

Justice for Daphne Caruana Galizia

BRIEFING FOR THE TOM LANTOS COMMISSION

Members of Congress,
Ladies and Gentlemen,

I am here to represent my mother, Daphne Caruana Galizia, a renowned investigative journalist and commentator, who was assassinated in Malta five months ago in a sophisticated and elaborate crime. On 6 December, three men were charged with executing her murder using a remotely detonated car bomb and pretrial hearings have started.

Whatever the strength of the allegations against those men regarding the *execution* of this crime, they appear to have no pre-existing connection with my mother so as to give them a motive for *commissioning* her murder. Despite this, no one else is being formally investigated in relation to the commissioning of this crime and as a family we have been completely shut out of the police investigation.

The police have also failed to keep the public informed of progress, deepening public mistrust in Malta's law enforcement authorities.

The three suspects may soon be formally indicted, and in time there may be a trial at the end of which one or more of them may be held criminally liable for my mother's death. But no matter what the outcome, the following questions will remain unanswered by those proceedings:

- a. Who commissioned my mother's assassination and why?
- b. What could have been done to prevent it?
- c. How can the lives of investigative journalists in Malta be protected?

The following will help you answer these questions. The Committee to Protect Journalists tells us that over the last 25 years, the deadliest 'beat' for a journalist was not war. It was politics. More journalists were killed covering politics at home than reporting out of warzones. If we add corruption to politics, then we have two thirds of dead journalists in a single category. Two thirds. Two thirds of journalists are killed for covering corruption and politics at home.

A journalist's death does not come without warning. It is preceded by intimidation and harassment by those they investigate. And the pressure escalates up to the time of their death. When my mother died, she had been harassed and dehumanised for years.

There were 47 libel suits pending against her – 42 in the civil courts, and five in the criminal courts. Most were filed after this government came to power. More than three quarters of them by party officials and donors, including the Prime Minister and his closest aides. Overall, 95% of the cases were filed by men who are powerful, wealthy, or both.

The Prime Minister's aide published more than 500 blog posts about her. The Economy minister froze her bank accounts. Government promised the newspaper for which she wrote that they would get more government advertising contracts if they stopped publishing her column.

Government-driven pressure on my mother was so intense that, shortly before her death she remarked to my brother, "They are trying to fry me alive". All of this happened in a culture of misogyny, which always puts women journalists at greater risk, and in a situation where state institutions did not function.

As my mother herself remarked publicly after sitting through a hearing in a defamation case filed against her by Minister for the Economy, "The essence of their arguments against me in court has, over the long years, inevitably been the same: 'This

evil woman is bad for society, dangerous to its senior male members, and must be put to death’.”

That is precisely what they did.

Investigative journalists will always, in one way or another, report on weak or flawed institutions. If it's a mining company bribing government officials or a bank holding the proceeds of corruption, it cannot happen without institutional complicity at some level. The journalists' deaths are then investigated by the very same flawed institutions that so successfully ensured the first crime- — corruption — and the second one, murder.

What my mother learnt and reported about our country has been made incontrovertible by her own killing: a network of crime and corruption has taken hold of Malta, captured its institutions, co-opted the press and crushed the political opposition. And now that Malta's strongest independent voice has been eliminated, it operates unchecked by any significant domestic forces.

This is a country that's an increasingly important financial centre, a transshipment hub, a member of the eurozone, and a member of the Schengen area. It has a visa waiver agreement with the United States.

What happens there *is* your business.

Whatever the Maltese government says, what happens in Malta is *not* a matter of national interest and competence alone. In a context of state capture, the solution cannot come from the Maltese government and the US has a direct interest in this.

US interests and the lives of US citizens are at stake. US media are visiting Malta to cover my mother's murder and to follow up on the stories she investigated. The editor of The Malta Independent on Sunday, which my mother helped set up and for which she wrote for decades, is himself a US citizen and permanently based in Malta. Their lives are at risk.

What happens in Malta does not stay in Malta. A US law firm and a US court are being used to silence critical media covering financial crimes which affect the US. Illicit financial transactions are denominated in dollars. Kickbacks to government officials are denominated in dollars. The sale of Maltese passports can be used to circumvent limits on entry into the US and to access its financial system or to shield Russian oligarchs from the effect of sanctions.

Facilitator states like Malta hope to continue in the business of laundering large sums of money from kleptocratic regimes and criminal and terrorist organisations without suffering any of the negative externalities. To the minds of those in government who cream off the illicit financial flows, the human rights abuses will remain in the country of origin: the murdered journalists will be buried in Russia, in Iran and in Azerbaijan but not in the heart of the European Union.

We know now that they are wrong. Human rights abuses travel with the financial flows of the abusers. Murder travels with dirty money and the journalists following that trail are often the first to be killed. Their deaths ring the justice and human rights alarm that should alert us to this dangerous backsliding in once normal democracies.

The United States government must use all the tools at its disposal: call for an independent investigation into the death of Daphne Caruana Galizia and move to ensure an independent investigation of the unprosecuted transnational crime that she reported on.

As President Trump declared in December, 'Serious human rights abuse and corruption around the world constitute an unusual and extraordinary threat to the national security, foreign policy, and economy of the United States, and I hereby declare a national emergency to deal with that threat.'

Secretary of State Rex Tillerson followed by saying that the US 'must lead by example', committing the US government to 'pursue tangible and significant consequences for those who commit serious human rights abuse and engage in corruption'.

In the name of my mother, I call on the US government to further the reach of the Global Magnitsky Act to freeze the property of people involved in the human rights abuses and extensive corruption that led to one of Europe's most prominent journalists being blasted to pieces, in broad daylight, 500 feet away from our family home: the Iranian banks and money launderers operating in Malta, the Azerbaijani kleptocrats who consider Malta to be a vassal state of theirs, the Russian gangster-oligarchs buying access to the European banking system by acquiring Maltese passports, and the Maltese politicians who facilitate this transnational corruption.

The contract killing of a renowned journalist is not only a horrific crime against society but a deafening call on all of us to act to protect our way of life, and the international political and economic systems on which it depends, from the malign and dangerous interests that have entrenched themselves in the heart of Europe.

Ending impunity for the crimes of the corrupt will help us end this threat. Then journalists like my mother, who exposed those crimes, will not have died in a lost battle.

Thank you