



## **CASE REPORT**

<b>Case No:</b>	K/017
<b>Allegation:</b>	Detention of journalists at the Auberge de Castille with no explanation and by persons acting in no official capacity
<b>Origin of Investigation:</b>	Own-initiative investigation, followed by complaint from the Istitut tal-Ġurnalisti Maltin
<b>Date of the Incident:</b>	29 November 2019
<b>Report Date:</b>	11 February 2021

### **The Events That Led to This Investigation**

1. A Cabinet meeting was called on the night of 28 November 2019, at a time when protests were taking place outside the Office of the Prime Minister in the Auberge de Castille. The meeting went on until the early hours of 29 November 2019, after which then-Prime Minister Joseph Muscat held a press conference.
2. The press conference was held in the Ambassadors' Hall in the Office of the Prime Minister at around 2.30am. After it ended, the journalists and media crews present were for a time prevented from leaving by individuals who blocked the exit doors. The individuals in question were not identifiable as government employees or official security personnel. These events were widely reported in the media on 29 November 2019.<sup>1</sup>

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<sup>1</sup> See <https://timesofmalta.com/articles/view/journalists-temporarily-stopped-from-leaving-castille.753526>; <https://www.independent.com.mt/articles/2019-11-29/local-news/Tension-at-Castille-as-demonstrators-attacked-journalists-temporarily-stopped-from-leaving-6736216825>;



## Origin of This Investigation

3. I took the view that this incident warranted an investigation under the Standards in Public Life Act (Chapter 570 of the laws of Malta) (the “Act”), and on 29 November 2020 I accordingly decided to start an investigation on my initiative in accordance with article 13(1)(b) of the Act.

4. Subsequently by letter of the 29 November 2020 (attached and marked Document A), the Istitut tal-Ġurnalisti Maltin (the “IGM”) requested me investigate whether the conduct and treatment of journalists by the Office of the Prime Minister was in conformity with standards in public life in a democratic state, and whether I felt that I should issue recommendations so that similar incidents are not repeated.

5. The Complainant did not refer to any specific clause in the Code of Ethics for Ministers and Parliamentary Secretaries (the “Code”), which is set out in the second schedule of the Act, as the basis of the alleged breach.

6. I decided to treat the complaint of the IGM within my investigation and an email to this effect was sent to Nigel Mifsud and Mario Schiavone as Secretary and Treasurer respectively of IGM.

7. In view of a judicial protest filed by the IGM and five journalists on 29 November 2019 and of the Prime Minister’s counter-protest dated 5 December 2019, I made enquiries to ensure that no proceedings were pending before any court or tribunal on the matter under investigation, as the Act precludes me from carrying out investigations in such circumstances. The said

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[https://www.maltatoday.com.mt/news/national/98932/joseph\\_muscat\\_calls\\_urgent\\_cabinet\\_meeting\\_yorgen\\_fenech\\_pardon\\_denied#.X2xHsWgzaUk](https://www.maltatoday.com.mt/news/national/98932/joseph_muscat_calls_urgent_cabinet_meeting_yorgen_fenech_pardon_denied#.X2xHsWgzaUk);  
<https://www.tvn.com.mt/en/news/opposition-calls-for-action-after-journalists-detained-inside-castille/>; <https://lovinmalta.com/news/watch-journalists-locked-inside-castille-by-security-guards-following-joseph-muscats-press-conference/>;  
<https://lovinmalta.com/news/guards-blocking-journalists-exit-from-castille-absolutely-not-party-officials-labour-ceo-says/>;  
<https://newsbook.com.mt/en/journalists-held-hostage/>;  
<https://netnews.com.mt/2019/11/29/gurnalisti-imbarrati-gewwa-kastilja-il-pn-jitlob-azzjoni-mill-kummissarju-tal-pulizija/>; <https://netnews.com.mt/2019/11/29/persuni-mhux-identifikati-jaakkru-lill-gurnalisti-fkastilja/>;  
<https://theshiftnews.com/2019/12/07/detention-of-journalists-at-castille-a-threat-to-press-freedom/>; <https://rsf.org/en/news/malta-international-organisations-condemn-further-degradation-press-freedom-malta-and-continued>.



protest and counter-protest did not constitute proceedings as are referred to in the Act.

8. Given the nature of the circumstances, in order to prevent overlaps between investigations and to ensure that article 13(3) of the Act was observed, I wrote to the Acting Commissioner of Police on 19 February 2020 to ascertain whether or not criminal proceedings were to be undertaken by the Executive Police with regards to the alleged detention of journalists within Castille. Subsequently my office was informed that a police investigation of the case was under way, so I suspended my own investigation although it was in fact complete at that point.

9. On 2 June 2020 the Acting Commissioner of Police informed me that the police had concluded its investigations and its intention was to institute criminal proceedings in connection with the case. At this stage the precise charges and the identity of the accused were not clear. For this reason, and also because there was the possibility that evidence produced in court might impinge on my own investigation and affect my conclusions, I opted as a matter of prudence to keep my investigation suspended.

10. Criminal proceedings were subsequently instituted against three individuals, Mr Jody Pisani, Mr Mark Gauci and Mr Emanuel McKay, for alleged detention of other persons against their will. On 19 November 2020 the Court of Magistrates (as a court of criminal judicature) acquitted the accused<sup>2</sup> for reasons that have no bearing on my conclusions. The sentence was notified to me in accordance with an order by the Court in its judgement.

11. On 15 December 2020 my office was informed that the Attorney General's Office had lodged an appeal against the sentence. The appeal is still to be heard.

12. Notwithstanding the appeal, I decided to bring my own consideration of the case to a conclusion. This was for the following reasons:

- (a) My investigation did not focus on the actions of the three individuals charged in court. Nor was it concerned with whether the events of 28/29 November 2019 amounted to illegal arrest, detention or confinement.

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<sup>2</sup> See court judgement, which is available from:  
<https://ecourts.gov.mt/onlineservices/Judgements/PrintPdf?JudgementId=0&CaseJudgementId=124029>.



My investigation was concerned with whether any effort was made to tell journalists why they were being held in the Ambassadors' Room, and whether those who manned the exits had any official role. Hence the subject matter of my investigation does not constitute "*a matter about which proceedings are pending before a court or before a tribunal established by law*", and article 13(3) of the Act does not apply.

- (b) There is no longer the possibility of evidence emerging in court that could affect my own findings. As a rule no new evidence can be produced at the appeal stage. The evidence presented before the court of first instance concerning the events of 28/29 November 2019 is consistent with that gathered in the course of my own investigation, and it has been taken into account in this case report.
- (c) My conclusion should have no impact on the appeal proceedings since the conduct of the three persons charged did not form part of this report.

### **Investigation Procedure**

13. On 3 December 2019 I met with Nigel Mifsud in his capacity as Secretary General of IGM to discuss the circumstances of the incident. Mr Mifsud happened to be present during the incident under review. Mr Mifsud was accompanied at the meeting by Mr Mario Schiavone, Treasurer of IGM, who was not present for the incident at the Prime Minister's office at the Auberge de Castille. Mr Charles Polidano, Director General in my office, also attended the meeting.

14. On 6 December I wrote to the Prime Minister as per letter attached and marked Document B, in order to obtain his reaction to the allegations surrounding the incident.

15. The Prime Minister replied on 12 December 2019 (copy of letter attached and marked Document C).

16. On 9 December I received a statement from Paul Caruana Galizia, who was present during the incident (copy of statement attached and marked Document D). This statement is also part of the body of evidence pertaining to the court proceedings.



17. I reviewed video recordings of the incident that were posted online as well as various media reports of the incident.<sup>3</sup>

18. I also requested and obtained statements from the IGM (Document E) and various journalists who were also present in the Ambassadors' Hall in the Auberge de Castille at the time of the incident, namely Christian Peregin (Document F); Julian Bonnici (Document G); and Monique Agius (Document H). I also obtained a statement from Matthew Caruana Galizia, who was not allowed into Castille as he was not in possession of his press card (Document I).

19. Based on the information provided by various journalists who were present, as well as information resulting from my own investigation, I identified the following officials who appeared in the video clips and proceeded to interview them to obtain their statements:

- i. Reuben Sciberras (at the time Head of Secretariat to Parliamentary Secretary Julia Farrugia Portelli);
- ii. Matthew Carbone (Head of Government Communications in the Prime Minister's Secretariat);
- iii. Nigel Vella (Deputy Head of Government Communications in the Prime Minister's Secretariat);
- iv. Ronnie Vella (at the time Communications Officer in the Prime Minister's Secretariat at the time of the incident);
- v. Nikhail Karl Spiteri (Customer Care Officer in the Prime Minister's Secretariat); and
- vi. Jason Bonnici (Messenger in the Prime Minister's Secretariat).

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<sup>3</sup> Video recordings of the incident were uploaded by Newsbook to its Facebook page and by Lovin Malta on YouTube, as well as by the Times of Malta and the Malta Independent in their news reports. These are available through the links below:  
<https://www.facebook.com/newsbook.com.mt/videos/1023948417951377/>;  
[https://www.youtube.com/watch?v=6WTiq9L6b-l&feature=emb\\_title](https://www.youtube.com/watch?v=6WTiq9L6b-l&feature=emb_title);  
[https://www.youtube.com/watch?time\\_continue=25&v=2X5efLachWw&feature=emb\\_title](https://www.youtube.com/watch?time_continue=25&v=2X5efLachWw&feature=emb_title); <https://timesofmalta.com/articles/view/journalists-temporarily-stopped-from-leaving-castille.753526>;  
<https://www.independent.com.mt/articles/2019-11-29/local-news/Tension-at-Castille-as-demonstrators-attacked-journalists-temporarily-stopped-from-leaving-6736216825>.



20. I also interviewed the following individuals who were not OPM officials, but who were also present in the room at the time of the incident and were also identified by some of the journalists present.

