


Defending
INTEGRITY




An Anti-Corruption
Strategy & Manifesto

repubblika

A CIVIL SOCIETY MOVEMENT



If you have so far stayed silent, do understand that your voice matters, and we need it on our side. Speak up. The more of us there are, the deeper we will sink omertà. This country does not belong to the mafia. This country belongs to you. You are Malta.



Repubblika is a civil society association registered as a voluntary organisation with the Office of the Commissioner of Voluntary Organisations “to promote civil rights, democratic life, the rule of law, free speech, personal freedoms, social inclusion, environmental conservation, economic sustainability and equality of access, by means of active participation in the national discourse and related educational, social and charitable initiatives.”¹

¹ “Statut.” *Repubblika*, 25 Jan. 2019, repubblika.org/statut/. Accessed 30 Jul. 2024.

Table of Contents



Foreword	2
Executive Summary	4
Introduction	6
Corruption and Organised Crime	9
Omertà and Us	17
The Civic Response	21
The Sack of Malta	23
<hr/>	28
The Malta that Said No to the Mafia	31
The Lessons We Did Not Learn	39
Other Neglected Lessons	42
Outstanding Commitments of the Ruling Party	49
Policy Priority Areas	51
Monitor, Denounce, Act	57
Invitation	60

Foreword

We are delighted to present this Manifesto for a Civil Society Alliance Against Corruption. In this document, you will find how we came to found our organisation – Repubblika – and identify our mission as anti-corruption activists, what we think should be our next steps, and above all else, an invitation to our community to stand together for legality and against abuse of power and mafia crime.

Our response to corruption and pervasive illegality is an act of loyalty to our community. We are often confronted with the criticism that we are ‘washing the country’s dirty linen in public’, ‘betraying Malta’, and we are ‘holier than thou’ and expect to teach people how to live.



Photo by Darrin Zammit-Lupi

We do no such thing.

Participating in our community’s life and politics is our duty as responsible citizens. Malta is a democracy, which means we choose our leaders by ballot, and a majority identifies those leaders. It is not a compromise with that principle to state that this is not only a democracy but also a republic, which means this is a society governed by laws, not by the will of individuals, and that leaders, however large the majority that supports them, are subject to those laws.

People in the country’s administration are responsible for protecting the rights of minorities of any size, even a minority of one. They are also accountable to everyone, not just to those who voted for them.

It is, therefore, imperative that the scrutiny of the conduct of people who are granted political power is constant, consistent, and vigilant.

This is why we argue for strong and independent institutions empowered and expected to act to prevent, detect, and punish wrongdoing even if – especially if – the perpetrators are people of power.

This is why we argue for the liberation of our independent media, [REDACTED]

This is why, as committed citizens of this republic, we step up to hold the powerful within it to account, to remind them that their authority is transient, that the influence they enjoy has been afforded to them as a service to the common good, that our expectation that they act within the law is our right; and that to demand that they respect this and to denounce them when they don’t is our duty as responsible citizens.

This is why we are Repubblika.

Vicki Ann Cremona
President, Repubblika
2 October 2024



repubblika

Executive Summary

This Anti-Corruption Strategy and Manifesto outlines a comprehensive approach to combating corruption in Malta. The document emphasises the need for a robust civic response to entrenched corruption and organised crime that undermine democratic institutions and societal trust.

Key Points

This is a call to action for Maltese society to unite against corruption and organised crime. This document stresses the importance of civic responsibility, institutional integrity, and continuous vigilance to uphold democratic principles and ensure a fair, just society.

1. Repubblika promotes civil rights, democratic life, the rule of law, free speech, personal freedoms, social inclusion, environmental conservation, economic sustainability, and equality.
2. The organisation's mission is to defend civil and human rights, support democratic institutions, and promote active civic participation in resisting corruption.
3. Corruption in Malta is seen as intertwined with organised crime, impacting negatively various sectors including, but not only, public procurement, provision of public services (health and social care), natural and urban environment, law enforcement agencies, citizenship, and financial services.

4. The Manifesto identifies corruption as a tool criminal organisations use, to infiltrate and manipulate public policy and law enforcement.

5. Key corruption cases highlighted include the Electrogas project, the Vitals/Steward healthcare scandal, Social Security Benefits fraud, and a related cover-up exercise, Pilatus Bank, [REDACTED]

These cases exemplify the extent of institutional corruption and the challenges faced in holding perpetrators accountable.

7. Repubblika advocates for strong, independent institutions capable of preventing, detecting, and punishing corruption.

8. The organisation emphasises protecting journalists, promoting media freedom, and supporting whistleblowers and state functionaries who courageously live up to their responsibilities.

9. **Policy Recommendations:**

- a. Implement outstanding recommendations for legal and institutional reforms.
- b. Establish new codes of ethics that reflect contemporary needs.
- c. Enhance freedom of information laws.
- d. Increase transparency of political funding.
- e. Strengthen whistleblower protection.
- f. Ensure the social reuse of confiscated assets.
- g. Enhance the legal standing of civil society organisations.
- h. Ensure transparency in prosecutorial decisions.

Repubblika's Manifesto is a call to action for Maltese society to unite against corruption and organised crime. It stresses the importance of civic responsibility, institutional integrity, and continuous vigilance to uphold democratic principles and ensure a fair, humane, and just society.

10. **Engagement and Advocacy:**
This Manifesto calls for active engagement with international bodies, journalists, educators, and NGOs to create a united front against corruption. It encourages community participation, inviting donors, volunteers, researchers, and educators to contribute to the cause.

11. **Strategic Goals:**

- a. Promote legality and civic responsibility through education and public discourse.
- b. Mobilise public support to address the causes and consequences of corruption.
- c. Ensure justice for victims of corruption and advocate for systemic change.

Introduction

This document does not gather evidence of corruption or define it. For the present exercise, we will use *Transparency International's* definition, which, though by no means the only one available, identifies what we want to work against.

'Corruption is the abuse of entrusted power for private gain. It erodes trust, weakens democracy, hampers economic development and further exacerbates inequality, poverty, social division, and the environmental crisis.'²

We have no claim to moral authority and are not entitled to admonish others' failings. We aim to improve the social and economic structure in which our country operates. Our mission is political.

Firstly, we are democrats. We defend human rights and are committed to stepping up when these are violated.

We believe in the state. Without the illusion that we can have a perfect republic, we are convinced we can have better institutions, laws, and administrations that work in the public interest, promote the benefit of the community, and protect the rights of the individual.

Democracy is more than a set of rules. It is also a society where intolerance is the only view that is not tolerated. We are concerned with a polarised public discourse, with a public language that exacerbates or renews prejudice and starves us all of a shared understanding of facts and founding concepts of community life, such as what it means to be a citizen and what the ground rules of democratic life should be.

We are also conscious of the injustice of gross economic inequalities, especially as we see them widen. For us, a fairer society must do more than operate lawfully. We do not merely resist discrimination based on gender, race, or economic means. We denounce disadvantages or inequality of access.

