in 2016. France was like slightly better, but so I took the situation it was good; and from the start.. from the moment I started to monitor the situation I received some alerts from journalist here saying that the situation was tense. They were not mentioning from the start Daphne. But I could feel that people were scared and I could feel that people were not working in proper conditions. So I started to look very more

deeply into what makes the index. I mean why people were scared, and why..., what they called tension. We don't take everything for granted when we rank a country. We sent these questions onto to the people on the ground; but we also get all these alerts of people of course of emails. Sometimes people want even to sever their names because they are scared. They don't know who to speak to it and safe, and they scared that there could be some feedback from them.

So we started to look around and we ..it was clear that given this context and this alert that there were something going wrong. And in February 2017 when the country was ranked.. about to be ranked lose one rank now index, I received alerts about Daphne Caruana Galizia from journalist here, are not named, saying that she was targeted; she was arrest, and she was harassing, had been.. her bank accounts had been frozen. And so we managed to join to send an alert to the Council of Europe platform about their case, about 4 libel cases from Mr ..., and 2 from another person about this case. And we were joined by other organization whom defend press freedom. I and others about this case.

Judge J Said Pullicino :

Therefore the first time that she contacted you was in 2017.

The Witness :

The first time I was contacted about the context was 2016. The first time I was contacting about Daphne was February 2017.

Judge J Said Pullicino :

That was after Panama Papers exploded?

The Witness :

That was after yes. Because they were exploded in April 2016.

Judge J Said Pullicino :

When she contacted you she make

Judge A Lofaro :

No it wasn't she that contacted her.

The Witness :

No, some other journalist ..

Judge J Said Pullicino :

I see; and did they make contact in the context of the Panama Papers or otherwise?

The Witness :

They mention the Panama Papers but they mention the previous alerts were about the context, and from February it was about her case and her being arrested. So it's important that I tell you about these alerts because its not on we that we get alerts, as I said we don't take everything for granted. We also check on the ground and at the time we had no correspondent from Malta, so that was that became a propriety for me having someone I can relay on. Having hear some batch of people not necessarily from the same background, but people able to tell me about of what is taking place here.

I have been a journalist my whole life; a reporter on the ground. I work doe the main press agencies in the world. ... , AP, I work for TV, and I know the point when situation for journalist is not normal. I can tell that from where I was getting there was something wrong. I am also a journalist and as such I decided that I should find out more about what was going on. Especially seen from France and seen from ma desk I was really wondering why she was so hated and why she was harassed, targeted; and describe like this on the social networks.

So I try to establish contact with her. It didn't really work. But like shortly after I manage to reach Matthew, her son. He was in Paris working for ECIG the reporting and he was actually working given offered a desk in a company we work with. So he was partly in Malta and partly in France. So we ended up meeting in July 2017 in the offices of Reporters without Borders. And we stayed there I would say now one year and half; I had an ...with me and we took notes. And that was extremely impressive for me that what I normally do, but sometimes on the phone because I am not able to meet the people of course we want to get in touch with.

Matthew explain the situation with his mother. Matthew explain the situation with the pressure and then I started to ask him for a little while about how it had become like this. And I was actually shocked because I realized that he had been going through this with his brothers for quite a long time. So he was telling me about dogs been killed; cat in front of the house; some also fire attempts in the outs. But he also told me, you know we' ve been years like this. We've been used to see our mother insulted or attacks. And I mean for me it has become normal. And so I told him - this is not normal. This is not normal and this is not normal when one journalist specifically is being treated like this.

So I took notes; first thing I did after we met of course was to hope keep contact with him but also to introduce him to our legal expert. So we could also establish a network of lawyers here in order to have journalist. Of course he told us about the whole context; about journalist being under pressure; but this I knew. So I could ask him about.. I never mention any name of people we

had written to me, but I told him that I was alerted, and I told him that people were think that they were scared actually. They were scared, they were taking to a safe privately, but they will mention things openly even though we were like backing them. So ..

Judge A Lofaro :

Were the people Maltese or foreigners?

The Witness :

People were local journalists. I know they are also some international agencies here. And I guess maybe they are more independent because they don't rely on like a local media; but I mean obvious there is large tension here.

Judge J Said Pullicino :

Therefore your meeting was with her son not with her.

The Witness :

With her son; is Matthew.

Judge J Said Pullicino :

Not with her...

The Witness :

Yes.

Judge J Said Pullicino :

Did her son give you any reason why his mother is not wanted..?

The Witness :

Of course. He did explain to me about a blog running commentary. He told me about reproduce career ..

Judge J Said Pullicino :

Did he explain why his mother did not contacted you? Was she tried to contact you ..?

The Witness :

No no he didn't. And actually I got no explanation. Maybe I got a wrong address; maybe she was to be at the time. I wrote in February, so just after the bank..

Judge J Said Pullicino :

And you wrote to her.

The Witness :

To her.

Judge J Said Pullicino :

To her. And her son Matthew, how did you meet him? You contact her son?

The Witness :

Because he was easy to find; I was told by the production company in the I ... Paris where he was staying, that he was around. He was..

Judge J Said Pullicino :

And you contacted him

The Witness :

Yes. I did contact him. Yes I did contact him because although Daphne's case and Malta was only owe the 40 countries I was monitoring, still had this in the back of my mind. Just to give you sort of a ... to give you the large picture. At the time Poland was on the scope, and Hungary, because they step had been missed. Poland was considered as a big country, and exemplary country where the situation with press freedom were deteriorating, so I was like traveling to Poland often, also to Hungary, also to Bulgaria. But my feeling was that yes we talk about Poland and Hungary and they are big countries. But there are other countries like Malta, like Cyprus also where the situation sound extremely similar. Where the situation is like ..; I mean really bad for journalist, and for some reason the European Institution do not seem to be looking carefully at what is going on, on the ground. So even though we had 40 countries I could tell France was rank maybe 35, Malta 47. But I could tell that there was a big difference.