- i. Jody Pisani (a driver and security officer with Minister José Herrera);
- ii. Emmanuel *sive* “Leli” McKay; and
- iii. Mark Gauci.

21. On 30 September 2020 I wrote to former Prime Minister Joseph Muscat (Document J) providing him with copies of the evidence I had gathered, as required by article 18(3) of the Act, and inviting him to make further comments if he so wished by way of addition to his letter of 12 December 2019. Dr Muscat replied on 23 October 2020 (Document K), after seeking an extension to the time limit for his reply, which was duly granted.

### The Context

22. The incident occurred at a time of possibly unprecedented tension that had gripped the country and escalated dramatically following the arrest of a leading local businessman<sup>4</sup> and the revelations that were unfolding relating to the assassination of Daphne Caruana Galizia. The Prime Minister’s office was being implicated in the murder itself, particularly through the alleged involvement of the Prime Minister’s Chief of Staff.<sup>5</sup>

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<sup>4</sup> Reported by various news media outlets locally and internationally, including the Times of Malta, Malta Today, the BBC, and Sky News amongst many others: <https://timesofmalta.com/articles/view/yorgen-fenech-arrested-for-fourth-time.753052>; [https://www.maltatoday.com.mt/news/national/98742/afm\\_stops\\_17\\_black\\_owner\\_yorgen\\_fenechs\\_yacht\\_after\\_leaving\\_portomaso#.X2xSt2gzaUk](https://www.maltatoday.com.mt/news/national/98742/afm_stops_17_black_owner_yorgen_fenechs_yacht_after_leaving_portomaso#.X2xSt2gzaUk); <https://www.bbc.com/news/world-europe-50485721>; <https://news.sky.com/story/prominent-malta-businessman-yorgen-fenech-arrested-on-his-yacht-while-trying-to-leave-countrys-waters-11865428>.

<sup>5</sup> Reported by various news media outlets including the Times of Malta, the BBC and the Guardian: <https://timesofmalta.com/articles/view/keith-schembri-and-yorgen-fenechs-doctor-both-under-arrest.752986>; [https://www.maltatoday.com.mt/news/national/99120/keith\\_schembri\\_arrested\\_by\\_police\\_20191207#.X2xQbGgzaUk](https://www.maltatoday.com.mt/news/national/99120/keith_schembri_arrested_by_police_20191207#.X2xQbGgzaUk); <https://www.bbc.com/news/world-europe-50598255>; <https://www.theguardian.com/world/2019/nov/28/maltese-pms-aide-accused-of-being-mastermind-of-caruana-galizia-killing>.



## The Evidence in Brief

23. Following an urgent Cabinet meeting that was held on the night of 28 November and lasted until the early hours of 29 November 2019, then-Prime Minister Joseph Muscat wished to convene a press conference, and a press call was issued to which journalists responded in full force. Protesters were already standing outside the Auberge de Castille and remained there until the early hours of the morning of the 29 November 2019. Whilst the Cabinet meeting was in progress, journalists and media crews remained outside the building and were segregated from protesters. When the meeting ended, journalists and crew were directed to enter the Auberge de Castille from the side entrance on St Paul Street. This caused some confusion as protesters mingled with journalists and tried to gain access to the Auberge de Castille. Journalists and crew were therefore asked for press cards in order to distinguish them from protesters. Those journalists who could not provide press cards were not admitted.

24. The person apparently in charge at this stage was Matthew Carbone, Head of Government Communications in the Prime Minister's Secretariat.

25. The press conference was held in the Ambassadors' Hall at around 2.30 am in an orderly manner. It was addressed by the then-Prime Minister, who was flanked by most Cabinet members. The address was brief, with only some five questions being taken. When it ended, ministers exited through the door at the far end of the hall, commonly referred to as "the kitchen", that is located on the St Paul Street side of the building. Journalists and media crew were to exit through the door leading to the main staircase of the Auberge de Castille.

26. There may have been some 35–50 journalists and crew present, including members of the international press.

27. The controversy leading to the complaint was the fact that journalists were barred from leaving the Ambassadors' Hall by persons blocking all the exit doors, which persons were not identifiable as Government employees or official security personnel.

28. The journalists allege that:

- i. None of the individuals blocking the doors spoke to them or gave any reason for the detention of the journalists and crew;



- ii. None of the individuals manning the doors responded to the journalists' request to identify themselves.

29. On 6 December 2019 I wrote to then-Prime Minister Muscat as per letter attached and marked Document B, stating that:

*During the night of 28/29 November 2019, the media was invited to attend an official press conference in the Auberge de Castille at which you announced that the Cabinet had decided not to recommend a presidential pardon for Mr Yorgen Fenech.*

*It has been widely reported in the media that, after this brief press conference, the journalists present were physically detained for a period of time in the Ambassadors' Room in the early hours of the morning, against their will, with no explanation being given to them for this action.*

*It has also been reported that the persons physically blocking the exit of the journalists from the Ambassadors' Room were neither government employees nor official security personnel. It has been alleged that the persons in question, who refused to identify themselves, were not acting in any official capacity, and moreover they had possibly been engaged on the basis of their political affiliations since it seems that they were persons usually engaged in the counting hall by the Labour Party during elections.*

*These are serious allegations which, if true, may constitute abuse of power in terms of 22(2) of the Standards in Public Life Act (chapter 570 of the laws of Malta) (the Act), as well as a breach of various provisions of the second schedule of the Act, including the following:*

*4.9 Ministers shall keep their roles as Ministers and as Representatives separate, as well as their role as a member of a political party.*

*5.8 Justice and respect – in their behaviour and in decisions which they take, Ministers shall show respect to the institutions and shall respect the laws of the country. ...*

*10.4 In the public interest, Ministers shall ensure that they have open communication with ... the broadcasting media and the public in general.*





30. I also requested the Prime Minister to present his reactions to the above-mentioned allegations and to provide the following information:

- i. Why were the journalists detained in the Ambassadors' Room following your press conference?*
- ii. Why did no officer from your secretariat communicate with the journalists during that period?*
- iii. Who were the persons blocking their exit, and on what basis were they chosen?*
- iv. Who allowed them into your office?*
- v. On what basis, contractual or otherwise, did these persons provide their services? Were they paid?*
- vi. Why were official government personnel not used for the purpose?*
- vii. Who was responsible for the decision to detain the journalists and who made the arrangements for this purpose? Were they acting on your instructions?*
- viii. Did you take any action on the matter after this incident?*

31. The Prime Minister replied on the 12 December 2019 (Document C) as follows:

*This Office categorically refutes the allegation as a blatant untruth.*

*I would like to immediately make it clear that reports being referred to are speculative and jump to unfair conclusions. I would like to present the facts which confirm that no journalists were locked or detained anywhere at the Office of the Prime Minister (OPM).*

- On Thursday 28<sup>th</sup> November 2019 at around 9pm, an urgent Cabinet meeting was called to discuss a request for a Presidential Pardon by the alleged mastermind in the assassination of Ms Daphne Caruana Galizia. As per procedure for Cabinet meetings, the media was not invited but turned up spontaneously outside the Office of the Prime Minister.*
- At the end of the Cabinet meeting, around 2:30am, the Prime Minister agreed to give a media statement to the journalists.*
- Unfortunately, when staff from OPM Communications Office went to escort the journalists into the Auberge de Castille, a group of*



*vociferous protestors who also happened to be outside the Office of the Prime Minister tried to force themselves into the building causing an evident security breach. The crowding of entrances to the Auberge de Castille on that night also prevented Government officials from leaving the building when the Cabinet meeting was over.*

- *Direct communication was established with the journalists, namely Keith Demicoli from TVM and Ivan Martin from Times of Malta, explaining that, instead of calling off the planned media statement, the Prime Minister will wait until the situation outside calms down and all the journalists (around 50 in total) could get in.*
- *After some time, staff from OPM Communications Office once again tried to accompany the journalists into the Auberge de Castille. While media did manage to enter the building, other unauthorised people also managed to get in.*
- *The press conference was, nonetheless, held and proceeded in a serene manner. The Prime Minister, with members of Cabinet standing next to him, delivered his media statement and answered a number of questions by local and foreign journalists until around 3:30am.*
- *Once the press conference was over, journalists were asked by OPM officials, namely Ronnie Vella and Nikhail Karl Spiteri, to wait inside the hall until the cabinet members walk out. This process lasted not more than two and a half minutes. Media is well aware that this is a normal procedure and is regularly used during such press conferences. It stands to reason that these events should be held in an organized and orderly way. In fact, the absolute majority of journalists who were present did not complain and waited for a couple of minutes as they always did in the past.*
- *On the other hand, a few others insisted that they should not wait and, while filming the commotion with their cameras and mobile phones, claimed that they were being illegally held - an absolutely false claim in the circumstances. It was at that time that, admittedly and regrettably, another two persons who entered the press conference hall without authorisation decided unilaterally to join OPM officials in asking journalists to wait until members of Cabinet walk out of the room.*
- *These persons were not contracted or paid and the necessary steps were immediately taken to remedy the situation.*



*It is pertinent to note that, while some of those who presented themselves as journalists walked out of the press conference hall, they chose to hurl obscene insults at the Prime Minister and members of Cabinet. This, in fact, proves that asking media to wait for two and half minutes, at most, was a correct decision to avoid an unwarranted situation from escalating.*

*Referring to article 22(2) of the Standards in Public Life Act (chapter 570 of the Laws of Malta), and various provisions of the second schedule of the Act quoted by your good self, you may wish to note that:*

*4.9 Ministers were present for the press conference as Members of Cabinet, and not as members of a political party, and that they had just decided in Cabinet in favour of adopting the advice given by the Attorney General and Police Commissioner on a request for a Presidential Pardon by the alleged mastermind in the assassination of Ms Daphne Caruana Galizia;*