We feel responsible for the great injustice we have perpetrated at the expense of generations yet unborn: the ruination of our living environment, of breathable air, of a sustainable climate, of diverse and thriving ecosystems, and even of our human-made living space.

We refuse to accept corruption as an inevitable side-effect of our shared experience. Nor do we consider the small size of our country or the cultural context of our people as some mitigating justification for unethical conduct in public life. We do realise corruption is a constant threat. By extension, we accept that it is our responsibility as conscientious citizens to be vigilant against it, to openly denounce it when we see it, and to take action to eradicate it.

In a democratic society, we delegate the role of detecting, exposing, and punishing crime to institutions. Even if they work perfectly, a state of being which is in and of itself impossible, institutions do not relieve us of our duty as citizens to participate in the collective effort to fight crime.

Firstly, we are democrats. We defend human rights and are committed to stepping up when these are violated.

² "WHAT IS CORRUPTION?" *Transparency International*, www.transparency.org/en/what-is-corruption. Accessed 30 Jul. 2024.

OUR MISSION

This is why it is our mission as conscientious citizens to participate in our democracy and invest our time and commitment in improving the community we live in. Our role as civil society has several aspects.



We openly **support institutions** and people of conscience working within them who are fighting corruption and will defend them against the threats and assaults they face from the corrupt.



We **protest** to the fullest extent possible in a democratic society the failure of institutions to live up to their duties in the fight against corruption, whether those failures are due to a lack of resources and capabilities or, worse, the infiltration of corrupt interests in those institutions.



We seek, wherever the law permits us, **administrative and judicial review** of institutional failures, executive overreach, abuse of power, and unlawful decisions not to investigate or prosecute corruption.



We speak for **whistle-blowers** and witnesses to help them expose the evidence they have and ensure they are not punished or retaliated against for cooperating in the public interest.



We **protect sources** that provide us with intelligence, information, or evidence that may be relevant in the fight against corruption. We also argue for the protection of sources of independent journalists and news organisations.



We argue for a **free press**, the safety of journalists, and the improvement of legal guarantees that allow the press to fulfil their function, which we deem necessary in a democratic society.



We openly **denounce corruption**, demand that those responsible for it face the consequences as required by law, and insist that political responsibility be carried, including through the proportionate exclusion from public office of persons who have participated in or enabled corruption.



We speak for the **victims of corruption**, notwithstanding that they may not recognise themselves as such. We argue for and strive to document their identification. We mobilise them to seek lawful redress and provide them with legal assistance by any means available. We act on their behalf in pursuit of recognition of the violation of their rights and argue for compensation to make them whole again.



We keep prominent and in sharp focus **the memory of Daphne Caruana Galizia**, an innocent victim of corruption and organised crime, [REDACTED] as she worked to document and expose extensive corruption and its flooding of every level of the Maltese state. We insist justice is served [REDACTED]. We also insist that the perpetrators of the crimes [REDACTED] for exposing are made to pay.



We work with **international organisations** and the media to support the monitoring of Malta's compliance with its laws and international norms in the fight against corruption.



We advocate for **constitutional and legislative reform** and improving administrative procedures and norms to equip the state with better means to detect and combat corruption.



We **promote legality** within the community, which includes the values required to refuse to participate in, enable, collaborate with, compromise with, or tolerate corruption.



We campaign for **education** that fosters a culture of legality, civic responsibility, and democratic participation in younger generations.

This document aims to gather the various sources of inspiration for our activity, identify the tools we need to erect a national civic anti-corruption alliance and elaborate on a strategy for civic resistance to corruption.

This is how we understand our mission and how we plan to fulfil that mission better. This is how we want to serve our community, country, and society, including those within it who agree and those who disagree with us.

This is our Manifesto for an Anti-Corruption Alliance for Malta.

Corruption and Organised Crime

We have described our anti-corruption efforts as amounting to an “anti-mafia” campaign. The term famously entered local discourse in the first public remarks made by Matthew Caruana Galizia hours after he witnessed [REDACTED]

In the context of the inevitable controversy that comes with denunciations of corrupt conduct by public officeholders, the term “mafia” has often been assumed to be a hyperbolic exaggeration intended for effect rather than for any substantive significance. No doubt, the term “mafia” is often used as a generic group insult that vaguely denotes a secretive group that shares irregular or unlawful interests and seeks to secure them.

Our use of the term ‘mafia’ is deliberate. We do not intend it as a metaphor or a rhetorical exaggeration.

We use the term for the following reasons:

1. It is our view that corruption is being used as an asset in the arsenal of criminal organisations to encroach on the public space in which they conduct their activities. This means that organisations concerned with unlawful economic activities such as the trafficking of drugs, arms, and humans, and the smuggling of goods use corruption to influence and control public policy and law enforcement. As such, though the bribing and trading in the influence of public officers and holders of public office is a distinct crime, it is also a pivotal part of the criminal infrastructure of far more complex criminal activities.
2. It is also our view that corruption exploits Maltese citizenship and the rights reserved for Maltese citizens to access the European Union and third countries. It does so to allow organised crime to launder proceeds of international crime or other forms of embezzlement and grand corruption in other countries. This includes the proceeds of crimes perpetrated by mafia organisations in other countries, including, but not limited to, Italy.
3. Our understanding of corruption is not limited to activities that are at the present time defined as criminal under our laws. As the EU's Strategy to tackle Organised Crime (2021-2025)³ observes, “under EU anti-corruption rules, Member States are *required* to criminalise both active and passive corruption of public officials (...) However, these instruments do not cover certain corruption-related offences, such as trading in influence, abuse of power, illicit enrichment, misappropriation or other diversion of property by a public official.” Indeed, we suspect that the failure of our legislators to criminalise activities that serve the interests of organised crime is possibly deliberate.

³ "Document 52021DC0170: COMMUNICATION FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT, THE COUNCIL, THE EUROPEAN ECONOMIC AND SOCIAL COMMITTEE AND THE COMMITTEE OF THE REGIONS on the EU Strategy to Tackle Organised Crime 2021-2025 (COM/2021/170 Final)." *EUR-Lex*, 14 Apr. 2021, eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A52021DC0170&qid=1656795805716. Accessed 30 Jul. 2024.