And its also important to add that at the time Malta was rank 47 the year that she - Daphne was assassinated. It felt from 18 ranks. And so it in 2018 the country was ranked 65th which was really bad. I mean it was probably one of the biggest fall in our index. But the thing is not here; she was not assassinating a second time. But the country continued to fall into the index that the year after. And it was ranked 77 in 2019; 81 in 2020.

Judge A Lofaro :

Was there a reason for the continue declined?

The Witness :

The reason is that journalist continue to tell us that the pressure is so high. Given the number of slap procedures against journalists here. Given the pressure. Given, I would say from what I heard here by coming pretty often, the polarization of the media; and in fact also some journalists are trying to

make public some events here; this has contributed also to the whole thing. There is a lot of a hope with the Prime Minister or I should say there was a lot of hope when the Prime Minister took power at the beginning of the 2020. I should say that even though are not monitoring Malta had become the editor in chief; of course I've looked at what was going on, and it seems that these hopes are not followed with any concrete measures. I should say that people are still scared; a journalist are still at risk, and I haven't seen; there was big hopes in November when the Prime Minister Muscat was in the middle of the news. So we really thought that there would be some awareness about the importance of what journalist had brought here. But now it seems that the situation has not improved enough. I mean that's how feeling; we know that you know probably that the Reporters without Borders works with another bench of other organisations; so we have a regular calls together. We try to concentrate our action on the main .. the most important things, so we all follow the situation and we all agree that so far nothing has happened.

Judge J Said Pullicino :

You will understand that the Board not..., it likes.. and she has to understand feelings. But basically we were after facts not feelings. You mentioned the rankings. Can you give us an indication of what influences that ranking? Is this just fear or is it just interference by outside influences on journalism? Is it lack of information to .. what are the criteria which influence the ranking..?

The Witness :

So we evaluate in our index the countries based on 7 indicators. So we evaluate a 180 countries. We have a special list that a specialist we examine each country, and we pool the response of experts that are on the ground. So to establish this qualitative analyses we combine quantitative data on abuses, .. violence against journalists, and a criteria that are used to these indicators are pluralism, media independence, media environment, self-censorship which is extremely difficult to establish because people won't tell whether they self-censor themselves. The legislative framework, the transparency, and the quality of the infrastructure that support the prediction of news and information. So we need this vision of specialist because of .. from the legal frame, the infrastructure and the ownership. Its extremely difficult to..; we need a background to start looking at. To digging to all this, but so we couldn't work without this specialist given us this input.

Judge A Lofaro :

The specialist say they are foreign too?

The Witness :

Excuse me?

Judge A Lofaro :

The specialist, they are local and foreign?

The Witness :

No, only local.

Judge A Lofaro :

Local.

The Witness :

Yes, only local and only in the country. Never like we want ask a journalist working for .. on Malta from the ..like BBC or whatever. I mean has ..., because its so much easier to report on your country where you are based; outside of the country .

Judge A Lofaro :

And since January 2020 is the situation the same? Better? Worse?

The Witness :

Well, the situation according to the report we got has not improved. I should say that we sent these questioners to the people and answer the questioner form September to January; and so because we published in April. So we have no.., we haven't sent questioners some the new Prime Minister has been appointed. But we still of course we have increased on network here; we don't work with one two three persons of course now since like few people from.... came here. We have had the opportunity to meet various journalists and the feeling even though actually talk about feeling. But my view is that journalist asked that risk and the reason why I think its extremely important that I witness to you today is that we don't want another journalist to be killed here..

Judge A Lofaro :

Of course.

The Witness :

I am not sure that this could not happen again; its.. we've done a huge work in Slovakia following the murder of Daphne because another journalist was murdered, and if you compare, yesterday the prosecutor requested 25 years of person against the mastermind. The guy was a businessman, very rich businessman, he is been jailed. The intermediary are jailed. They has been a trail and I should say that are not safe. But.... this is not the case here.

Judge J Said Pullicino :

You made a statement that you consider the situation today that journalists are still at risk. You must squalified that because I mean we understand what happened, it's a very serious thing; it's a major political problem in Malta; but how can you say it today that journalists are still at risk at that level? I mean whether it is - interference is one thing; whether its physical .. , I mean you must squalified that statement.

The Witness :

Of course, so

Chairman Judge M Mallia :

....when you say that you received reports, reports from whom?

The Witness :

No I cannot give names so ..

Judge A Lofaro :

...local experts, right?

Chairman Judge M Mallia :

But whom are you referring to? Journalist in Malta? Journalist abroad?

The Witness :

So we ..

Judge J Said Pullicino :

We are not questioning your competence. You do extreme work obviously and we admire you for that; but the problem is that we have to go by facts. Ok?

The Witness :

Yes. ok. So maybe I should just give some clues the people answering our index are from Maltese media and international media as well. So I mean that gives you some clues.

Chairman Judge M Mallia :

Ok.

The Witness :

And those reporting to us about the situation here. Those will live here and work for Maltese Media. And there was who travel from UK, US, France, Germany, and we report here about the situation. And the fact that even today

those are interviewed do not want to be named, is also an evidence that. I mean in Slovakia they give their names; here not.

Judge A Lofaro :

And you are saying you think this is because there was a trial in Slovakia and the people were put to jail. You think this is the main reason?

The Witness :

No. I think the main reason ..

Judge A Lofaro :

Because you mentioned it.

The Witness :

The main reason is that the mastermind and intermediaries were jailed

Judge A Lofaro :

Jailed.

The Witness :

Jailed yes; and there was full justice. I mean the prosecutor has just requested ...

Judge A Lofaro :

...there was a trial, right?

The Witness :

There was a trial..

Judge A Lofaro :

But you know there is the trial here in Malta, don't you?