*5.8 Ministers showed absolute respect to the journalists even when insulted by a few at the end of the press conference. The laws of the country were respected at all times by Ministers, as confirmed in a counter-protest presented by the Prime Minister on the 5<sup>th</sup> of December 2019 (attached);*

*10.4 During the past weeks, local and foreign journalists had regular opportunities to interview the Prime Minister and other members of cabinet, as can be clearly confirmed through an extensive number of media reports and broadcasted interviews.*

*While presenting the above official reply, please also note that representatives from the Communications team at the Office of the Prime Minister are ready to meet representatives from the Office of the Commissioner for Standards in Public Life to provide any further clarifications as may be necessary.*

32. I also received a statement (Document D) from Paul Caruana Galizia, a journalist who was present for the incident, that read as follows:

- 1. I, Paul Caruana Galizia [identity card number redacted] am the witness in this statement. I am an Editor at Tortoise Media Ltd in London and holder of a News Media Association press card (079791).*



*The facts in this statement come from my personal experience of the incident.*

2. *On 29 November 2019, I was among a group of journalists waiting outside the Auberge de Castille as a six-hour long cabinet meeting was held to discuss my mother Daphne Caruana Galizia's murder investigation.*
3. *The cabinet meeting ended at 2.30am when the Prime Minister's spokesman Nigel Vella summoned the press for a conference inside the Office of the Prime Minister (OPM). As we lined up in front of an entrance on Merchants Street, we were told that entry was only possible with a press card.*
4. *As I entered, an unidentified person checked my press card and passed me on to another unidentified person for a security check. As the second person checked my pockets, the Labour Party's director of communications Aleander Balzan grabbed my press card, examined it, and then handed it back to me.*
5. *I then went, along with dozens of other journalists, to the room in which the press conference was held at 3.00am. All Maltese media houses were represented as were major international media, including the BBC, The Guardian, and Reuters. There were no protestors in the room.*
6. *Some cabinet members were lined up in front of us as we entered. Some 10 minutes later, the Prime Minister entered and stood in front of a podium. He made a short statement, took three questions, and left the room. Journalists were not allowed to put questions to other cabinet members who were quickly ushered out of the room right after the Prime Minister.*
7. *Before journalists could leave the room, nine unidentified men quickly entered, shut the doors behind them, and lined up in front of the doors so as to block access to them. Journalists repeatedly asked why there were being locked into the room and for the men to identify themselves. The men did not respond. Some faced the door, so as not to be filmed or photographed. Journalists were confused and scared.*
8. *This unlawful detention lasted for over 10 minutes, all the while journalists asked to be released and for the men to identify themselves. One of the men kept both his hands on a door handle and pushed me away when I reached for it. Then, another one of the men moved to stand in front of the door handle, crossed his*



- arms, and smirked as I asked him to identify himself and said that he has no right to detain us.*
9. *When the unidentified men eventually let us out of the room, they moved to block a hallway at the end of which we could see cabinet members standing passively. Journalists called out questions to them. The unidentified men walked closer towards us in an attempt to block our view of the cabinet members and intimidate us.*
  10. *As this was happening, a number of journalists repeatedly asked Nigel Mifsud and head of government communications Matthew Carbone, who were among the unidentified men, who the men were. Mifsud did not reply. Carbone said: “Ma nafx. Ma nafx min huma” [I don't know. I don't know who they are].*
  11. *At this point, it became clear to us that the objective was to block journalists from speaking with any cabinet members who remained standing behind the unidentified men, staring back at us. Among them was Evarist Bartolo who was not present in the press conference.*
  12. *As I walked out of the Auberge de Castille through the front door, I came across Principal Permanent Secretary Mario Cutajar. I said to him: “I hope you're happy with the show that you just put on.” Cutajar sneered at me, and turned away without replying.*
  13. *Within hours, along with five other journalists and the Institute of Maltese Journalists, I filed a judicial protest against the Prime Minister and Attorney General in relation to the incident. Their counter protest, filed on 5 December 2019, claims that whoever willingly attended the press conference had “also freely accepted to abide by the rules of procedure including any decisions taken by security officials tasked with crowd control.”*
  14. *It is clear to all present that the press conference was chaotic, highly irregular, and followed no rules of procedure or protocol. No protocol or procedure was laid out before or during the press conference.*
  15. *Following the incident, journalists identified some of the men. None of them are “security officials” as the government’s counter protest claims:*
    - a. *Mark Gauci, known as Il-Lupu from Valletta, who I understand to be out on bail and who posts highly defamatory comments about my family and photographs of submachine guns online. He has no known position within OPM.*



- b. *Ronnie Vella, a Labour Party apparatchik and Planning Authority officer. He has no known position within OPM.*
- c. *Nikhail Karl Spiteri, a customer care officer at OPM.*
- d. *Leli McKay, from Valletta who is often seen with Economy Minister Chris Cardona. He has no known position within OPM.*
- e. *Jody Pisani, a canvasser of Environment Minister José Herrera. He has no known position within OPM.*
- f. *Jason Bonnici, from Valletta, and who appears to hold an undisclosed role within OPM and is often photographed with Keith Schembri.*
- g. *Reuben Sciberras, an ex-One News presenter, now head of secretariat at OPM.*

16. *I believe that the facts stated in this statement are true.*

33. The OPM officials listed in paragraph 19 above, who testified in this investigation, state that:

- i. The incident lasted not more than 2 minutes and 30 seconds, as shown on a video clip that was put up on social media;
- ii. They had no idea who admitted the persons listed in paragraph 20 above, namely Jody Pisani, Leli McKay and Mark Gauci;
- iii. None of them gave the persons indicated in point (ii) any instructions to block the exits to the room where the journalists were present;
- iv. It was normal practice for journalists to wait for a few minutes before leaving a press conference in order to allow the Prime Minister (and Ministers) to leave first;
- v. The situation was very tense with journalists hurling insults at them.

34. For the purposes of this report, it should be noted that Leli McKay and Mark Gauci, whom I summoned to give evidence as indicated in paragraph 20 above, were assisted by a lawyer during their interviews, and invoked the provisions of the proviso to article 19(5) of the Act, opting not to provide testimony on the grounds that they might expose themselves to criminal prosecution.

35. In his letter dated 23 October 2020 (Document K), Dr Muscat, who by now had relinquished both the office of Prime Minister and his seat in Parliament, reiterated his claim that journalists had “*waited for not more than two and a half minutes inside the hall until the cabinet members walked out*”,



and that this was a “*perfectly normal media-arrangement procedure regularly used during every press conference*”, and also used abroad. He expressed perplexity as to why a Prime Minister would “*even think of requesting or organizing the detention of a group of journalists after inviting them himself to ask their own questions in the early hours of the morning*”. He added that:

*Whether my staff should have communicated better with the media on the night is something which I am not aware of, but might always be the case. However, journalists were definitely familiar with such normal media-arrangement procedures, even more so in the context of a tense atmosphere which had developed prior to and after the same press conference.*

*Not only demonstrators tried to force themselves into the Auberge de Castille as already explained in my letter dated 12th December 2019, but when the journalists were asked for press cards to make sure that only media persons enter for the press conference, my staff were insulted as “dirt” and “mafia”. And right after the press conference, in the Auberge de Castille itself, a couple of those who presented themselves as journalists were insulting me and my staff as “animals” and “scum”.*

## **Considerations**

36. After the press conference, the Prime Minister and members of his Cabinet left the Ambassadors’ Hall using a separate exit from those later used by journalists and media crew. This might raise the question of why it was necessary to delay the departure of the journalists. The rationale is provided by the layout of this part of the Auberge de Castille.

37. The Ambassadors’ Hall is located on the second floor of the Auberge de Castille and occupies practically half the width of its façade. The hall is to the right of the main entrance when seen from Castille Place facing the façade. Ministers left the hall from an exit at the far end of the hall, close to the extreme right side of the building (overlooking St Paul Street). However, the Prime Minister’s office was located in the left side of the building. Thus, to reach the Prime Minister’s office ministers would have had to traverse the length of the Ambassadors’ Hall using the wide corridor running along the length of the hall and just behind it, from which the main staircase of the building was accessible. The exits from the hall that were used by journalists gave out onto this same corridor.



38. In his evidence Mr Matthew Carbone, Head of Government Communications in the Prime Minister's Secretariat, explained to me that the exit of journalists from the Ambassadors' Hall was delayed in order to give ministers time to clear the corridor and avoid direct encounters with journalists leaving the hall. Mr Carbone stated that it was established media management practice to allow ministers to leave press events first even under normal circumstances, let alone at a time of tension such as that prevailing on 28/29 November 2019.

39. The main contrast between the version of events provided by journalists and that provided by OPM officials and the former Prime Minister is possibly the length of time during which the doors of the Ambassadors' Hall were actually blocked. The video referred to by the OPM officials is circa two and a half minutes long, and one may assume that the recording of the incident only started when the journalists realised that they were not being allowed to exit the Ambassadors' Hall. It is therefore likely that the whole incident lasted longer than the two and a half minutes claimed by the officers of the OPM.

40. On the other hand, the journalists claim that it lasted for approximately 10 minutes. The truth probably lies somewhere in between. At 3.00am after a very tense and hard day, and given the circumstances at the time, the incident may have seemed longer than it actually was.

41. This however is of marginal relevance, if at all.

42. What appears to me to be more relevant is the fact that no one had the good sense to approach the journalists gathered there and explain to them in a calm manner that they had to wait for a few minutes until the Prime Minister and the Ministers exited, whereupon they would be let out.

43. All OPM officers who testified confirmed that they did not speak to the journalists at all during the incident. Whilst Ronnie Vella did claim that he spoke to the journalists, and that he was shown speaking to a journalist on a video clip that was circulated on social media, when asked to produce a copy he undertook to do so, but later affirmed that he could not trace it. He does not remember which journalist he allegedly spoke to.