4. We see a profound erosion of the ability of state institutions to combat corruption. This erosion is not outside anyone's control. It is brought about by programmatic action by holders of public office who have sought to ensure institutional weakness through deliberate underfunding and diversion of resources, the dismissal or casting aside of conscientious officers, their replacement with collaborators or useful idiots, and legislative changes that reduced the means of transparency and accountability. We have seen the systematic dismantlement of the professional civil service and its replacement by political appointees. This enables grand and smaller corruption, such as providing basic public services in exchange for money or political support. Though bribing an official for basic service such as obtaining a public document is not part of some grand mafia crime, it is at least a consequence of the erosion of justice in providing public services to serve the interests of grand mafia crime.
5. Crime is also a sociological phenomenon, especially mafia crime. We see corruption securing and retaining deep roots in our lives as a community and in our culture. Mafia crime relies on clientelism, public acquiescence, if not, in some cases, enthusiastic support, which it secures by using appropriated resources originally belonging to the community to reward the community for its collaboration and support. As such, we do not think that corruption can be effectively resisted merely by prosecuting it when it is detected but that a cultural and community effort to promote legality is necessary to begin the process of uprooting mafia crime.
6. We observe patterns of behaviour that may at first appear unconnected but that, when seen together, show beyond any doubt the infiltration of criminal interests in the public administration. These are evident, for example, in the erection of economic monopolies secured by manipulated public procurement and the granting of public concessions to narrow interests who enjoy privileged access through corruption. This, in turn, results in public policy making, which is designed to ensure that beneficiaries enjoy a constant stream of money-making initiatives funded through the funnelling of public funds that are ostensibly to serve public interests but are indeed intended for personal profit. Consider for example the public procurement of building and repairing public infrastructure. Similarly, public land is granted, and land use is regulated according to criteria set by the corruption of public officials rather than by public utility, despite the obvious environmental harm this causes. Though in some respects not explicitly illegal, the funding of political parties conducted in secret and without public scrutiny and accountability is a form of corruption intended to influence public policy through private means and for private interests.

7. Though corruption is by no means a phenomenon that was introduced to our country in 2013, the exposure of the Panama Papers and subsequent journalistic and judicial investigations of the infrastructure set up by senior government officials to receive and launder proceeds of corruption has given a new meaning to the concept of "institutionalised corruption". Consider the charges served on former prime minister Joseph Muscat in the case of the privatisation of three public hospitals and the reasonable suspicion that he was directly involved in soliciting, securing, and laundering bribes connected to several other of his activities as head of Malta's executive branch. These have given credence to the fear that the corruption of Malta's institutions has now reached unprecedented levels of influence and consequence. Indeed, corruption is feared to have penetrated so deeply, and perpetrators are so politically powerful that there is concern that it has become impossible to restrain the actions of a conspiracy to use the Maltese state in the service of crime.
8. We are not surprised by the determination of people who, to retain their office of state, attempt to label the anti-mafia message as merely an exaggerated rhetorical device serving the partisan interest of some political grouping. To paraphrase someone else's remark about a faceless crime lord, the greatest trick the mafia ever pulled was convincing the world it didn't exist. We reject the accusation that we are imagining the infiltration of the mafia in our republic. We understand this is done to deny the community's support, but we also understand that it is our task to shed light on the darkness that has captured our country.

We, therefore, reject the claim that asking our community to accept that mafia crime exists and that it uses corruption as a tool to enable its activities is some attempt to undermine Malta's reputation or to create opportunities for advantage for political opponents of the government in office. We do not feel that anything we can do could possibly make Malta's reputation worse than it is. We certainly believe that reversing the infiltration of the mafia in our community's life will require far more effort than a change in the political party at the head of the government of the day.

On the contrary, we seek to make our community increasingly aware of the facts we list here and that, as citizens, we all must respond to this reality once we can agree that we cannot allow criminal interests to capture the country's resources and wealth and take it away from law-abiding members of the community.

We do not feel that anything we can do could possibly make Malta's reputation worse than it is.

We do not underestimate the difficulty of this effort. We also understand that there are things we can do to improve our own contribution to the national discourse. These can include:

1. Providing the public with documented evidence and research to substantiate our claims better.

2. Avoiding discourse that can be conflated with political partisanship.

3. Being clear about our publicly declared mission without implying that we consider it completed with the conviction of a generation of political leaders or their removal from government.

4. Seeking the support of the broader community of civil society activists and community leaders.

5. Renewing our efforts to engage in an open and frank dialogue with community leaders, institutions and political parties.

6. Improving our methods of communication.

It should be clear, however, that improving our communication methods and techniques is not intended to make our message more palatable or popular. The more important purpose is mobilising public support in a nationwide campaign to address the causes and consequences of the criminal capture of the institutions and the culture described here.

Corruption is especially enabled by the public's tolerance for it when it is discovered or by general fatalistic acceptance of its inevitability. A news report exposing corruption is sometimes described as a 'scandal', yet it is often met by public indifference and institutional inaction. Consider the underlying meaning of the word 'scandal'. It does not describe an act that *should* cause shock but rather the shock caused by that act. People are less likely to be shocked by something similar or even less serious than something they heard of the week before. They cannot be 'scandalised' by systematic behaviour, however objectively abhorrent that behaviour may be, and however shocked they may have been the first time they heard of such behaviour.

Political consequences for those responsible for corruption usually follow the public's outrage due to the exposure of wrongful actions. Take away the outrage, and out with it goes political sanction. Failure to properly apply the law in prosecuting perpetrators of crime also favours corruption. Whatever the law says, no one expects prosecution of behaviour they have come to expect. Indeed, if this is the sort of conduct

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the public expects of their politicians, it is easy to move from excusing that conduct to positively defending it and expressing outrage against its prosecution. The public will perceive action against those politicians as unfair persecution. The politicians are being hounded merely for doing what they're expected to do. Public attitude of certain sectors of the population towards Joseph Muscat and his close associates demonstrate this clearly.

Consider, for example, the provision of unlawful money laundering services in Malta for proceeds from embezzlement from countries like Azerbaijan, Angola, and Venezuela. No doubt, the misappropriation of the resources of the people of those countries causes them untold deprivations and is unbearably unjust. However, none of that suffering is visible to the Maltese, nor is it likely that citizens here connect a faceless bank in Ta' Xbiex with that suffering even if they could see it.

Consider, as another example, the use of certain Maltese gaming licences to operate betting shops in Germany and the Netherlands, which enable Calabrian drug lords to launder their proceeds from intercontinental trafficking of narcotics. There is no doubt that narcotics cause enormous pain and loss to individuals and entire communities. Undoubtedly, that business is only possible because the people who operate it can spend the profits on their lifestyle without getting caught. No doubt, allowing Maltese law (or the failure to apply it or its wrongful application) to serve these criminal interests enables them to inflict this suffering. There is no doubt that, as a community, we do not see this.

We see more immediate consequences of the corrupt tolerance of unlawful activity by bribed public officials. Consider compromised and ineffective enforcement of planning laws, disposal of public land, or even something as simple as enforcing laws that protect workers' health and safety. The case of Jean-Paul Sofia, aided by incidental facts such as his age and nationality, his political affiliation, and the extraordinary abilities and determination of his mother, was a rare occasion where the public began to be dimly aware of the possible connection between corruption and the lives of innocent citizens. In general terms, however, we are largely desensitised as a community to these systemic weaknesses in our public administration and often dismiss any suggestion that they result from corruption; rather, this kind of criticism is portrayed as some spin that serves the partisan interests of the political opposition.