The Witness :

Yes, I know there is a trial but it's the after such a murder I am surprised that the Prime Minister himself continued to insult and target a journalist and considered a journalist has been.. has lawyers or has .. like this

Judge A Lofaro :

Which Prime Minister was this?

The Witness :

Muscat.

Judge A Lofaro :

So he continued to target journalists, right.

The Witness :

He did continue

Judge A Lofaro :

Is what you are saying.

The Witness :

And we had a meetings, my colleague had meeting with the Prime Minister ..., myself I saw the...I met with the Attorney General 2 years ago. I mean we've had a bench of meeting here for the 2 years anniversary of ..

Judge A Lofaro :

Her death, right?

The Witness :

Her death. And we also combined a large report on the situation here. Well, given the situation, let me compare again with Slovakia; the Prime Minister Fico he is not in power now, he is been replaced by Mr Pellegrini in Slovakia, was calling journalist prostitute anti Slovakia prostitute because they were reporting on funds – European funds been distributed in the non proper way. If he had to dismissed .. after the murder of Jan Kuciak, I mean everyone was in the street and demanded requested for him to leave the power; and Mr Pellegrini came. I can't say that tone has changed completely in Slovakia, but there are no..not the same insult. I think if there are pressures they come..they are more.. they are less visible. Here what is strange here given the situation the first murder of a journalist in such condition with her car exploded in front of the whole world and the Prime Minister himself continuing to consider journalist has the street people and the ..people etc., this is completely unseen and this extremely shocking from where the international community see it ..

Judge A Lofaro :

So you have statements that the Prime Minister made in this sense?

The Witness :

Yes. We have statements. I don't have them by heart, but I have statements of course of attacks. And I remember for example the.. on Labour Day the 1st of May 2018 I think?, no, 2019 I would say; 2019. The Prime Minister target the family of Daphne Caruana Galizia, what's they do call of a in a public demonstration? It was 2019, it was a public demonstration, and so the family was stigmatized, the journalists were stigmatized, and the fair demands of the

family, I mean I have not mentioned much the family but I think once you have a member of yours assassinated I think it's fair to demand justice. And so such attacks on them, such attempt to the credible eyes of the family at the...

Judge J Said Pullicino :

Therefore I understand that your assessment to which you are completely justify to have ..., completely entitled to have it. Your assessment is based not on hard facts that happened after Daphne's assassination which constitute a physical threat to journalist.... appreciation of the way things were handled by the administration to lack of initiative or to find the root of the whole issue? I mean is that the real

Judge A Lofaro :

She didn't say that ..

The Witness :

No; my role is.., I am a journalist, and my role is to feel things before I report. So you know we have a ..sort of like other people of course, but we have an instinct. And when something is not going well, when something .. just seems that..just our we ...

Judge A Lofaro :

But I asked you about the trial; do you have anything to say?

The Witness :

Do I have what?

Judge A Lofaro :

...anything to say about the trial?

The Witness :

The trial; well, I think ...

Judge A Lofaro :

There are 3 people accuse, and then there is another one ..

The Witness :

Yes. So 3 people they were caught just after the murder on December 4th, 2017 ..

Judge A Lofaro :

Yes; I am asking to see whether it affected your ranking of Malta ..

The Witness :

No no.

Judge A Lofaro :

No.

The Witness :

I mean

Judge A Lofaro :

This is not affected.

The Witness :

I mean the.. I think we've heard about the trial of these 3 people in August last year; so at the very moment when it was it would have been too late and there was actually pressure from international organization wondering – Hi!, what's happening? This guys had been in jail or detained for a year and a half; and they are not still yet tried. And I remember a press freedom organization in July saying - what's happening? These 3 men are in jail, doesn't mean that the mastermind has been...

Judge A Lofaro :

Ok

The Witness :

..tried; doesn't mean then we know the mastermind. So I remember last summer at the .., probably in July, a year ago, that we also wondered why nothing would happening, and I think the date was the 4th of August, and it was 20 months after they were jailed; that a date for trial was to be set, and it happened.

Judge A Lofaro :

And then when they were brought to court and now there is the trial and there is another person who is also accused, ... the mastermind now?

The Witness :

So we follow this but because we want to obtain justice, but I am not a legal expert. We want the case of Daphne to be cleared because we don't want impunity and we think when such thing happen if there was no trial for example, and if there was no justice here, first it would give a feeling of impunity and would reinforce the feeling of impunity. But also it will create a sort of chilling effects for other journalists who is willing to work here, if no

one, I mean if there is no justice and they mastermind, not the intermediary, but the mastermind or the murder are not tried....

Judge A Lofaro :

But the Court, Mr Fenech, they are saying he is the mastermind.

The Witness :

But just it has to proof that. I mean we had to wait until the end of a...

Judge A Lofaro :

Ok.

The Witness :

And Mr Melvin Theuma now is in bad condition; but I mean where, where in the European Union do you see a witness, its such a situation like what happens 3 years ago. I mean this is unseen, I mean its

Judge A Lofaro :

3 years ago?!

The Witness :

Its 3 days ago, sorry.

Judge A Lofaro :

Oh! Its 3 days ago yes.

The Witness :

3 days ago. Sorry. So ..

Dr Therese Comodini Cachia :

If I may put some questions...

Judge A Lofaro :

Yes.

Dr Therese Comodini Cachia :

I would like to put some questions to try and translate ..

Chairman Judge M Mallia :

Just a minute because I have a question. Did I understand correctly when you said that you have not perceived any difference in the treatment of journalists since January 2020? You have not perceived any difference?

The Witness :

We don't see given the commitments of the new Prime Minister and given also the recommendation they were address to him in terms of press freedom. We don't see any change. I can't say that they won't be any change but so far I haven't seen any journalists telling me that the situation has improved.

Chairman Judge M Mallia :

So when you said that you haven't seen any change you say that on the bases of the reports that you get from Malta – from the journalists in Malta, no?

The Witness :

Yes. I mean from alert we didn't get proper report with the questioner from January; but there are still some slap procedures attack.