44. To compound matters, the persons physically blocking the exits were not security personnel but were later identified as being an assortment of identified OPM staff members, a minister's driver, and two other individuals not in any way connected to the OPM but who were acting as impromptu





“security” officers and physically prevented attempts by some of the journalists to leave the hall.

45. The former Prime Minister’s assumption that “... *two persons who had entered the press conference hall without authorisation decided unilaterally to join OPM officials in asking journalists to wait until members of cabinet walk out of the room*” must be discounted. It suggests that the two persons in question spontaneously joined an action that they had no prior knowledge of. If the presence of these persons at Castille was unauthorized, they should have been politely asked to leave the building. Moreover, the claim that journalists were asked to wait is not supported by any of the evidence obtained.

46. In his statement the former Prime Minister added that “*These persons were not contracted or paid ...*” which I find credible in the circumstances, “... *and the necessary steps were immediately taken to remedy the situation*”. It is unclear as to how the situation was immediately remedied, and what action was taken with regards to the intruders who seem to have been welcomed as volunteer security personnel instead of their presence being treated as a security breach. Mr Matthew Carbone was asked whether he could shed any light on the statement in question. He indicated that he was familiar with the Prime Minister’s letter, and that the remedial action to which it referred was his opening of the doors to the Ambassador’s Hall in order to allow the journalists to exit once the Prime Minister had reached his office. This interpretation verges on the ludicrous: the doors would have been opened anyway. Claiming this as remedial action only confirms that no remedial action was in fact taken.

47. It is also noteworthy that none of the government officers interviewed admitted to having given instructions for the doors to be blocked and for the “security” to stop anyone exiting.

## **Conclusion**

48. As already indicated, the focus of my investigation has not been on whether or not it was an illegal act to keep journalists from exiting the Ambassadors’ Hall, and still less whether or not criminal responsibility for this act exists on the part of any person. I am concerned with the fact that no efforts were made to tell the journalists what was going on, and with the fact that some of those who manned the exits had no official role.



49. Whereas it is correct to state that journalists invited to attend a press conference are expected to comply with instructions given to them and to behave in a proper manner, one presupposes that instructions are properly given. In this case not only were instructions not properly given but none were given at all. OPM officials in their testimony rely on what is “normal practice” and do not state that anyone of them gave such instructions. The fact that exit points were blocked by unofficial security personnel who did not answer any questions at all increased the significance of this failure and provoked unnecessary fear and anxiety in some of those present.

50. One may understand that in the circumstances obtaining on 28 and 29 November 2020, in a very charged political situation where the government was under intense scrutiny by members of the local and international press, somebody might have panicked and taken initiatives that were uncalled for. In such a case, however, one would expect then-Prime Minister Joseph Muscat to acknowledge that his staff acted incorrectly, to inquire as to who was responsible, to hold them accountable for their actions, and to ensure that such actions would not reoccur. Instead, he claimed that the journalists were asked to wait until ministers had left the room, and that “*steps were taken*” to remedy the situation – claims that are contradicted by the evidence.

51. To hold a minister responsible for the actions of his or her staff might be considered a form of vicarious liability<sup>6</sup> in the absence of evidence that they were acting on the minister’s instructions. However, an attempt by a minister to justify the actions of his or her staff and to brush off the incident and to condone it through statements that are contradicted by the facts is not acceptable conduct. In the absence of a declaration censoring the actions of the perpetrators or an unequivocal apology for the incident at the time, the matter no longer hinges around the concept of vicarious liability. By such conduct a minister assumes ownership of, and shoulders direct personal responsibility for, the incident.

52. The Prime Minister called the press conference at his own office at the Auberge de Castille that enjoys the service of armed forces personnel regularly stationed at the entrance, as security. If it was felt that the circumstances warranted additional security personnel such reinforcement could easily have

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<sup>6</sup> In this context vicarious liability is used to refer to situations where one person is held liable for the misconduct of another.



been obtained. The assignment of party loyalists as unofficial security personnel is at best incorrect and abusive. This is a serious issue that calls into question the institutional integrity of Maltese government and the separation that should exist between state and party.

53. The recourse by members of Government to individuals who are known party loyalists whenever political unrest arises is, in my view, a relic of the distant past and which could have fuelled the political unrest at the time, even further.

54. Therefore, in my view, this incident represents a *prima facie* breach on the part of former Prime Minister Joseph Muscat of articles 4.9 and 5.8 of the Code of Ethics for Ministers and Parliamentary Secretaries, which state respectively that:

*4.9 Ministers shall keep their roles as Ministers and as Representatives separate, as well as their role as a member of a political party.*

*5.8 Justice and respect – in their behaviour and in decisions which they take, Ministers shall show respect to the institutions and shall respect the laws of the country. They shall show a sense of balance and consideration by being sensitive in general to all sectors of society, and in particular to the rights and aspirations of the persons concerned, in order to act with a sense of justice.*

55. An issue that may be raised at this point is whether Dr Joseph Muscat can still be found in breach of the relevant Code of Ethics, given that he is no longer Prime Minister nor even a member of Parliament, and as such no longer holds an office which is subject to the Standards in Public Life Act. This issue assumes greater importance in the light of a ruling by the Speaker on 11 January 2021 concerning the applicability of article 28 of the Act to persons who are no longer MPs.<sup>7</sup>

56. I have already addressed the issue of whether I retain jurisdiction to investigate an alleged breach of ethics on the part of a person who subsequently ceased to hold the office by virtue of which he was subject to the

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<sup>7</sup> <https://www.parlament.mt/media/110039/s-413-11012021-applikabilita-ta-sanzjonijiet-lil-eks-mps-standards.pdf>.



Act. The case in question concerned a person of trust who had left his position by the time I concluded my investigation. The relevant paragraph from the case report is reproduced below:

*The Standards in Public Life Act is silent as to whether I can investigate alleged misconduct by a person who was subject to the Act by virtue of the office he held when he allegedly committed the misconduct, but who subsequently ceased to hold that office. I sought legal advice on this point from Dr Henri Mizzi of Camilleri Preziosi Advocates, whose opinion is that “even where a person has resigned or otherwise been removed from his position as a person of trust, he may still be investigated by the Commissioner for any allegation concerning statutory or ethical breaches that he may have committed during the tenure of his post as a person of trust.” Dr Mizzi states that to read the law in a contrary sense “would make a mockery of it”. He adds that article 14 of the Act, which sets out time limits within which I can start an investigation, contains nothing to indicate that I cannot investigate an act committed by a person of trust who has since left office.<sup>8</sup>*

57. This logic applies with equal force to a person who relinquishes office as Prime Minister and member of Parliament, as Dr Joseph Muscat has done.

58. This conclusion is also congruent with the Speaker’s ruling of 11 January 2021, in connection with a separate case involving Dr Joseph Muscat.<sup>9</sup> In this case Parliament’s Standing Committee for Standards in Public Life unanimously adopted the conclusions of my report to the effect that Dr Muscat had acted in breach of the code of ethics whilst Prime Minister, notwithstanding the fact that he had resigned his seat in Parliament by the time I presented my report to the Committee. The Speaker’s ruling concerned the issue of sanctioning a person who had resigned his seat by the time the matter fell to be decided by the Committee pursuant to article 28 of the Act. The ruling clearly does not affect my ability to investigate alleged breaches of ethics on the part of persons

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<sup>8</sup> Report on case K/024 (1 September 2020), paragraph 20. The case report is available from <https://standardscommissioner.com/wp-content/uploads/Commissioner-for-Standards-case-report-K024.pdf>.

<sup>9</sup> See report on case K/022 (5 October 2020), available from <https://standardscommissioner.com/wp-content/uploads/Commissioner-for-Standards-case-report-K022-EN.pdf>.



who were ministers, members of Parliament or persons of trust at the time of the alleged breach, but who subsequently ceased to hold office.

59. Nor does the ruling affect the ability of the Standards Committee to consider any report which I might refer to it concerning such a person. The Committee can still, under article 27 of the Act, find that person in breach of ethics even if it cannot impose sanctions on him or her under article 28 of the Act. This is precisely what happened in the case which prompted the Speaker's ruling, as is noted in the preceding paragraph of this report and in the ruling itself.

60. This report is accordingly being submitted to the Standing Committee for Standards in Public Life as contemplated by article 22(3)(b) of the Standards in Public Life Act for consideration by the Committee under article 27 of the Act.

61. In line with the view taken by the Committee to retain the discretion whether and when to publish my report, it is my recommendation to the Committee that this report should be published and that a copy should be forwarded to the Complainant and to Dr Joseph Muscat. In accordance with the procedure agreed by the Committee, I shall inform the Complainant and Dr Muscat that I have submitted the report to the Committee.



**Dr George-Marius Hyzler**

Commissioner for Standards in Public Life



### **Documents Attached**

- Document A Letter dated 29 November 2019 from the Istitut tal-Ġurnalisti Maltin.
- Document B Letter to Dr Joseph Muscat, then Prime Minister, dated 6 December 2019.
- Document C Prime Minister's reply dated 12 December 2019.
- Document D Statement by Paul Caruana Galizia dated 9 December 2019.
- Document E Letter dated 31 January 2020 from the Istitut tal-Ġurnalisti Maltin.
- Document F Statement by Christian Peregin dated 1 February 2020.
- Document G Statement by Julian Bonnici dated 7 February 2020.
- Document H Statement by Monique Agius dated 7 February 2020.
- Document I Statement by Matthew Caruana Galizia dated 31 January 2020.
- Document J Letter to Dr Joseph Muscat dated 30 September 2020.
- Document K Reply by Dr Muscat dated 23 October 2020.



29 ta' Novembru, 2019.

Lil Dr George Hyzler

Kummissarju għal Standards fil-Ħajja Pubblika

Bini tal-Parlament

Valletta.