Enforcement is weakened not only because bribes and other forms of influence and rewards might compromise those heading it. We feel concerned about strategic appointments of persons to leading positions in law enforcement without regard to merit or qualifications; we are even more concerned when they feel the obligation of loyalty to what they may imagine is a political group – but which is, in fact, the front of a deeper criminal interest.

Enforcement is also weakened when an entity or body is starved of resources, demoralised, ignored, has its competencies diluted, and has its legitimacy undermined. Several recent examples of these circumstances apply as much to enforcement as they do to other branches of institutional activity that are supposed to restrain and clamp down on corruption.

We see more immediate consequences of the corrupt tolerance of unlawful activity by bribed public officials.

We name a few examples.



Several experienced and competent senior police officers have resigned from the Corps as a result of what was effectively their constructive dismissal through systematic abuse, mistrust, and unwarranted pressure exerted by the police chief and his political bosses.⁴



The office of the Commissioner for Standards in Public Life is no longer headed by an individual chosen by cross-party consensus. The incumbent was indeed chosen despite the objections of the Parliamentary opposition. Also, reports by that office have been frequently overruled by the Parliamentary majority.



Similarly, the Office of the Ombudsman reports and recommendations have been ignored, and their officers have reported ministers' failure to cooperate with their investigations, naturally without consequence.⁵



Recommendations of the National Audit Office are also all too often ignored.



Officials in several public agencies, such as the Social Security Department, the Transport Authority, and others, have reported to investigators receiving instructions from ministers to discriminate in exercising their functions in favour of persons identified by the ministers or their staff.



Despite repeated observations by local and international actors and individual members of the judiciary publicly declaring that the judicial system is verging on collapse, the judiciary remains under-resourced and overstretched and unable to meet its core function of serving justice within a reasonable time.



The prosecution services are headed by a political appointee who enjoys security of tenure and who also had no experience whatsoever in prosecuting crimes before her first day as chief prosecutor. In the meantime, the unit, despite being burdened by increased competencies taken over from the police, lacks middle-management capabilities and is consistently undermined. Though performance statistics are hard to come

⁴ There were 90 resignations from the Police Corps between 2020 and 2022 compared with 29 between 2013 and 2015. See: Montebello, Sean. "Police Officers Resigning at Increasing Rate." *The Shift*, 8 Mar. 2024, theshiftnews.com/2024/03/08/police-officers-resigning-at-increasing-rate/. Accessed 30 Jul. 2024.

⁵ In 2023, outgoing Ombudsman Anthony Mifsud called for changes to the law to stop parliament's "lack of respect" towards his office, after it ignored all the 35 investigations he tabled in the last three years. See: Xuereb, Matthew. "Ombudsman Decries Disrespect As Parliament Ignores All His Reports." *Times of Malta*, 15 Jan. 2023, timesofmalta.com/article/ombudsman-decries-disrespect-parliament-ignores-reports.1007281. Accessed 30 Jul. 2024.



by, anecdotal evidence suggests an appalling record of botched prosecutions. Weaknesses in the judicial system empower abuse of executive power. Despite the legal requirement that alleged violations of fundamental human rights are heard as swiftly as possible, constitutional proceedings can drag on for years. The authorities do not comply with court orders after these proceedings because they defend their position in appeal, potentially extending a declared violation. Even decisions of the European Court of Human Rights (ECtHR) are only complied with in respect of the plaintiffs who brought the decided case, and identical rights of other people in identical circumstances are wilfully violated until their own fresh identical complaints are ultimately given redress several years later by a superior court or the ECtHR. There still is no National Human Rights Agency.



The law imposes binding limits on the recognition of legal standing when the courts are faced with claims of human rights violations, particularly if these concern the consequences of corruption. The courts will only entertain cases brought by people who show themselves as specific victims – victim status is still seen as a 'special status', even though in corruption cases it is often indistinguishable from the shared suffering of an entire population, which is the typical consequence of corruption.



The courts also too often take a dim view of a plaintiff's failure to seek "ordinary remedies" before some other court or tribunal or before an administrative organ prior to seeking redress before the courts of constitutional jurisdiction. It is reasonable to expect a complainant to seek redress through a constitutional action only if this is necessary. Any alternative however must be effective. Too often, it is not. Indeed, no ordinary court or tribunal or administrative organ has the general power to recognise a human rights violation or the wide discretion necessary to provide adequate redress to these violations. These "ordinary remedies" include the judicial review of administrative actions that can be requested before the civil court but can only provide a quashing or annulment of an administrative decision, not its replacement by an actual remedy – the administrative entity is simply asked to decide again. Therefore, an unlawful rejection of a service on discriminatory grounds can only be declared annulled by the civil court. Still, due to its decision, the civil court cannot force the authorities to provide that service.



Our laws leave very little, or no opportunity for civil society organisations campaigning in the interest of victims of corruption to make claims for judicial review or to participate in prosecuting alleged perpetrators when these occur. Similarly, the relatively new addition of the right of "victims" of crimes to seek judicial review in the civil courts of a decision by the attorney general not to prosecute a crime is very ineffective in the cases likely to be the subject of such a review, namely corruption or corruption-related cases. We argue that the attorney general decides not to prosecute corruption cases precisely because they are corruption cases, and their prosecution will likely cause political embarrassment. However, decisions not to prosecute are made in secret, and in any case, victims of corruption do not usually recognise themselves as such.



It is not just in law enforcement that appointing leaders on the basis of personal or “political” loyalty to ministers undermines the fair and independent application of the law. Law enforcement is only one of several actors in corruption after it has occurred. But the rest of the public administration has the mission to proactively remove the opportunity for corruption well before it occurs.



The removal of nearly all Permanent Secretaries following the change of government in 2013 and the appointment of their replacements was the genesis of a decapitation of the civil service administration and the effective abolishing of our Westminster tradition of an independent and permanent civil service. Permanent Secretaries today are anything but permanent. With one fell swoop, we lost institutional memory and the important line of demarcation which the civil service was traditionally expected to draw when officials are asked by ministers to act, or allow others to act, unlawfully.



The dismantling of the ethos of the civil service wanted by our constitutional design is a process that started well before 2013. The courts and their staffing have for generations been neglected as an essential component of the functioning social and economic infrastructure of the nation. In the wider civil service the removal of permanent department headships and the introduction of term contracts have subjected civil service leadership to political punishment and reward. The creation of “persons of trust” and of entities carving out civil service functions diluted the constitutional requirements for fair recruitment of public officials.



From the capture of Permanent Secretaries flows the capture of most, if not all, regulatory agencies that were in design intended to serve as internal oversight mechanisms that could, where required, prevent a branch of government from acting unlawfully or in conflict with declared policies. It, therefore, became impossible, for example, for the planning agency to prevent the infrastructure agency from building unlawfully. Government action was not to be an exercise in action within the limits of the law and in fulfilment of declared policies and within formal procedures and strictures, but rather the realisation of the minister’s will, even if contradictory with the competing desires of another minister.