Chairman Judge M Mallia :

Yes there are.

The Witness :

So from exchange, from one of my closes colleague was in town for 5 days so she managed to meet a bench of people here, so and we have ..., yes, this mostly exchange with them, not on a regular basis, but they still has some material to study.

Judge J Said Pullicino :

But now it seemed to have shifted from threats to journalists ...

The Witness :

Sorry?

Judge J Said Pullicino :

It seemed to have shifted from threats to journalists to a 40 juridical structures, 40 jurisdictions incompetence of the police; it seems to have shifted. It's not a question of a... we are seeing whether are threats .., continued threats to journalists or not rather than how competently the authorities are handling the matter

The Witness :

I am not sure I understand.

Judge J Said Pullicino :

I mean your last statements are critical just ... perhaps of the way the whole thing is being handed today, I mean by the judicial authorities, by the police. Which is different from how real threats are against journalists today. You

must make that distinction. It is still that the authorities.. have interest to do that things, to do not that things. But I mean that's something different.

The Witness :

Ok, so you are right; thanks to raise this point. Yes I can say that Mr Abela don't speak about journalists. In the same way Mr Muscat or his team was talking about journalists. The slap procedures sometimes they are some people behind them and you don't necessarily know who is the first one .., I mean doing the slap, this still exists; the pressure. And also the fact that even though days this Public Inquiry, even though that the people who work .. are tried; even though the situation of the judiciary front improves, they are still scared. And even though it's a feeling this means that they don't work in proper condition. I mean we are in the European Union, I can tell you of course .. journalists from the world that scared. But we are in the European Union and things like this are not common. I can tell you.

Dr Therese Comodini Cachia :

I would like to put a few questions, so that I can translate what you as a journalist is describing us instincts or feeling; and what we as lawyers would consider facts or otherwise. So you say that journalists are still at risk. And you also said that you've been meeting with journalists. And you also say that journalists are the ones who speak to you whether it's an interview face to face or by sending you alerts or emails. Without disclosing the identity of these persons would you be able to give us examples of situations or facts to which they refer when they say that their situation has not changed and also even before Daphne's assassination when they were informing you that they are in a bad situation. I would like those examples without identifying anyone.

The Witness :

Ok. It's a small island with a small number of journalists, but so I'll try to give some indication without identify anyone. A lot of them still mention that this thing they are monitored, their phones are monitored, none not one of them will correspond with me without using an encrypted email or phone; so we correspond on encrypted networks. Nothing, absolutely nothing will go through my no more email or just a.., so this is a .. and this hasn't changed. I think that this feeling is reinforced. Now because at the time in 2016 I was receiving emails on my normal work account, while from other countries people first ask me give me your.. email address because I don't want to be seen. So I would say this is one sign that hasn't changed.

I think also regarding the slap procedures though there was of course the number of a slap against Daphne, against Matthew, against other journalists as well. The owner of the Shift has been targeted a number of time, Caroline

Muscat; But the slap procedures are still ongoing; and not on legal aspects. I don't have all the details; but I think it's less than 27 against Daphne now. I mean this is shocking, and this is what does it mean like for journalists a... cases that they will be under juridical pressure even when they are dead or when its gone to last the whole life! I mean so this is a sign, how can I tell you..? The fact that journalists meet here do not want to be seen with me or my colleague, is also a sign. We can't meet at the affair; we can't meet at the.....; we can't meet..; they don't want to be seen. So this is another sign also that they pressure..., or like everyone is like looking behind, and wondering if there is no one. It's a small island but still that gives also indication of the fact that they don't feel safer than they were.

Judge J Said Pullicino :

Did you have any reports that journalists were being followed or threat or .. physically?

Judge A Lofaro :

Or threatened?

Judge J Said Pullicino :

Physically.

The Witness :

Well, I think I believe that one of them in particular is more watched then the others. That's all I can say.

Judge J Said Pullicino :

We have heard incidence in this Board that similar occurred had actually happened, and we had people here who mentioned that they were followed. The issue now is that the persons who were involved at that time today are no longer in power. I mean at least on paper they are no longer there. They are either in jail or they have been resigned or.., the physical impact should diminish. I don't know whether that is the ...

The Witness :

No, I think I mean since there is no.., the trial is not over and we don't have yet the judgment on this case; so with behind, with behind the perpetrators myself I don't know. I mean it could be also foreign country, it could be also..; so I mean what I consider is that as long as we don't know who has ordered this murder. Even though so much right and some will remain in jail.

Judge J Said Pullicino :

You feel that in that line on that issue there is still work to be done. It hasn't been completed.

The Witness :

No it's not completed at all. I mean I think it's clear that is committed to obtain justice on this case for her, for her family, but for journalists here. I think one of the main thing here today is to make sure that nothing similar happens again; and or journalists continue working and they don't exile or just change job because it has become too difficult.

Judge J Said Pullicino :

And if I could ask your advice, because we are supposed to ask, to give suggestions how things can be improved. What would will be your main lines of suggestion?

The Witness :

I think thanks to this Inquiry the more light is shed on the case and what has happened, and the fact that it could have been prevented the ..

Judge A Lofaro :

Why do you say it could have been prevented?

The Witness :

Because I think that it was obvious from me that the way she was attacked threatened arrest was a sign that things would go worst and worst and worst. So I think that when you have one journalist in a population of four hundred thousand people with own owner of running a blog, attacks at this, I think the judiciary authority should just look at it more carefully and so I think there were signed that it was, I mean a fire into her house, kill dogs, pressure. Even though I am sure that I of course I never met Daphne but..., and she was maybe also a journalist with a strong character and strong personality; and I know of course that she was maybe the easiest ..the easy-going person. She had a strong opinion on things. Our life as a journalist was ..seem to be seen as the public enemy. I was to be so. My advice would be bring evidence that things were not normal. Things could have been prevented, and this will give safe offers, safe for landscape to other journalists and also ..