Għaziż Dr Hyzler,

L-Istitut tal-Ġurnalisti Maltin hu mħasseb ħafna dwar il-mod kif l-Uffiċċju tal-Prim Ministru u diversi ministeri qed jitrattaw lill-ġurnalisti tagħna.

Nigbidlek l-attenzjoni għal dak li seħħ fil-Berga ta' Kastilja – l-Uffiċċju tal-Prim Ministru – fil-lejl bejn it-28 u d-29 ta' Novembru 2019 wara li l-ġurnalisti kienu mistiedna jattendu għal konferenza stampa għal ħabta tat-3.00 a.m. mill-Prim Ministru fejn għarrafhom li t-talba tan-negozjanti Jurgen Fenech għal maħfra presidenzjali, kienet miċhuda. Għal din il-konferenza kienu preżenti għadd ta' ġurnalisti Maltin u barranin.

Fi tmiem il-konferenza stampa, l-Prim Ministru ħa biss ftit domandi u telaq mill-kamra minkejja li kien evidenti li kien hemm bosta ġurnalisti li xtaqu jagħmlu l-mistoqsijiet tagħhom.

Izda aghar minn hekk, wara li l-Prim Ministru, il-Ministri u s-Segretarji Parlamentari li kienu preżenti, ħarġu mis-sala, il-ġurnalisti nżammu kontra l-volonta tagħhom, milli huma wkoll joħorġu mis-sala għal ħin konsiderevoli – bl-intenzjoni ovvja biex il-Prim Ministru u l-Ministru jilhqu jitbiegħdu u l-ġurnalisti ma jkunux jistgħu jagħmlulhom domandi.

Ninfurmak li l-ġurnalisti nżammu msakkra fis-sala tal-konferenza min-numru ta' persuni li ma humiex uffiċjali tas-sigurta' jew pulizija, anqas impjegati tal-Uffiċċju tal-Prim Ministru u li ma riedux jidentifikaw ruħhom.

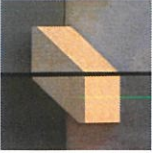
Nitolbu d-deċiżjoni tiegħek jekk aġir bħal dan hux konformi ma' standards fil-ħajja pubblika f'pajjiż demokratiku u jekk tħossx li għandek tagħmel xi rakkomandazzjonijiet biex incidenti bħal dawn ma jergħux isehħu.

Grazzi u tisljiet.

Nigel Mifsud

Segretarju – Istitut tal-Ġurnalisti Maltin

L-ISTITUT TAL-ĠURNALISTI MALTIN, SUITE 120, 280, REPUBLIC STREET, VALLETTA



## Commissioner for Standards in Public Life

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6 December 2019

Hon Joseph Muscat  
Prime Minister

By email via [joseph.muscat@gov.mt](mailto:joseph.muscat@gov.mt)

Prime Minister,

### **Alleged detention of journalists at the Auberge de Castille**

During the night of 28/29 November 2019, the media was invited to attend an official press conference in the Auberge de Castille at which you announced that the Cabinet had decided not to recommend a presidential pardon for Mr Yorgen Fenech.

It has been widely reported in the media that, after this brief press conference, the journalists present were physically detained for a period of time in the Ambassadors' Room in the early hours of the morning, against their will, with no explanation being given to them for this action.

It has also been reported that the persons physically blocking the exit of the journalists from the Ambassadors' Room were neither government employees nor official security personnel. It has been alleged that the persons in question, who refused to identify themselves, were not acting in any official capacity, and moreover they had possibly been engaged on the basis of their political affiliations since it seems that they were persons usually engaged in the counting hall by the Labour Party during elections.

These are serious allegations which, if true, may constitute abuse of power in terms of article 22(2) of the Standards in Public Life Act (chapter 570 of the laws of Malta) (the Act), as well as a breach of various provisions of the second schedule of the Act, including the following:

*4.9 Ministers shall keep their roles as Ministers and as Representatives separate, as well as their role as a member of a political party.*





*5.8 Justice and respect – in their behaviour and in decisions which they take, Ministers shall show respect to the institutions and shall respect the laws of the country. ...*

*10.4 In the public interest, Ministers shall ensure that they have open communication with ... the broadcasting media and the public in general.*

I have therefore opened an investigation on this conduct in terms of article 13(1)(b) of the Act.

You are kindly requested to present your reactions to the above-mentioned allegations, and also to provide the following information:

- (1) Why were the journalists detained in the Ambassadors' Room following your press conference?
- (2) Why did no officer from your secretariat communicate with the journalists during that period?
- (3) Who were the persons blocking their exit, and on what basis were they chosen?
- (4) Who allowed them into the Auberge de Castille?
- (5) On what basis, contractual or otherwise, did these persons provide their services? Were they paid?
- (6) Why were official government personnel not used for the purpose?
- (7) Who was responsible for the decision to detain the journalists and who made the arrangements for this purpose? Were they acting on your instructions?
- (8) Did you take any action on the matter after this incident?

You are kindly requested to reply by not later than **Thursday 12 December 2019**.

Yours sincerely,

Dr. George Marius Hyzler  
Commissioner for Standards in Public Life



12 December 2019

Dr George Marius Hyzler  
Commissioner for Standards in Public Life

*Dear Commissioner,*

**Re: Alleged detention of journalists at the Auberge De Castille**

Thank you for the letter dated 6<sup>th</sup> December informing the Office of the Prime Minister of an investigation by the Office of the Commissioner for Standards in Public Life on the allegation that journalists were detained at the Auberge de Castille during the night of 28/29 November 2019. Red 10

This Office categorically refutes the allegation as a blatant untruth.

I would like to immediately make it clear that reports being referred to are speculative and jump to unfair conclusions. I would like to present the facts which confirm that no journalists were locked or detained anywhere at the Office of the Prime Minister (OPM).

- On Thursday 28<sup>th</sup> November 2019 at around 9pm, an urgent Cabinet meeting was called to discuss a request for a Presidential Pardon by the alleged mastermind in the assassination of Ms Daphne Caruana Galizia. As per procedure for Cabinet meetings, the media was not invited but turned up spontaneously outside the Office of the Prime Minister.
- At the end of the Cabinet meeting, around 2:30am, the Prime Minister agreed to give a media statement to the journalists.
- Unfortunately, when staff from OPM Communications Office went to escort the journalists into the Auberge de Castille, a group of vociferous protestors who also happened to be outside the Office of the Prime Minister tried to force themselves into the building causing an evident security breach. The crowding of entrances to the Auberge de Castille on that night also prevented Government officials from leaving the building when the Cabinet meeting was over.



- Direct communication was established with the journalists, namely Keith Demicoli from TVM and Ivan Martin from Times of Malta, explaining that, instead of calling off the planned media statement, the Prime Minister will wait until the situation outside calms down and all the journalists (around 50 in total) could get in.
- After some time, staff from OPM Communications Office once again tried to accompany the journalists into the Auberge de Castille. While media did manage to enter the building, other unauthorised people also managed to get in.
- The press conference was, nonetheless, held and proceeded in a serene manner. The Prime Minister, with members of Cabinet standing next to him, delivered his media statement and answered a number of questions by local and foreign journalists until around 3:30am.
- Once the press conference was over, journalists were asked by OPM officials, namely Ronnie Vella and Nikhail Karl Spiteri, to wait inside the hall until the cabinet members walk out. This process lasted not more than two and a half minutes. Media is well aware that this is a normal procedure and is regularly used during such press conferences. It stands to reason that these events should be held in an organized and orderly way. In fact, the absolute majority of journalists who were present did not complain and waited for a couple of minutes as they always did in the past.
- On the other hand, a few others insisted that they should not wait and, while filming the commotion with their cameras and mobile phones, claimed that they were being illegally held - an absolutely false claim in the circumstances. It was at that time that, admittedly and regrettably, another two persons who entered the press conference hall without authorisation decided unilaterally to join OPM officials in asking journalists to wait until members of Cabinet walk out of the room.
- These persons were not contracted or paid and the necessary steps were immediately taken to remedy the situation.

It is pertinent to note that, while some of those who presented themselves as journalists walked out of the press conference hall, they chose to hurl obscene insults at the Prime Minister and members of Cabinet. This, in fact, proves that asking media to wait for two and half minutes, at most, was a correct decision to avoid an unwarranted situation from escalating.

Referring to article 22(2) of the Standards in Public Life Act (chapter 570 of the Laws of Malta), and various provisions of the second schedule of the Act quoted by your good self, you may wish to note that:



4.9 Ministers were present for the press conference as Members of Cabinet, and not as members of a political party, and that they had just decided in Cabinet in favour of adopting the advice given by the Attorney General and Police Commissioner on a request for a Presidential Pardon by the alleged mastermind in the assassination of Ms Daphne Caruana Galizia;

5.8 Ministers showed absolute respect to the journalists even when insulted by a few at the end of the press conference. The laws of the country were respected at all times by Ministers, as confirmed in a counter-protest presented by the Prime Minister on the 5<sup>th</sup> of December 2019 (attached);

10.4 During the past weeks, local and foreign journalists had regular opportunities to interview the Prime Minister and other members of cabinet, as can be clearly confirmed through an extensive number of media reports and broadcasted interviews.

While presenting the above official reply, please also note that representatives from the Communications team at the Office of the Prime Minister are ready to meet representatives from the Office of the Commissioner for Standards in Public Life to provide any further clarifications as may be necessary.

Yours sincerely,

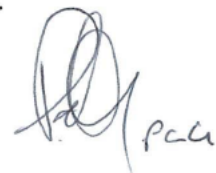
A handwritten signature in blue ink, appearing to be 'J. Muscat', written in a cursive style.