Omertà and Us

Omertà conjures images of a code of silence between ‘wise guys’ who would not snitch on their criminal co-conspirators even if caught by the authorities. The use of the Italian word gives us the wrong impression that this is an alien cultural phenomenon. The indigenous maxim of “Rajt ma rajtx, Smajt ma Smajtx” is a familiar equivalent. No doubt, organised crime needs its operators to avoid collaborating with any actor who might slow down their business activities; they need far more than that.

Organised crime needs a social environment that learns to overlook the very existence of organised crime and to be blind to criminal activity. There are many ways we can see that we are all, whether aware of it or not, participants in some way in this shared illusion.

Our experience as activists who came together

was necessary for us to understand that we had a role in fighting corruption, which goes well beyond our duty as occasional voters in elections.

Our community is rightly proud of a tradition of civil society activism in areas that are a consequence of corruption: environmental conservation, for example, or combating discrimination. Malta’s citizens have, however, done too little to protect our democracy from those who would undermine it.

For generations, we have relied on our political parties not merely to function in our democracy but to draw up and change its rules and define their power without restraint. As citizens, we have had cause to complain about corruption and abuse of power in the past. Still, broadly speaking, with few shining but issue-based exceptions, we have relied on one political party to rescue us from the other. Consider, for example, the campaign against state

intervention that would have abolished choice in education when a civic movement mobilised against government policy and its intrusion on fundamental rights.

Those exceptions inspire us with their example, but their exceptional nature reminds us that the role of civil society in protecting democracy cannot be transient or in reaction to some policy or even some outrageous crisis,

We are required to conduct this activity as a permanent feature of our democratic life if our life is to be truly democratic. Many of the things we campaign for or against are not in our control: institutional independence, bribery, policy effectiveness or lack thereof. However, active engagement in civil society is not merely something we can do. It’s something we must do—anything less amounts to omertà, the silent complicity in the erosion of lawful and democratic life.

For generations, we have relied on our political parties not merely to function in our democracy but to draw up and change its rules and define their power without restraint.

This is particularly so in view of the fact that the relative absence of citizens seeking no political office or some other form of executive power or reward has created complacencies that have made our vulnerability even greater, our reliance as a people on our political parties – and, for decades, ‘political parties’ has meant just the two – the Partit Laburista and the Partit Nazzjonalista – has encouraged us to rally behind either party as a source of salvation.

Whether because we felt justified preferring the errors of our party over the gross abuses and corruption of the other or because, as many citizens do, we identified with our party as one might identify with their football club or their favourite village musical band – ‘my party, right or wrong’ – we are too often wilfully silent about corruption ‘on our side’. That, too, is omertà. It, too, is complicity.

Corrupt actors in a political party rely on, and exploit, the loyalties of their partisan supporters and the comfort their applause gives.

Corrupt actors in a political party rely on, and exploit, the loyalties of their partisan supporters and the comfort their applause gives. As we have seen recently in the case brought against Joseph Muscat and his associates, loyalty is also abused and turned into a threat addressed to the institutions. The threat is to the effect that institutions or individuals working within them could face the consequences of the ire of party supporters should they decide to prosecute party leaders.

Our unwillingness to criticise ‘our’ party has also created the space for political parties to act freely in all matters that serve their shared and common interests, even if corrupt. Both parties must finance their activities, even if they are entirely legitimate and intended for a public purpose. But parties are not thinking hives. They group together several actors who may have different motivations for political engagement. At least some political leaders and candidates have a corrupt purpose.

Few explicitly desire or expect to become financially richer by soliciting and receiving bribes. However many or few they are, they are joined by others for whom political activity is a key to lucrative personal benefits: a larger or more successful professional practice, improved access to business deals, larger market awareness of their products, and other forms of influence which they can better transact within politics than outside it.

By their very nature, both political parties are characterised by these careerists. This should not surprise us. We are not the ones to suggest that there is no public purpose for political activity and that there are no political candidates who are in it merely for the thankless desire of serving their neighbours. Not everyone is in it for themselves, whether in politics or out of it.

But alongside the public-spirited, there are the privately motivated, or, as is more likely because people are complicated, an uneven mixture of both in the same persons. The experience of political life is often not merely thankless but personally expensive, draining personal time, mental health, and family wealth.

FUNDING OF POLITICAL ACTIVITY



The personal expense of campaigning and getting oneself noticed by voters should not be underestimated. One cannot get the opportunity to fulfil the ambition of providing a service to the public without first getting elected. One cannot get elected without spending money to get noticed. Indeed, one needs to do more than get to Parliament. This institution has been reduced to irrelevance by the executive and the membership of which provides little opportunity for public utility. In our system, where ministers are chosen from among MPs, one needs to gather enough public support to be part of a winning team and make it to government, preferably as a minister, if one has the opportunity to make a difference. A lot of money and a lifetime of commitment is consumed on such a path.

It should be remembered that Malta is nearly alone in European democracy in depriving political parties of any size and, even more so, their candidates of legitimate access to any form of public funding. Incumbents in office unlawfully access public resources to serve their electoral interests, but that fact is hardly desirable. It is a form of misappropriation and corruption, and as such, it is a subject of the present discussion, not an exception to it.

For the rest, the only means of funding political activity are personal resources or donations from third parties. Political parties go through public rituals of fundraising, which are widely believed to be fronts to account for secret donations they would otherwise be lawfully required to declare. The telethons complement false invoicing issued by commercial entities owned by the political parties (which are not covered by the same rules on political funding as the parties themselves) to cover up unlawfully secret donations. What we describe here is money laundering, a crime which, in theory, is punishable by several years in prison but is entirely expected of political parties and, therefore, allowed to go on with impunity.

Individual candidates within political parties (whose campaigning is really how the parties secure most votes) do not have the luxury of raising funds as parties do. In the local political culture, voters attending campaigning events expect to be treated to food, drinks, and gifts for free as if they are being invited to a wedding, even though this is expressly banned by our laws and deemed both a criminal offence and disqualifying behaviour for political candidates.

A few political candidates have the personal resources to fund these expenses. However, a democracy is not supposed to give preference to the wealthy over the others. The others raise funds secretly, and the donors are not always people whose only concern is to help elect the most meritorious candidates to serve the community's interest best.

There is no doubt that secret direct funding of these political activities is an inherent design flaw in our democracy and, quite frankly, builds into our constitutional framework a raw and naked act of bribery. For people with financial resources, donating to political parties is no more than a business cost. Lobbyists have suggested that when owners of large businesses are solicited by political parties to donate to them, they feel as if they were victims of extortion and were forced to pay an informal tax like a *pizzo* on a Sicilian high street.

This is a simplistic assessment. Business owners are not permitted to negotiate a return on the taxes they pay secretly. Their interests have to compete in the open market of ideas alongside the interests of all other taxpayers and other members of the community. However, the secretiveness of donations to political parties gives their donors privileged access to extort, in turn, what they might consider a fair return for their donations.