Judge A Lofaro :

Do you think that if she had police protection for example? What do you think?

The Witness :

About police protection; so I used to monitor, I told you about Cyprus, but I monitor a lot, I used to monitor Italy a lot; very a lot, report on the way the mafia the states or try to arrest journalists and managed to stop them from writing by a judicial procedures. Which means like financial means and time also was spent on their defense which also time that they don't spent writing or reporting. So we work a lot with a number of Italian journalists; and this context is a extremely helpful because I used to exchange with the ministry of in Italy to get some protection on journalists. I am in touch with the Publia authorities so that sometimes we request some higher protection for local journalists investigating the mafia in the South of Italy. We are in contact with the authorities in Italy, when we ask one of the main journalist to travel to France to present something with us or to work with us. Or if we nominate one of the journalists targeted who has protection on the ground to travel to get some work, to work somewhere. So it's something for example I do also in Romania. I used to do this in Romania. Some journalists would be threatened to death or to rape, and so I would address directly with my colleagues at the advocacy at Department of ..., the authorities to obtain the police protection. So I would say in some countries I did not ask for this all the EU countries and Balkan countries; but it works. It works in Serbia. Sometimes it last 3 days it is not enough. But if we address the authorities to request some protection at least they pretend.., they try to please us and offer protection then sometimes ..

Judge A Lofaro :

And protection helps.

The Witness :

Protection helps, of course. Protection helps as long as its protection that is a setup with the journalists, because of course it's visible, so the journalists would investigating is not able to do their job in proper condition if she is followed by 3 cars. So it's a balance. But of course it helps. I mean you go to sleep; you go home at night by yourself, you just want.. . And you also want to leave your computer in your house sometimes and not hearing that someone will come in and get all the content..

Judge A Lofaro :

Yes.

Dr Therese Comodini Cachia :

I have a few questions; you were referring to slap proceedings. Are you aware, and if you are would let us know when and how you got aware of this that one of the first slap proceedings for one of those first ones there was an exchange

of emails between the person proposing to institute a slap proceedings and Minister Owen Bonnici and Prime Minister Joseph Muscat.

The Witness :

I don't know the details of these slap procedures, and the case I extremely .. the details and the technical I met some lawyers here 2 years ago because we thought that a number of slap procedure which is like sort of a legal, mean that is used becoming more and more common in the EU, but I don't know the details. So I cannot respond about.

Dr Therese Comodini Cachia :

Ok. So you were never shown email exchanges between the person instituting slap proceedings and the Minister for Justice and the Prime Minister.

The Witness :

Not myself. Probably 2 legal experts .., but not myself.

Dr Therese Comodini Cachia :

Ok. You were referring to the criteria upon which the index is established and you referred to 2 particular criteria, infrastructures and self-censorship. When you refer to infrastructures what are the pitfalls that you've identified for infrastructures for journalists in Malta?

The Witness :

Well, the fact is that here when you ask with journalists why are you working for, because of course we don't need a journalists on outside, then the first thing people say they don't say the name of their media. They say I work for the Labour Party; I work for the National.; so I mean that it is not that common, that the press is divided in two, two and a half because there are independent journalists as well. But that the polarization is so visible, it's very clear here that your either one or the other, which doesn't mean that all are not able to think larger, but this is clear. You know something that I didn't mention but I was wondering with ..the public TV for the world, and so we looked at what the public TV provide to the audience. And after the murder I came here with the secretary general Reporters without Borders Mr Deloire. We took part to the demonstration on the 22nd of October 2017 and Mr Derua was talking on the stage. I didn't know, that was my first time in Malta; the streets were jammed packed. It was like.. so crowded. And so I asked after, so and what had happened on public TV. And I was told they surprising me there was no report on public TV. There was one picture that day; and I did check, there was one picture about the demonstration; just saying that people were paid tribute to Daphne. But there was no mention of a 4 or 5 hours of demonstration onto the streets of Valletta. So that says a lot I think.

Chairman Judge M Mallia :

We can have a copy of that email exchange?

Dr Therese Comodini Cachia :

Yes I will look it up because I remember it being in the public domain; that's where I found it.

Chairman Judge M Mallia :

But it was in the public ...

Judge A Lofaro :

I remember as well. We would need a copy.

Dr Therese Comodini Cachia :

It just came to mine..now.

The other criterion is that of self-censorship. Would you give us your assessment and what you've based your assessment on in relation to self-censorship for journalists in Malta?

The Witness :

Yes. As I mentioned journalists are not willing to talk and to reveal their identity, so they tell us about the context, they tell us about where they working for and they talk about.. they all have the same expression...; for describing here, which is very new. I mean that was very new. Some say that they are not able to write especially after the murder and that especially after the steps.. following steps in the case. I remember also some journalists prevented to work on the political affairs at the.. just before the Prime Minister Muscat left in November last year, journalists were prevented to do reports. They were not able to cover some of the stories; and some said also that they were not able to report properly on the huge political crises that was starting and that was unexpected and there was also probably a leading to dismiss all the departure of the Prime Minister. So this happens like self-censorship is something common. But in France for example self-censorship can be mention for like investigative journalists working on a sensitive issues, but this is really not the main feeling among journalists. And as I said it's always difficult; I mean once a story is not published when is it self-censorship or when is just not a story which is published. But so this is obvious, and I think the fact that they want reveal their identity and talk very openly privately is also says a lot about this.

Judge J Said Pullicino :

But the general impression is that at least after the murder the level of investigative journalism in Malta or the independent press has improved alert.

And they are actually doing good work on a lot of sensitive issues. That would indicate that there is no longer too much fear, no?

The Witness :

Actually I mean after Daphne was assassinated another journalist decided to take over from .. by her creating the independent media the Shift, because there was a need

Judge J Said Pullicino :

...its an indication, ok.

The Witness :

No there is an indication..