Joseph Muscat  
Prime Minister

Journalists Detained Inside the Office of the Prime Minister on 29 November 2019  
Statement for Commissioner for Standards in Public Life

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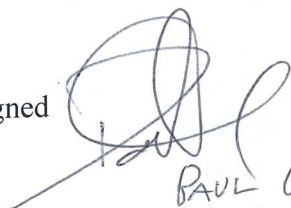
1. I, Paul Caruana Galizia (██████) am the witness in this statement. I am an Editor at Tortoise Media Ltd in London and holder of a News Media Association press card (079791). The facts in this statement come from my personal experience of the incident.
2. On 29 November 2019, I was among a group of journalists waiting outside the Auberge de Castille as a six-hour long cabinet meeting was held to discuss my mother Daphne Caruana Galizia's murder investigation.
3. The cabinet meeting ended at 2.30am when the Prime Minister's spokesman Nigel Vella summoned the press for a conference inside the Office of the Prime Minister (OPM). As we lined up in front of an entrance on Merchants Street, we were told that entry was only possible with a press card.
4. As I entered, an unidentified person checked my press card and passed me on to another unidentified person for a security check. As the second person checked my pockets, the Labour Party's director of communications Aleander Balzan grabbed my press card, examined it, and then handed it back to me.
5. I then went, along with dozens of other journalists, to the room in which the press conference was held at 3.00am. All Maltese media houses were represented as were major international media, including the BBC, The Guardian, and Reuters. There were no protestors in the room.
6. Some cabinet members were lined up in front of us as we entered. Some 10 minutes later, the Prime Minister entered and stood in front of a podium. He made a short statement, took three questions, and left the room. Journalists were not allowed to put questions to other cabinet members who were quickly ushered out of the room right after the Prime Minister.
7. Before journalists could leave the room, nine unidentified men quickly entered, shut the doors behind them, and lined up in front of the doors so as to block access to them. Journalists repeatedly asked why there were being locked into the room and for the men to identify themselves. The men did not respond. Some faced the door, so as not to be filmed or photographed. Journalists were confused and scared.
8. This unlawful detention lasted for over 10 minutes, all the while journalists asked to be released and for the men to identify themselves. One of the men kept both his hands on a door handle and pushed me away when I reached for it. Then, another one of the men moved to stand in front of the door handle, crossed his arms, and smirked as I asked him to identify himself and said that he has no right to detain us.
9. When the unidentified men eventually let us out of the room, they moved to block a hallway at the end of which we could see cabinet members standing passively. Journalists called out questions to them. The unidentified men walked closer towards us in an attempt to block our view of the cabinet members and intimidate us.



Paul Caruana Galizia

10. As this was happening, a number of journalists repeatedly asked Nigel Mifsud and head of government communications Matthew Carbone, who were among the unidentified men, who the men were. Mifsud did not reply. Carbone said: "*Ma nafx. Ma nafx min huma*" [I don't know. I don't know who they are].
11. At this point, it became clear to us that the objective was to block journalists from speaking with any cabinet members who remained standing behind the unidentified men, staring back at us. Among them was Evarist Bartolo who was not present in the press conference.
12. As I walked out of the Auberge de Castille through the front door, I came across principal permanent secretary Mario Cutajar. I said to him: "I hope you're happy with the show that you just put on." Cutajar sneered at me, and turned away without replying.
13. Within hours, along with five other journalists and the Institute of Maltese Journalists, I filed a judicial protest against the Prime Minister and Attorney General in relation to the incident. Their counter protest, filed on 5 December 2019, claims that whoever willingly attended the press conference had "also freely accepted to abide by the rules of procedure including any decisions taken by security officials tasked with crowd control."
14. It is clear to all present that the press conference was chaotic, highly irregular, and followed no rules of procedure or protocol. No protocol or procedure was laid out before or during the press conference.
15. Following the incident, journalists identified some of the men. None of them are "security officials" as the government's counter protest claims:
  - a. Mark Gauci, known as *Il-Lupu* from Valletta, who I understand to be out on bail and who posts highly defamatory comments about my family and photographs of submachine guns online. He has no known position within OPM.
  - b. Ronnie Vella, a Labour Party apparatchik and Planning Authority officer. He has no known position within OPM.
  - c. Nikhail Karl Spiteri, a customer care officer at OPM.
  - d. Leli McKay, from Valletta who is often seen with Economy Minister Chris Cardona. He has no known position within OPM.
  - e. Jody Pisani, a canvasser of Environment Minister José Herrera. He has no known position within OPM.
  - f. Jason Bonnici, from Valletta, and who appears to hold an undisclosed role within OPM and is often photographed with Keith Schembri.
  - g. Reuben Sciberras, an ex-One News presenter, now head of secretariat at OPM.
16. I believe that the facts stated in this statement are true.

Signed



PAUL CARUANA GALIZIA

Dated

9 December 2019

## DOCUMENT E



Associate Member of



31 ta' Jannar, 2019.

Dr. George Hyzler

Kummissarju għall-Standards fil-Ħajja Pubblika

Valletta.

Għażiż Dr Hyzler,

Qabel xejn nixtiequ niskuzaw ruhna għad-dewmien biex bagħtna din ir-risposta minhabba li kellna xi ċaqlieq fil-kompożizzjoni tal-Kunsill tal-Istitut billi xi membri sabu xogħol ieħor 'l hinn mill-ġurnalizmu u kellhom ikunu sostitwiti.

Kif taf tajjeb, l-incident imsemmi nqala, fil-lejl ta' bejn id-29 u t-30 ta' ta' Novembru fil-Berġa ta' Kastilja. Is-Segretarju Ġenerali tal-Kunsill, Nigél Camilleri, li hu ġurnalista mal-Public Broadcasting Services, kien preżenti u assista għal dak'kollu li ġara, personalment.

Fil-jum tad-29 ta' Novembru, fil-Berġa ta' Kastilja kienet qed issir laqgħa tal-Kabinet biex tiddiskuti u tiddeciedi dwar talba li għamel Jürgen Fenech, li qed ikun akkużat fil-Qorti b'konnessjoni mal-qtil tal-ġurnalista Daphen Caruana Galizia.

Il-ġurnalisti Maltin u barranin ingabru barra Kastilja jisennew l-eżitu tal-laqgħa u biex jiehdu l-kummenti tal-Prim Ministru jew Ministri.

Sadattant, qrib Kastilja bdew jingabru wkoll xi nies li mal-hin komplew jizdiedu. Fil-fehma tagħna kien hemm nuqqas ta' organizzazzjoni min-naħa tal-Pulizija jew ma kienx hemm koordinament biżżejjed bejn il-Pulizija u l-Uffiċċju tal-Prim Ministru. Dan ngħiduh għall-fatt li l-pulizija għamlu barrikati mit-triq għal fuq it-taraġ ta' Kastilja biex ħolqu kurudur biex meta jkun il-waqt il-ġurnalisti jgħaddu minnu biex jidhlu fl-Uffiċċju tal-Prim Ministru. Izda fil-fatt dan ma serva għal xejn.

L-ISTITUT TAL-ĠURNALISTI MALTIN, SUITE 120, 280, REPUBLIC STREET, VALLETTA

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Associate Member of



Għax għal habta tat-3.00 a.m., wara siegħat twal ta' stennija, il-ġurnalisti ntalbu jidhlu Kastilja għall-konferenza stampa tal-Prim Ministru, dawn flok ma għaddewhom mill-bieb ewlieni tal-Berga ta' Kastilja, niżżluhom lura biex jidhlu mill-bieb tal-ġemn li jinsab fi Triq San Pawl. Dan holoq konfużjoni sħiħa bil-membri tal-pubbliku jiġru wkoll fl-istess direzzjoni u thalltu mal-ġurnalisti.

F'din l-entratura, is-soldati, kif inhu xieraq u ġust, hallew jidhlu biss lil dawk li kellhom x'juru li huma ġurnalisti u mhux lil kulhadd. Infatti kien hemm ġurnalisti li ma' kellhomx fuqhom dokument ta' identita ġurnalistika li ma thallewx jidhlu. Dwar dan l-Istitut ma għandu ebda problema.

F'ebda hin, il-ġurnalisti Maltin u Barranin li thallew jidhlu f'Kastilja ma kienu mgħarrfa jew intqalilhom minn xi hadd, li kienet se tkun segwita' xi proċedura jew protokoll partikolari għal din il-konferenza.

Il-Prim Ministru, mdawwar minn membri tal-Kabinett għamel dikjarazzjoni qasira li fiha nforma lill-membri tal-istampa li l-Kabinett, b'mod unanimu kien qabel li t-talba ta' Yurgen Fenech għall-maħfra għandha tkun miċhuda.

Il-Prim Ministru mbagħad ha xi domandi tal-ġurnalisti, mhux aktar minn 5 jew 6 u daħal il-ġewwa. Il-konferenza stampa intemmet hemm.

Kif inhu normali, mat-tmiem tal-konferenza, il-ġurnalisti li kien ilhom jistennew barra għal siegħat twal, f'dak il-hin tal-lejl, ippruvaw joħorġu biex jirritornaw lejn l-uffiċċji jew imorru lura d-dar, iżda ma thallewx joħorġu mis-sala tal-konferenza.

Il-bieb tas-sala kien imbarrat minn persuni li ma kellhom ebda forma ta' identifikazzjoni, li ma riedux jidentifikaw ruħhom mal-ġurnalisti u li ma kienux membri ta' xi forzi tas-sigurtà. Għall-kuntrarju, uħud minnhom huma magħrufa minn xi ġurnalisti li kienu involuti f'xi inċidenti ta' vjolenza politika.

Minkejja l-protesti tal-ġurnalisti prezenti, dawn thallew hekk imsakkra għal aktar minn hames minuti wara li kienet intemmet il-konferenza.