The rewards they enjoy are manifest in the too-often irrational, sometimes unlawful, invariably unethical benefits they are allowed to enjoy by political parties, even if these actions might cause displeasure to the parties' voting bases.

This is why, by their own admission, large business owners donate to both main political parties, whatever preference they may have on which would make a better government. Funding both parties ensures that when they get a ruling party to implement a policy that is likely to prove unpopular but which would serve their interests, there would be no fear (for them or the ruling party) that the opposition might exploit that unpopularity and commit to a reversal of that policy. In any case, donors can access whoever is in power at any time.

Therefore, silence and secrecy are key. It is crucial that the donations are paid outside public scrutiny so that donors can exert influence on policy and legislation without the inconvenience of having to engage publicly with competing interests. That, too, is *omertà*.

And our continued acceptance of this system would, too, make us accomplices.

A campaign against corruption and the infiltration of organised crime in our state cannot but depart from this primary consideration. There is a need for reforming the funding of political activity, and that reform cannot be authored by the political parties alone. Though desirable at the end of the process, consensus between political parties on this subject at its beginning does not promise positive reform.

There is no doubt that secret direct funding of these political activities is an inherent design flaw in our democracy and, quite frankly, builds into our constitutional framework a raw and naked act of bribery.

The Civic Response

We are not going to hide the fact that we draw our inspiration from the anti-mafia movement that took root in our neighbour Sicily, particularly in the years that followed the assassinations of judges Giovanni Falcone and Paolo Borsellino.

There certainly are differences between the contexts. We do not succumb to romanticising or over-dramatising our own situation to approximate it to the story that inspires us. We acknowledge those differences – historical, legal, cultural, anthropological and, of course, the difference in scale, including the scale of brutality and violence – which will require differences in our strategy that allow our actions to be proportionate and effective.

We underline the similarities.

Perpetrators are not aliens or cartoon figures like Tony Montana or Vito Corleone. They live among us and are often loved by their neighbours for their patronage in community life through employment, philanthropy, sports, religion, and public life.

The state is weak because it is infiltrated and compromised, unable and unwilling to clamp down on other power structures that should be its rivals but, in part, have become its owners.

The community perceives patronage as the currency they must use to get ahead or even to be left alone and out of trouble. Therefore, they will pay whatever informal fee is necessary to secure their desired rewards. The fee is not always cash. Patrons require other services, including voting, canvassing for votes, and declaring openly political support.

Individuals, in institutions and outside them, will be rewarded for their compliance and often left alone if that's what they wish. However, individuals who denounce these arrangements, in institutions and outside them, become targets. The methods of coercion vary, but like any other business, the resources deployed are the cheapest at being effective: isolation, derision, slander, vilification, and discrimination. They resort to violence only when all those tactics fail to suborn stubborn resistance. But if that is what they must do, they will, which ensures that everyone understands that the threat of violence is ever present and non-negotiable. It does not have to be expressed. It merely needs to be remembered.

We've experienced aspects of this reality for generations with varying degrees of intensity, and 'cancelling' as it is now called, has continued with respect to several people [redacted] a, including her mourning relatives and campaigners for justice for her.

There can be no doubt, however, that, as with the killings of Falcone and Borsellino, [redacted] s, for us, the moment of realisation that the stubborn determination to scupper the mafia structure could at any time be met with deadly violence.

We live with it not in the rare deaths which it causes but in what it managed to secure in the process of avoiding other deaths: the willing complicity, acquiescence, and silence of others.

The Sicilian and Italian experience teaches us that the proper response to this reality is to replace the fallen few with a choir of the many, a collective response of a community that refuses to be isolated from itself.

Part of the manifestation of that movement is being seen in the streets and squares as a mass declaring itself free—libera—from the conventions and coercions of the mafia. However, anti-mafia sentiment does not end when a protest disperses and participants go home. We wish to learn from, emulate, adopt and adapt various actions. Here are a few examples.

- We argue for **the social reuse of confiscated assets**, which is the seizure of properties and resources derived from the proceeds of crime and their conversion into venues for social enterprises, civil society and community work, or public purposes.

- We argue for an improved **educational curriculum** that makes the young aware of the criminal intent behind the easily tempting rewards of profit and vice, a curriculum that promotes legality and civic engagement, and empowers young people's participation in community life.

- We argue for acts of **solidarity for the victims** of corruption and organised crime, starting with and especially for those who do not recognise themselves as such.

- We argue for resistance campaigns to **deny custom** to businesses that are no more than masks for criminal activity.

- As we aim to do with this Manifesto, we look to find better ways to monitor corruption, denounce it when we see it, and **act to overcome it**.

The Sack of Malta

“There is corruption everywhere in the world, literally everywhere, and at every level. The difference is that in Malta, people have a corrupt attitude towards corruption. They blank it. They tolerate it. The powers are not really separate. Institutions are weak. The police operate as an extension of the government. Judges and magistrates are politically appointed. It’s a dreadful situation, ripe and designed for abuse and corruption.”⁶

This quote from Daphne Caruana Galizia indicts us for failing to recognise corruption and, as a result, failing to denounce it. Implicit in that failure is that we enable it to happen. By voting for its beneficiaries, we reward corruption, building an additional incentive to corruption beyond the obvious money into our system. We reward it with power and influence, the means and the access to even greater corruption.

For years, we hoped to have reached the highest audacity for corruption perpetrators. Still, the impunity enjoyed, and the incentive of confirmed and reconfirmed power have taken us to depths we barely imagined. Here is a short list of the most prominent conspiracies of the last decade.

⁶ Caruana Galizia, Daphne. "The Four Pillars of Corruption." *Running Commentary; Daphne Caruana Galizia's Notebook*, 3 Jul. 2015, daphnecaruanagalizia.com/2015/07/the-four-pillars-of-corruption/. Accessed 30 Jul. 2024.

ELECTROGAS

In 2016, the Panama Papers confirmed earlier reporting by Daphne Caruana Galizia that the prime minister's chief of staff, Keith Schembri, and the new MP and Minister responsible for energy, Konrad Mizzi, had set up companies in Panama in their names shortly after coming to office in the 2013 general election, and which they did not declare to the local authorities.

It would later emerge that the two companies had declared they intended to receive large sums of money from two sources identified as companies in Dubai, which were in no way connected to the two officials' government role. Subsequently, we learned that one of the two Dubai companies was the property of Yorgen Fenech, head of the Fenech family and CEO of Electrogas, a private interest consortium awarded a contract for energy purchases by Mizzi's ministry.

The National Audit Office found that the energy contract was awarded at higher costs than were available to the authorities and in breach of the conditions of the public procurement process.

The Panama structures were set up by the triply conflicted firm Nexia BT, appointed to oversee the energy contract selection process and provide professional services to at least one business owned by Yorgen Fenech.

The same Dubai company owned by Yorgen Fenech was found to have profited substantially from selling a wind farm in Montenegro that Fenech had acquired from a third party a few days earlier for a fraction of the price to the state-owned energy company within Mizzi's ministry.