Judge J Said Pullicino :

But there are other ..

The Witness :

No no, it is not because you started media and you committed and you want the truth that you are necessarily safe and all you feel safe. I think she was courageous, I think it was needed; but I think I don't know whether she considered that she was exposed and she could be also assassinated. But the thing is that she ..

Judge J Said Pullicino :

That is not excluded; but there are other journalists who have taken the same stand, other bloggers, other journalists in independent press. Because we can't expect the political press to act differently. But once you have a marked tendency in the independent press to come out and investigate I mean that is a good sign not a bad sign.

The Witness :

I don't call it ..

Judge J Said Pullicino :

And it's not a sign of fear either. At least for the surface, ok?

The Witness :

Yes, it's a good sign, but how many journalists work for the Shift? How many media like the Shift has? No, it's very few. So how many independent journalists do you have on this island even though it is small? Not much. So how many independent journalists do you have in Slovakia? A lot. They don't necessarily; and I intentionally did not mention bloggers because bloggers

sometimes also the motion is very large so we defend journalists; we don't defend those who publish on Facebook or..; we have a sort of attics that .. and we work with journalists, because content is journalistic not..

Judge J Said Pullicino :

And at what level – at what time do you determine whether a person using the internet is a journalist or not? I mean because that is another issue.

The Witness :

No, its actually it's the main issue when we receive alerts or content or information about someone being attacked is it on a journalists or not. Well, we consider that as long as a journalist publishes information that are in the interest of the public and I will contribute to the information then the person is a journalist. Someone reporting on Facebook and posting a video is not a journalist.

Judge J Said Pullicino :

But obviously you are not in favor of licensing journalist?

The Witness :

You are not in favor of ...?

Judge J Said Pullicino :

Of licensing or given a diploma or whatever, a permit.

The Witness :

No; I mean we have no legitimacy to do so; but at we defend those whom we believe, we believe are..; they respond to our criteria's; they have it.. the anthology; they don't insult people. They verify - they check their sources; they check their information. I mean like the basic staff of any journalist.

Dr Therese Comodini Cachia :

If I may, in your testimony you said you had meetings with authorities.

The Witness :

Yes.

Dr Therese Comodini Cachia :

Which authorities did you meet?

The Witness :

So, myself I met with the president of the Republic. With the secretary general of the My colleague Rebecca Vincent met the Prime Minister. I met the

Attorney General. She met the.. I think the Minister of Economy; I can't remember precisely. We.. let me check, I didn't meet any Maltese Ambassador. We met of course all the.. I mean a lot of foreign ambassadors here.

Dr Therese Comodini Cachia :

So, in these meetings which you had what were the requests that you were putting forward and what were your proposals?

The Witness :

Our proposal was at the time there were 2 steps; the first step was to obtain an independent inquiry into the murder; not in the way and not have this murder investigated in a way, it was from the start with some FBI investigators coming, leaving soon, and no international observers - independent observers. So that was the first request was to obtain an independent investigation. And when my colleague met with the Prime Minister a year ago, yes in October 2019, the main demand was to obtain full justice in a transparent way. Full justice and have the authorities bring the perpetrators and bring the mastermind to court. So.., I mean the main demand from the start has been the full justice in the case.

Dr Therese Comodini Cachia :

What was the reaction of the authorities that was given to you and how did you assess this reaction?

The Witness :

The Prime Minister, I was not at this meeting as I said; it was my colleague, I think from what I heard the Prime Minister has always been extremely concerned and polite, and they interested in what we were asking. But he also seem to be saying that the authorities were doing what they had to do. I think from the start Prime Minister Muscat said 3 men are jailed; so we did a lot. Which we considered was not enough. So I think the attitude of the Prime Minister and his words are – we do lot, we are listening to your demands but we consider that we are doing what we have to do. So its dialog that is leading nowhere because we do considered that not enough has been done until he left.

Dr Therese Comodini Cachia :

So did you conclude that you were being diplomatically dismissed?

The Witness :

Exactly.

Dr Therese Comodini Cachia :

You mentioned certain issues and you said these were feelings of reporters with whom you were speaking. Did the reporters with whom you were having these discussions mention the fact or the situation of impunity, and if they did how are you assisting that situation of impunity as having an effect of journalists and media freedom?

The Witness :

We assist at the feeling of impunity as an impact on the other journalists because it's a restless fight for journalists once in a country one in assassinating. For the others to obtain justice and to see that the authorities are taking the case, considering the case carefully. So if the case is forgotten, if although the Prime Minister left, there were some changes, and there was this Public Inquiry,

Judge A Lofaro :

No, that was before.

The Witness :

Yes. But as long as there was no full justice people want still safe, and even though there is full justice I think they will be allowed to still be feel scared.

Dr Therese Comodini Cachia :

So you also referred to the way Prime Minister Joseph Muscat used to speak about journalists; let me call this political rhetoric, did you identified this negative political rhetoric as being perpetrated only by Joseph Muscat or also by other members of the government? And was this only or predominantly against Daphne before her assassination and did you assess whether it continued following her assassination?

The Witness :

So it was mainly against Daphne, and then against Matthew after; after she was assassinated, it did continue. And it's what you call – yes it's a rhetoric, its anti-media rhetoric. I think it's a way to despise media and journalists, and to make sure that what they say is none sense, so I remember the Prime Minister; I don't remember other ministers so I can't say precisely whether they did or not. I will should.. so I can't get even a bit. I remember the Prime Minister.

Dr Therese Comodini Cachia :

Ok. Do you know whether there were journalists, foreign journalists, who asked - who made request for interviews with members of the office of the Prime Minister Muscat at the time, and who requested either replies to

questions or face to face interviews, and who received a reply to indicate that they are welcome to have an interview as long as the Daphne Caruana Galizia case is not questioned.