Fil-fehma tagħhom u tal-Istitut tal-Ġurnalisti Maltin dan jammonta għal trattament illegali għax inżammu kontra l-volonta tagħhom; aġir li jmur kontra d-dritt tal-libertà tal-espressjoni u fuq kollox aġir li mhux aċċettabbli f'soċjetà

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demokratika. Fuq kollox, l-Istitut tal-Ġurnalisti jhoss li dan l-aġir illegali u irresponsabbli ma jirrispettax livelli xierqa fil-ħajja pubblika.

Ma' din l-ittra qegħdin nannettu wkoll dawn id-dokumenti:

Protest Ġudizzjarju mill-ġurnalisti u l-IGM kontra l-Prim Ministru, dwar l-akkadut;

Kontra Protest tal-Prim Ministru għal dan il-Protest;

Stqarrija tal-IGM b'risposta għall-Kontro Protest tal-Prim Ministru.

Mill-ġdid niskuzaw ruħna għad-dewmien u nistennew bil-ħerqa id-deċiżjoni tiegħek.

Insellu għalik.

Mario Schiavone

Teżorier Onorarju

Istitut tal-Ġurnalisti Maltin

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**George Hyzler - Office of the Commissioner for Standards in Public Life**

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**From:** Christian Peregin <chris@lovinmalta.com>  
**Sent:** Saturday, February 1, 2020 11:25 AM  
**To:** George Hyzler - Office of the Commissioner for Standards in Public Life  
**Subject:** Statement regarding journalists' detainment in Castille

Commissioner,

Below is my personal statement of the facts of what happened on the night of November 28th/29th in Castille:

**On 28th November, there was an important Cabinet meeting called at night and like the rest of the press, I camped outside Castille to wait for comments to be given after the meeting. The expectation was that the Prime Minister would give the press comments on the steps outside Castille as generally happens after such meetings.**

**The meeting took very long. If I recall, in excess of six or seven hours.**

**During that time there was a big press presence outside Castille and there were also a number of onlookers/protestors who gathered on Castille square.**

**Besides journalists and protestors there was also a large group of men believed to be individuals close to or employed by various ministers. At first I thought they were just the drivers of the ministers.**

**However, at one point, when there were rumours that the Cabinet meeting had ended, and journalists huddled together outside the front entrance of Castille, this group of men gathered around the press in what felt like a very intimidating move.**

**It was at that point that tensions began to soar that evening. In fact, the police later set up barriers, cordoning off protestors on their own, journalists on their own, and (upon the insistence of the journalists and protestors) barriers around this group of men too.**

**Then, at one point, OPM officials came out from the side entrance of Castille to inform reporters that a press conference was going to be held indoors rather than outside on the steps. The journalists gathered their belongings and we started to walk to the side entrance of Castille.**

**Frustrated protestors noticed the movement and rushed to the side entrance - as did the gang of men - creating a bit of a panic among Castille officials at the side entrance who decided not to let anybody enter.**

**Journalists were therefore crammed between the entrance of Castille and a group of protestors.**

**Eventually, I explained to protestors that the press was being invited inside for a press conference but we would not be let in if Castille officials feared protestors**

would storm the building. The protestors understood and backed off. Castille officials then began processing journalists and letting them in. (They refused to grant entry to Matthew Caruana Galizia because he did not have a press card, sparking further tension.)

After a while, the press made it to the press conference hall and Joseph Muscat delivered a press conference. Everything was very cordial even though journalists wanted to ask more questions than they were allowed to ask in the time window allocated.

However, after Joseph Muscat and the Cabinet left the hall, journalists found themselves unable to leave because a number of men (who may have been the same men from the gang outside Castille but I cannot be sure) were blocking the door from which journalists had entered.

Paul Caruana Galizia (who had been let in as a journalist because he had a press card) asked to leave the hall first but the men guarding the door, refused to open.

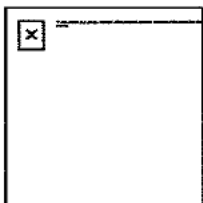
Caruana Galizia became very annoyed by their actions and began to ask who they were to be blocking journalists from leaving the room. He asked if they were police officers or Castille officials or employed in any way by the state. Other journalists also began to ask questions and demand to leave the room. However, we were kept inside the hall without being allowed to leave, with tensions flaring. Consider that journalists had been waiting for hours and these were the early hours of the morning and everyone wanted to go back home and start writing the stories from the press conference.

Eventually, the door was opened and the journalists were allowed to leave the hall and walk out of Castille.

Even though the detaining only lasted a few minutes, no justification was provided for it and it did not seem like a reasonable thing to do considering journalists were at no point hostile. It was also disconcerting that this detainment was organised by people who did not seem to have any official capacity. In general, it felt like intimidation, much like the earlier incident when a gang of men surrounded the journalists outside the steps of Castille.

Thanks,  
Chris

--



**Chris Peregin**  
Founder & CEO



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Hardrocks Business Park,  
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**George Hyzler - Office of the Commissioner for Standards in Public Life**

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**From:** Julian Bonnici <julian@lovinmalta.com>  
**Sent:** Friday, February 7, 2020 2:51 PM  
**To:** Office  
**Subject:** CASE K/017: Julian Bonnici Statement  
**Attachments:** EOUeLEW4AYosJ6.jpg

Good Afternoon Dr Hyzler,

Apologies for the late statement. Here it is below:

After waiting all night while cabinet held an urgent meeting to discuss Yorgen Fenech's pardon, the press was finally invited into Castille for a press conference. Given the tensions surrounding the case, security was already quite high when entering the building, with AFM officers handling our entry.

The then-Prime Minister gave a short press conference on the pardon and took a few questions afterwards.

Once he left, I was packing my things, and I noticed some commotion by the doors of the press conference room.

I approached and found five men guarding the doors. I repeatedly asked for them to identify themselves and whether they worked for the AFM (who have jurisdiction over the building), the Police, or any other state authority.

All the men refused, and they continue to resist letting people exit. Paul Caruana Galizia expressly tried to exit and was blocked off by one of the men.

When we were finally allowed out, I asked OPM Communications Head Matthew Carbone if he could identify the men for me. He also refused, storming off in the opposite direction.

I also asked OPM Spokesperson Nigel Vella for their identities several times. He also refused, instead just telling me to exit the building.

Following some independent research, I have identified that some of the men work as drivers for the Ministers. I see them regularly, with one of the men even posing for a selfie with MPs while protestors were outside parliament. (See attached)

He is still employed, and I see him around press events regularly.

Thank you,

Julian Bonnici

--

**Julian Bonnici**  
**Journalist at Lovin Malta**

T: [REDACTED]

E:[julian@lovinmalta.com](mailto:julian@lovinmalta.com)

**George Hyzler - Office of the Commissioner for Standards in Public Life**

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**From:** Agius Monique <monique.agius@newsbook.com.mt>  
**Sent:** Friday, February 7, 2020 7:19 PM  
**To:** George Hyzler - Office of the Commissioner for Standards in Public Life  
**Subject:** RE: Statement addition

The unlawful detention was exacerbated by the time of day given that it was after 3am. The detainers did not give an explanation or otherwise identify themselves. They did not have any tags and were neither familiar OPM faces. The stance adopted was evidently an intimidatory one.

I did file a police report some days later, can't remember exactly when, but it was after the incident outside parliament because I filed two separate police reports. I also signed the judicial protest.

---

**From:** Agius Monique  
**Sent:** 07 February 2020 19:10  
**To:** commissioner@standardscommissioner.com  
**Subject:** Statement

Dear Dr Hyzler,

I trust this email finds you well. Apologies for sending my statement so late. Kindly see below:

On 28<sup>th</sup> November I was sent to wait outside the Office of the Prime Minister to doorstep Prime Minister Joseph Muscat. The situation was calm throughout the day, initially I was on my own then other media started to arrive including foreign media. At around 7.30pm in the evening, ministers and parliamentary secretaries started turning up at Castille. One of the ministers was even in his home clothes.

Some time in the evening the news that Keith Schembri had been the release by the Police without a charge made rounds and people started gathering outside. Police set up barriers between the journalists and the people. The journalists were confined to a small area set up on the stairs of the Office of the Prime Minister and the pavement.

"Thugs", the drivers and people usually hanging around ministers and parliamentary secretaries were also around. Initially they were around to roam freely in no one man's land. But I had asked the police that if we're going to be confined behind a barrier and if the people are confined, then the thugs should be confined in their own space. The police then set up an area next to the police fixed point outside Castille.

With the Cabinet meeting underway, we were still outside. We did cross "no man's land" when Matthew Caruana Galizia arrived for his comment since Schembri had been released. I crossed another time when Helene Asciak, sister of slain journalist Daphne Caruana Galizia arrived. Initially the police tried getting me back to "area for journalists". Then they did allow us to speak.

Around 2.50am on 29<sup>th</sup> November we got to know that there was a press conference. The said press conference was to be held upstairs in Castille. We were asked to go through the side door (the entrance where the reception desk is). The people gathered outside did follow us seeing us going there. A moment of chaos ensued. The police had not set up any barriers on this side. Among the group of journalists there was also Paul Caruana Galizia and Matthew Caruana Galizia.

I overheard a journalist speaking on the phone with someone "hawn Matthew maghna qed jipprova jidhol mal-gurnalisti". I grabbed Matthew's arm, I think, and told him immediately. Some time later there was a voice, could have been police or soldier from inside Castille saying that we had to get our press cards ready and show them before we'd be allowed in. Matthew Caruana Galizia protested, saying that the instruction was only because they knew he was among the group. I remember saying "Matthew jidhol maghna wkoll" and chiding One journalist for laughing, saying that Matthew was a journalist. It was all very confusing.