The other Dubai company identified as the source of funds for Mizzi and Schembri's Panama companies was found to be the property of a relative of Cheng Chen, who negotiated with Mizzi and his department for the part-privatisation of the otherwise state-owned energy company.



VITALS/STEWARD



In 2018, a *Times of Malta* investigation revealed that the private concessionaires operating three public hospitals had signed a secret Memorandum of Understanding with the government about the award of the concession six months before the government issued a public call for proposals, which the concessionaires eventually won. The investigation was following up on reporting by Daphne Caruana Galizia in 2015.

The concessionaire, Vitals, was owned by layered offshore account holders and hidden beneficial owners and provided no evidence of any prior experience managing hospitals. Within two years of the commencement of the concession, the concessionaire sought and obtained permission from the government to sell the concession to third parties. The buyers were Steward from the USA, who obtained the concession on the same terms.

In 2023, another *Times of Malta* investigation revealed that after his resignation as prime minister in 2020, Joseph Muscat received payments from a Swiss account held by the former concession owners, in which the new owners had paid the price to acquire the concession.

Joseph Muscat and several others have been charged with bribery and corruption in this case following the conclusion of a criminal inquiry initiated at Repubblika's request. The three public hospitals, which are in disrepair, have been returned to the government after the courts annulled the concession at the request of the former Leader of Opposition, Adrian Delia.

PILATUS BANK

In February 2018, the Federal Bureau of Investigations of the USA announced it had arrested and charged Sayed Ali Sadr Hasheminejad, a national of Iran and St Kitts & Nevis, with several counts of bank fraud and sanctions-busting against his native Iran and Venezuela.

His arrest was followed by an investigation by the European Banking Agency into the conduct of the Maltese authorities in overseeing Pilatus Bank, a Maltese bank owned by Ali Sadr. The Agency reprimanded the Maltese authorities, and the European Central Bank directed the Maltese regulators to withdraw Pilatus Bank's banking licence.

Through several investigations conducted by Daphne Caruana Galizia, the public became aware that Pilatus Bank laundered money for a small number of high-profile clients, including personal relatives of the President of Azerbaijan Ilham Aliyev, senior Azerbaijani officials, including Minister Kemaladdin Heydarov, close relatives of the former ruler of Angola José Eduardo dos Santos, and Keith Schembri, the chief of staff of Malta's prime minister.

Daphne Caruana Galizia also reported that Pilatus Bank handled for Michelle Muscat, Prime Minister Muscat's wife, bribes paid to Muscat from the Aliyev clan, the money having been deposited in a Panama company allegedly set up for the Muscats by Panamanian law firm Mossack Fonseca. A later magisterial inquiry requested by Muscat found no evidence that the Muscats owned the Panamanian company. However, the inquiry was criticised for relying on evidence from officials of the shuttered Mossack Fonseca firm in Panama.

Ali Sadr's charges in the US were about unconnected events before the opening of Pilatus Bank. Still, significantly, US investigators believed proceeds from previous crimes funded Pilatus Bank. Ali Sadr was found guilty by a US jury, but the case against him was eventually dropped after the prosecution admitted to procedural errors before sentencing. His bank is seeking compensation from the Maltese authorities before an international tribunal.

A Maltese magisterial inquiry into Pilatus Bank's conduct has directed the commencement of prosecution of the bank's owners and directors, but this has not happened. Repubblika is seeking a judicial review of the attorney general's decision not to prosecute in this case.



CITIZENSHIP FOR SALE

In 2014, Malta announced a scheme with international firm *Henley & Partners* to sell Maltese citizenship to high-net-worth persons. The scheme was presented as an opportunity for Malta to attract talent. However, it did not require that the Maltese passport acquirers would ever need to visit or conduct any activity in Malta.

Following the controversy, even in international fora, the scheme was slightly modified to require applicants for citizenship under this scheme to have lived in Malta for a year before applying. Several journalistic investigations have revealed that nearly all acquirers of Maltese citizenship filed false declarations about their residence with the authorities' connivance. Practically every citizenship application under this scheme was an act of fraud.

Furthermore, several holders of Maltese passports who benefited from the scheme were later found by law enforcement agencies of other countries to have used their citizenship to conduct illegal activities such as tax evasion and money laundering.



SOCIAL SECURITY RACKET

In 2021, backbench MP Silvio Grixti resigned his Parliamentary seat after learning he was the subject of a criminal investigation into social security fraud. He would later be charged with providing individuals with forged medical certificates to enable them to claim severe disability benefits they were not entitled to.

Several hundred people benefited from this fraudulent scheme despite the procedure that a medical board approved the forged recommendations.

It is believed that Grixti may have led a government-wide conspiracy by providing services to ministers and using his scam to give their constituents a pension to which they were not entitled. Indeed, following his resignation from Parliament, Grixti was hired by the Office of the Prime Minister as a consultant in Castille.

The case is ongoing.



[Redacted text block]

Daphne Caruana Galizia was killed [Redacted] close to her Bidnija home just before 3 pm on Monday, 16 October 2017.

[Redacted text block]

The Leader of Opposition's accusation that Schembri was corrupt came after reporting by Daphne Caruana Galizia that exposed Keith Schembri's Panama interests before the Panama Papers were published.

Her last published words were:

"There are crooks everywhere you look now. The situation is desperate."

She then left the house where she worked next to her son Matthew to drive her rented car to the bank on an errand. This was necessary because of a garnishee order on her accounts at the request of then Minister for the Economy Chris Cardona. The garnishee order was attached to a series of libel suits he had opened against her after she reported he had visited a brothel in Germany while on official duty.

Daphne Caruana Galizia had documented wrongdoing and corruption in Malta for years. As the stories darkened and their frequency intensified, she made many enemies by the time of her death.

[Large redacted text block]

[Redacted text block]



[Large redacted text block]



7 Mallia, Michael. "Rapport Tal-Inkjesta Pubblika Daphne Caruana Galizia Ġurnalista Assassinata Fis-16 Ta' Ottubru 2017 Prezentat Lil Onor. Prim Ministru Dr. Robert Abela Fid-29 Ta' Lulju 2021." *Gov.Mt*, 29 Jul. 2021, www.gov.mt/en/Government/DOI/Press%20Releases/Documents/pr211432a.pdf. Accessed 30 Jul. 2024.

The Malta that Said No to the Mafia

Daphne Caruana Galizia's writing represented a rejection of corruption and of the infiltration of organised crime in our state. In the aftermath of her killing, she rightly became the symbol of a growing effort by civil society to offer a response to the phenomenon and to resist its seemingly unstoppable growth.

The Truth will Prevail: The Response of Journalists



One level of that response was in the profession of journalism. When she was killed, journalists in Malta and abroad wanted to confront the question as to why it should be mortally dangerous to cover politics and crime in a small Mediterranean EU state. As teams and as individuals, several journalists sought to look into Daphne's necessarily unfinished work.