The Witness :

No I am not aware. Actually I work with investigate, foreign investigative journalists who come here on a regular basis. So much traveling, today travel, yesterday because of what happen on Tuesday night, so there is more interest, and these people are normally not ...ask the Prime Minister to comment because they travels ...the island and ..so no, I have never.., no. It took us a lot of time to obtain a meeting with the Prime Minister as actually as a NGO and not as team of journalists. We met the Prime Minister as a NGO defending press freedom.

Dr Therese Comodini Cachia :

How long did it take you to get an appointment with the Prime Minister?

The Witness :

2 – 3 months maybe?

Dr Therese Comodini Cachia :

2 or 3 months?

The Witness :

Yes I would say, I mean again that was the part lead by the advocacy, but I would say we probably starting to set of this mission in October 2019 by the beginning of December. So yes, until the last minute actually we didn't know whether will be able to meet with the Prime Minister. But we did.

Dr Therese Comodini Cachia :

Why was it till at the very last minute?

The Witness :

I think the meeting was not confirmed by the Prime Minister; I mean is also allowed to have other activities, and so this is something that we were used to. I mean I have met a number of Heads of governments and they sometimes have to cancel.

Dr Therese Comodini Cachia :

Was this the same meeting that you had with the Minister of Justice Owen Bonnici?

The Witness :

No. It was ..

Dr Therese Comodini Cachia :

It was a different.

The Witness :

Myself I didn't meet the Minister of Justice; my colleague did. Now, but no, it was not the same.

Dr Therese Comodini Cachia :

It was not the same meeting.

The Witness :

No.

Dr Therese Comodini Cachia :

You mentioned that you've prepared a report on the situation in Malta.

The Witness :

Ehe.

Dr Therese Comodini Cachia :

I don't know if you have a copy of that report with you

The Witness :

No.

Dr Therese Comodini Cachia :

If you do not, may I show you a copy of that report which I have printed this morning; would you be able to confirm if this is the report you were referring to?

The Witness :

Ehe.

Dr Therese Comodini Cachia :

And give us an explanation on how you worked on this and what the report is about? Because then I would like to be presented to the Board.

The Witness :

Ok; so this is the report I can see. So this report is a.. the title says all. It is call Justice Delayed. So we were pretty nice, Justice Delayed; doesn't say no justice..

Dr Therese Comodini Cachia :

Keep in mind that the title for a journalist means a lot..

The Witness :

Exactly ..

Dr Therese Comodini Cachia :

...the title for lawyer needs to be explained.

The Witness :

Ok, so 'Justice Delayed' means that we are still hoping that will get more. So it's probable a message of hope that will get the full justice. So what happened is that one of my colleague whose native language is English that helps a lot here, decided to also work with me more deeply on what's happening here. And so she obtained a grant from the a ... organization to look into what is happening here. So I don't intentionally name who is behind the..; I mean but so we managed to convince some of one of our funders that we would like to go deeper into what was going on here. And so she decided along with Caroline Muscat from the Shift to study the situation on the ground and to bring light on this assassination and to look more deeply in the context of Malta. So Rebecca Vincent wrote this report with the help of the Shift and Caroline Muscat; but I didn't, but of course added in it. And so in this report she explains everything that we have mentioned today, the context, the murder, the arrest; and there is a summary in the beginning, and I think the name of the title says a lot. It says an unthinkable act because what that happened was unthinkable really; investigating the assassination. The magister role inquiry and the political interference, this I can't say, I didn't mention intentionally, but this is clear. They deteriorating press freedom climate, the international reaction that was huge. And the main thing they need ...independent in partial public inquire, and we are there.

Dr Therese Comodini Cachia :

So you have just said the political interference is clear.

The Witness :

Ehe.

Dr Therese Comodini Cachia :

How is it clear?

The Witness :

So I ..

Judge J Said Pullicino :

Dottoressa, political interference in what?

The Witness :

Sorry?

Judge J Said Pullicino :

Political interference in what?

The Witness :

Into the investigation.

Judge J Said Pullicino :

Into the judicial investigation or in the investigation?

The Witness :

Into the investigation of the murder.

Judge J Said Pullicino :

Ok.

The Witness :

Maybe I managed to meet the (what do you call?) magistrate investigating the murder, on my own, 6 months after the murder. But he was promoted slightly after, so and I remember when I requested this meeting that I had to inform the police that I was requesting a meeting with the magistrate investigating the case. And then after he changed a job. The year after I came and I thought maybe I should meet ... Mr Neville Camilleri; but then I was told that I should not request such a meeting. So I explain that I meet Mr .. that I requested Mr I think it was at the ..

Judge J Said Pullicino :

But... I mean normally is not allowed for magistrate or judges to have interviews with journalists on whatever

The Witness :

But I was not a journalists; I was ..

Judge J Said Pullicino :

Even so, even worse. I mean magistrates are supposed to ...their own without communicating their work or commenting on their work

The Witness :

Yes, but ..

Dr Therese Comodini Cachia :

Did you give witness in this inquiry - in this inquest?

The Witness :

I did tell where I told you from ..

Dr Therese Comodini Cachia :

We are not going to ask you what you've said because of the rules.

The Witness :

I did say that we were worried.

Dr Therese Comodini Cachia :

Ok; so you were a witness in the inquest.

The Witness :

I was telling that we were worried and that we thought that situation would not improving. So ..

Judge J Said Pullicino :

Yes, but such a comment would be relevant in our Board meetings; wouldn't be relevant to any inquire on the dead....

The Witness :

Sorry, can you just speak slowly

Judge J Said Pullicino :

Such a comment would be relevant for the Board, but it not be relevant for a court of inquiry into how a murder happened.

Dr Therese Comodini Cachia :

I think she was a witness

Judge A Lofaro :

She was a witness.

Dr Therese Comodini Cachia :

I think she was a witness in the inquest.

Judge J Said Pullicino :

But I mean it would might be just an opinion.

Dr Therese Comodini Cachia :

Yes; but she was open to other witness.