Then we were taken upstairs, if I recall correctly, I used the stairs. There was no place to sit. I was at the front, on the side of the door from where we entered. The press conference started. When the press conference ended, only 3 or 4 questions were allowed despite having all the local media and various foreign media. Once it ended, the ministers and parliamentary secretaries and the prime minister left. We packed up and made our way to door. Initially it was confusing since the door was closed. The mobile would not work and I did not start filming immediately both due to the sudden panic and confusion, and also because of my mobile not working properly. Having been to other press conference in Castille before, it was confusing as to why we were being held inside. Looking around none of those men were familiar or from the usual setting of a press conference at Castille. I started the live video broadcast on Facebook – Newsbook.com.mt page.

<https://www.facebook.com/newsbook.com.mt/videos/1023948417951377/>

Paul Caruana Galizia was already asking the men who were they.

There was no one from OPM – Matthew Carbone, Nigel Vella or Ramona Attard. Just people who resembled the “thugs” outside. The men would not speak.

I joined Paul Caruana Galizia asking questions. I asked fellow journalists to call the police. The men would not let us out. They stood by both doors. We were all tired. The live was a mixture of news reporting and maybe “activism”. I kept repeating that the press conference was over and that we were locked inside out of shock and panic.

At some point I asked the men what was their legal basis for holding us inside. They did not reply to our questions. They kept staring at us and made sure that doors were closed. At one point the other door opened and let someone out only to be firmly shut again.

Another journalist asked who they were. The men refused to identify themselves by staying silent. At one point one of the thugs opened the door slightly, Matthew Carbone was on the other side. He would not reply despite being head of communications. We confronted them. No one replied. We were confined to the landing with the thugs while we shouted at Carbone why we were not allowed to ask questions when hauled into a press conference and who were the people who held us inside.

Nigel Vella came up the stairs and kept repeating “jekk jghogbkom” his way asking us to leave. I kept asking him who were those people but he never replied.

Propagandist cum journalist Brian Hansford at one point intervened saying that it was not true that we were held inside Castille. I confronted him asking “are you serious?”

Once outside, there were people shouting slogans. I approached the activists and stopped the live. There was a friend of mine in the crowd who suggested that I should file a police report. I spoke to Victor I believe he’s either a superintendent or assistant commissioner and burst out crying. He told me that the verbal report is valid however, I should go to the police station and file a report. I then turned on one of the police officers and showed him the video and asked him if he the men in the video were police. He replied: “dawk kif telghu hemm?”

The video still has a traumatic effect on me. I still cannot watch the thing in full. Psychologically, it reminded me of the Riot police in Turkey shooting gas canisters at the protesters.

Thank you

Best Regards,  
Monique Agius

Mobile: [REDACTED]



George Marius Hyzler  
Commissioner for Standards in Public Life  
11 St Paul Street  
Valletta VLT 1210  
Malta

31 January 2020

Dear Commissioner,

Thank you for your letter dated 29 January 2020.

On 28 November I arrived in Valletta between 9pm and midnight to witness the protest taking place in front of the Auberge de Castille. There were many police officers standing around the Auberge, between a cordon of barricades and the building.

I waited in silence for the cabinet meeting to end, among the protestors. For a long time, nothing happened and the crowd was completely motionless, not physically agitated, as people were tired. The police were silent and appeared jittery but not defensive or aggressive.

While standing near the barricades, I heard one of the police officers in front of me say, “Issa” to the others. The police officers lifted up the barricades and began to push them onto me and the other members of the crowd.

Before or after this happened, I saw a middle-aged man with slicked-back hair and a red lanyard around his neck emerge from the side of the Auberge and approach a One News propagandist, a woman, who was standing apart from the journalists. I had earlier witnessed this man speaking to the police in front of me.

The official appeared to be briefing the One News propagandist ahead of the journalists and I called another journalist among the crowd to ask the official what was going on. The journalist did so, calling me back to say that the cabinet was going to come out to brief the press outside.

I waited in the crowd until some people who appeared to be government staff emerged from the side entrance on St Paul Street, triggering a rush in that direction. They waved the journalists towards the side entrance and they rushed towards it, as did I.

Along with many cameramen and reporters, I was then forcibly held in the small threshold space between the glass door of the side entrance and the police officers in front of the outside of the doorway. At no point was any member of the press or crowd of protestors violent or aggressive.

While we were stuck in this space, Matthew Carbone, Ronnie Vella and at least three or four men whom I did not recognise rushed towards the glass door together. Carbone shouted through the glass door towards us (without opening the door) that people will only be let through if they have a

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The Daphne Caruana Galizia Foundation is registered as a non-profit advocacy and civil rights organisation in Malta with enrolment number VO/1633 and foundation number LPF-280.



press card. I understood that they would not open the door to let anyone in until I left the space, did not wish for the other journalists to be held hostage there, and left.

Ronnie Vella was previously known to me. He appears in the video footage shot by Monique Agius of Newsbook, inside the Auberge. He is the leftmost person (above the North Face logo) in the Times of Malta article *OPM silent on 'security people' inside PM's office*, of 30 November 2019.

Yours sincerely,

A handwritten signature in black ink, appearing to be 'MCG', written over a horizontal line.

Matthew Caruana Galizia  
Director  
The Daphne Caruana Galizia Foundation

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30 September 2020

Hon Dr Joseph Muscat MP

By email to [REDACTED]

Dr Muscat

**Alleged detention of journalists at the Auberge de Castille**

Please refer to my letter dated 6 December 2019 on the subject in caption, and your reply dated 12 December 2019.

I am now in a position to conclude my investigation of this case. In accordance with article 18(3) of the Standards in Public Life Act (chapter 570 of the laws of Malta), I am forwarding to you the evidence I have gathered. This consists of the following documentation:

- (a) a complaint dated 29 November 2019 by the Institute of Maltese Journalists, which I have taken into consideration although I started my investigation on an own-initiative basis in accordance with article 13(1)(b) of the Act;
- (b) the written record of a meeting with Nigel Mifsud and Mario Schiavone from the Institute of Maltese Journalists that was held on 3 December 2019;
- (c) a written statement dated 9 December 2019 by Paul Caruana Galizia;
- (d) my letter to Matthew Caruana Galizia on 29 January 2020, and his reply dated 31 January 2020;
- (e) my letter to Paul Caruana Galizia on 29 January 2020, and the reply on his behalf dated 31 January 2020 by Peter Caruana Galizia;
- (f) my letter dated 29 January 2020 to Julian Bonnici, and his reply dated 7 February 2020;
- (g) written records of verbal evidence given by Mark Gauci, Ronnie Vella, Emanuel McKay, Jody Pisani, Reuben Sciberras, Nikhail Karl Spiteri, Nigel Vella, Matthew Carbone and Jason Bonnici in February 2020;
- (h) an email dated 17 February 2020 from Ronnie Vella;



- (i) my letter dated 19 February 2020 to the Acting Commissioner of Police, and his reply dated 2 June 2020.

I have audio recordings of my meetings with most of the witnesses mentioned at (g) above which I could also make available to you should you wish.

Should you wish to add anything to your letter of 12 December 2019, you are kindly requested to do so by not later than **Friday 9 October 2020**. After this date I shall conclude my investigation of this case.

Dr George Marius Hyzler  
Commissioner for Standards in Public Life

Dr George Marius Hyzler  
Commissioner for Standards in Public Life

Dr Hyzler,

**Re: Alleged detention of journalists at the Auberge De Castille**

My reply is without prejudice as to whether or not I fall within the category of persons listed under Article 3 of Chapter 570 of the Laws of Malta, and given the fact that I was still a sitting member of the House of Representatives when I received the said correspondence from your office.

Following your correspondence dated 30<sup>th</sup> September 2020, I once again strongly affirm that, on the night between the 28<sup>th</sup> and 29<sup>th</sup> of November 2019, there was no case of detention of journalists at the Auberge de Castille.

On the contrary, it was the undersigned who, with respect to transparency, insisted that a press conference should be held at the end of an urgent Cabinet meeting at 2:30am, even though my Communications staff were advising to call it off after they themselves had seen a dangerous situation escalating outside our offices.

A press conference did in fact take place during which I addressed the media with a statement and answered questions from local and foreign journalists.

Why would a Prime Minister even think of requesting or organizing the detention of a group of journalists after inviting them himself to ask their own questions in the early hours of the morning, genuinely escapes me.

As already explained in my letter dated 12<sup>th</sup> December 2019, and as declared by a number of witnesses in the evidence you have gathered, I am informed that journalists simply waited for not more than two and a half minutes inside the hall until the cabinet members walked out.

This is a perfectly normal media-arrangement procedure regularly used during every press conference to ensure organized and orderly management. It is also the same process used during bilateral meetings I attended to abroad and by foreign institutions such as the United Nations and the European Council.

In fact, to date, the absolute majority of journalists, videographers and photographers who were present on the night between the 28<sup>th</sup> and 29<sup>th</sup> November 2019, did not come forward with any complaint.

Whether my staff should have communicated better with the media on the night is something which I am not aware of, but might always be the case. However, journalists were definitely familiar with such normal media-arrangement procedures, even more so in the context of a tense atmosphere which had developed prior to and after the same press conference.

Not only demonstrators tried to force themselves into the Auberge de Castille as already explained in my letter dated 12<sup>th</sup> December 2019, but when journalists were asked for press cards to make sure that only media persons enter for the press conference, my staff were insulted as “dirt” and “mafia”. And right after the press conference, in the Auberge de Castille itself, a couple of those who presented themselves as journalists were insulting me and my staff as “animals” and “scum”.

In those particular circumstances, it would have been irresponsible for media-management procedures not to be implemented and instead allow everyone to walk out through the same corridor at the same time. Yet, with no stretch of the imagination, can this arrangement be interpreted as some sort of detention of journalists.

This case has been considered by some, as is their own right, to be worthy of a Police report and is now being investigated by Court. While I look forward to that decision, I understand that the conclusion of your investigation will await a res judicata and that the whole process of Court will be made part of your investigation.

Your sincerely,

A handwritten signature in black ink, appearing to be 'JM', with a large, sweeping flourish extending to the right.

Joseph Muscat