The Witness :

We published a statement after. But what I remember is that when we requested the second meeting with Neville Camilleri we were told not to do it. And I was even told that if I continue..

Dr Therese Comodini Cachia :

Bec your testimony was finished. I think my colleague would like to put some questions to you

Dr Jason Azzopardi :

Madam, for how many years have you practiced as a journalists?

The Witness :

27 years.

Dr Jason Azzopardi :

In those 26 years, which is a very long time, in which European country have you ever if ever encountered a situation whereas you were explaining to the Board the network organized coordinated within the top corridors of power the Office of the Prime Minister to discredit civil society, to discredit investigative journalists.

The Witness :

I think Malta is one of them. Bulgaria is probably ..

Dr Jason Azzopardi :

Pardon?

The Witness :

Bulgaria

Dr Jason Azzopardi :

Bulgaria.

The Witness :

Is a place where facing not exactly the same problems but if they hide problems, level of corruption that is probably unseen in the EU

Dr Jason Azzopardi :

So the situation of a coordinated network is not common

The Witness :

Not at all.

Dr Jason Azzopardi :

Not at all.

The Witness :

Not at all. It's as I said I monitor the 6 countries of the Balkan, among them Serbia, Montenegro, but also Albania. So the situation is not ideal for journalists; there is corruption but nothing like this.

Dr Jason Azzopardi :

But, madam, you are mentioning Serbia, Montenegro, Albania, not European Union countries.

The Witness :

Not European countries apart from Bulgaria.

Dr Jason Azzopardi :

Apart from Bulgaria; ok. Which ...

Judge J Said Pullicino :

Dr Azzopardi, on this .. I mean on this you have to be careful because what is a perception or what is an assessment is not necessarily a fact. I mean speaking of networks you might be right that there is a network. But you can't say as a fact that there is..

Dr Jason Azzopardi :

Fair enough; let's go to fact..

Judge J Said Pullicino :

There are indications. But that is something different. Therefore your questions have to be addressed ..

Dr Jason Azzopardi :

Yes. With your permission Your Honor, I ask specific fact or facts to the witness. In your 27 years of practicing journalists specially in Europe, have you ever encountered the situation where an official within the office of the Prime Minister who is also a member of parliament for the ruling party, wrights regularly publicly to discredit Daphne Caruana Galizia or civil society or other journalists; apart from Malta.

The Witness :

So apart from Malta it does happen. It has happen unfortunately more often because the situation is deteriorating in all Europe. And this is something the Prime Minister in Hungary does. This is something that the Prime Minister of Bulgaria dose. This is something that the ..

Dr Jason Azzopardi :

Hungary ..

The Witness :

Hungary ..

Dr Jason Azzopardi :

Bulgaria

The Witness :

Bulgaria, Poland, Slovakia

Dr Jason Azzopardi :

These are the countries that have serious rule of law issues.

The Witness :

Exactly.

Dr Jason Azzopardi :

France, Germany ..

The Witness :

Never.

Dr Jason Azzopardi :

Italy..

The Witness :

Never.

Dr Jason Azzopardi :

Netherlands ..

The Witness :

Italy yes at that time of Matteo Salvini.

Dr Jason Azzopardi :

At the time of Matteo Salvini.

The Witness :

Yes.

Dr Jason Azzopardi :

Who incidentally was the best friend of Joseph Muscat.

The Witness :

True.

Dr Jason Azzopardi :

Yes.

Judge J Said Pullicino :

Dottore this is beyond ..

Judge A Lofaro :

Its irrelevant.

Dr Jason Azzopardi :

Another fact with your permission Your Honor; have you ever .., let me quote this is a tweet public message by a member of parliament for the ruling party in Malta in 2017, 3 days before the general elections. Today is the Economy Minister, he was rewarded. *I dedicate this video to Matthew Caruana Galizia. On Saturday, election day, the Maltese people are going to vote with all their might to get rid of people like him and his mother Daphne*". And the son of Daphne replied asking him whether he intended Matthew to be shot or deported in order to get rid of him. Now, this was May 30th, 2017, in a European Union country, Malta.

The Witness :

Unseen

Dr Jason Azzopardi :

Unseen!

The Witness :

Yes. This is crazy.

Dr Jason Azzopardi :

Unbelievable

The Witness :

Ehe, absolutely

Dr Jason Azzopardi :

Absolutely. In your 27 years of journalism have you ever encountered the situation where the office of the Prime Minister attacks the journalist, in this case Daphne Caruana Galizia, who revealed the Prime Minister using his private email for government work. I don't know if it is common in the European Union countries for the Prime Minister to use private email for government purpose! But when the investigative journalists reveals it what are your comments when the office of the Prime Minister discredit, unleashes an attack vagaries against that journalists? Please.

The Witness :

Well, I think it's a very bad, and this is bad use of.., is a function, actually Matthew Salvini was doing the same, using his email to attack Roberto ... when he had the personal fight and when he threaten to ..throw the politic protection to he used the exact same way.

Dr Jason Azzopardi :

Thank you very much madam.

Judge J Said Pullicino :

In conclusion, would you say that until justice is fully served in this case there is no chance of Malta ranking improving in your assessment?

The Witness :

...what?

Judge J Said Pullicino :

Unless and until justice is fully served in this case; Malta's ranking in your assessment there is no chance of being improved?

The Witness :

The next ranking is in April, so ..

Judge J Said Pullicino :

Next ranking is ...?

The Witness :

In April 2021. So hopefully ..

Judge J Said Pullicino :

Things will improved

The Witness :

Things will improved because justice will be fully given.

Judge A Lofaro :

Thank you.

Din hija s-sustanza tax-xhieda ta' **Pauline Ades-Meval** dettata minnha stess fil-prezenza ta' l-istess xhud.

Niddikjara li traskrivejt bl-ahjar hila tieghi x-xhieda ta' l-istess xhud.

Saviour Scicluna

Traskrittur