The net needed to be cast wide because Daphne's work was extensive. In the process, international agencies and collaborative projects helped us understand in ways we couldn't before various corrupt conspiracies, such as the use of Malta's gaming infrastructure by Italian mafia organisations, the exploitation of Malta's citizenship for-sale scheme by international criminals, the extent of the money laundering infrastructure setup here to service global illicit money flows, and, in the story that would prove to be the most relevant to understanding the corruption in the procurement of energy from Electrogas.

Thanks to the work of journalists, we learned of the Panama companies owned by Mizzi and Schembri. We learned that those companies would be receiving money from 17 Black. It was from journalists that we learned that 17 Black's owner was Yorgen Fenech.

That effort – called, appropriately, *The Daphne Project* – was a professional response to anyone thinking of solving their problems by killing a journalist. Kill one of us, they were in effect saying, and a hundred will come to take up their work. It was also a response to the people in power here in Malta who wanted to ensure that what followed would be nothing at all. The investigations and publications by journalists made it impossible for the perpetrators to ensure and enjoy the level of impunity they felt.

WORKING WITH INTERNATIONAL BODIES

In parallel with the work of journalists locally and internationally, Daphne Caruana Galizia's family campaigned with the international community to mobilise the indignation of political leaders in a position to exert pressure on the Maltese authorities. Before they could recover their wife and mother's remains for her funeral, Daphne's widowed husband and her orphaned sons could be seen at the European Parliament campaigning to ensure that justice for her was served.

The campaign's outcomes were several. They included a nearly unprecedented resolution by the Parliamentary Assembly of the Council of Europe demanding action by the Maltese authorities, including convening a public independent inquiry; several resolutions of the European Parliament; a mission of the Venice Commission with a broad mandate; and perhaps most significantly of all, a new European directive on media freedom and the protection of journalists, appropriately and symbolically named 'Daphne's law'.



THE PROTEST MOVEMENT

A third pillar of civic response came from several individuals, most of whom were not particularly active citizens. Among the first on the scene was a collective of women who called themselves with



the hashtag '#occupyjustice' and who started a protest movement drawing particular attention to the inherent cultural and political misogyny in Malta's context, which had made Daphne Caruana Galizia particularly vulnerable to abuse, violence, [REDACTED].

Together with some of the leaders of #occupyjustice, several other activists launched the civil society group Repubblika in November 2018. In January 2019, it was constituted as a legal person and a voluntary organisation under Maltese law.

Together, #occupyjustice and Repubblika maintained a campaign for truth and justice for Daphne Caruana Galizia, including monthly in-person gatherings in Valletta that continue today.

A significant landmark was the protest campaign in November and December 2019, which forced Joseph Muscat's resignation as prime minister and the removal from office of Keith Schembri and Konrad Mizzi.

Repubblika also launched a program of initiatives to campaign for improvement in the areas identified in its statute, which include promoting the rule of law and resisting corruption.



COURT ACTIVISM

Repubblika took several initiatives in the courts to assist the judicial branch in overseeing and, where appropriate, sanctioning wrongdoing by political office holders.



Protecting Judicial Independence: the CJEU Case

A key initiative was a Constitutional case brought by Repubblika against the Maltese authorities for failing to comply with the Venice Commission's recommendation to abolish the prime minister's exclusive role in selecting judiciary members for appointment or promotion. On Repubblika's request, the case was referred to the Court of Justice of the European Union (CJEU) in Luxembourg to consider whether Malta's system of appointment of judges breached the requirements for judicial independence of the Treaty on the European Union.

As it happened, the CJEU ruled that Malta already had its system at the time of accession. Therefore, it could not be said that Malta's democracy had, in this regard, backslid in the years since it became an EU member state; it could not be said that Malta was in breach of the Treaty. The court did not consider that for the first time since Independence, a prime minister, Joseph Muscat, had made a conscious effort to fill the judiciary with persons closely affiliated with the ruling party.

However, perhaps out of concern of finding itself reprimanded by the CJEU, the Maltese government anticipated the ruling. It proceeded to abolish the prime minister's powers when appointing judges without waiting to be ordered to do so.

Despite the technical loss in the courtroom, Repubblika's objective of securing a fundamental constitutional change to enhance judicial independence had been fully secured. The Repubblika case, as it is known, also gave the CJEU the opportunity to establish the principle that there could be no reduction in the level of protection of the EU's values after accession.

Judicial Review of Decisions Not to Prosecute: The Pilatus Bank Case

We have challenged the Attorney General's decision not to prosecute Pilatus Bank's owner and senior officials. The Attorney General made these decisions despite explicit direction to the contrary from the inquiring magistrate who looked into illegal activities in the Bank before the European Central Bank shuttered it.

The challenge was only possible because we were informed of the inquiry's recommendations nearly two years after its conclusion through sources we continue to protect. A criminal inquiry is secret, as is the time of its conclusion and a possible decision by the Attorney General not to prosecute despite the evidence contained therein and the recommendations made by the inquiring magistrate. This, in practice, makes the new "right" enjoyed by victims of crime to seek judicial review of a decision not to prosecute largely unusable, as there is no formal way for the victim to learn of such a decision.

The case, which is still ongoing, is also intended to raise awareness of implicit complicity by the authorities who appear unwilling to act properly against grand corruption and money laundering.

Speaking for Victims of Corruption: The Electrogas Case

Following findings by the National Audit Office of irregularities in the awarding of the Electrogas contract and particularly the finding that the cost of electricity for consumers was more expensive as a result of the purchase of energy from Electrogas, Repubblika has mobilised around 80 individuals to ask the courts of constitutional jurisdiction to declare that their fundamental right to the enjoyment of property has been violated as they have been forced to fund corruption from the state monopoly providing them with electricity.

Our case was dismissed in the first instance because we failed to use the ordinary remedy provided by the law, which allows victims of corruption to directly sue the individual officials responsible rather than the state.

We have appealed that decision before the Constitutional Court, and at the time of writing, we are waiting for the appeals court's decision on this procedural matter.

The case was also filed to demonstrate a direct relationship between grand corruption and the quality of life of ordinary citizens, forced, in this case, to pay more for electricity merely to fund the greed of those who benefited from bribes.

Fighting Political Discrimination: The C-Planet Case

In March 2020, data leaked online from the servers of a commercial company. The data included an electronic copy of the electoral register merged with telephone number databases and a field indicating every voter's political affiliation or likely voting intention. The commercial company was connected to Minister Stefan Zrinzo Azzopardi, a former Labour Party president.

An investigation by the Data Protection Commissioner ruled that the company, C-Planet, was responsible for the data breach for which it was fined €65,000.

With The Daphne Caruana Galizia Foundation, Repubblika coordinated a collective action by around 620 people seeking damages from C-Planet.

We believe the Labour Party and government officials unlawfully used the database to discriminate against persons based on their political affiliation. The case raises public awareness of this issue and the need to improve the regulation of elections and political parties.

When the Police Won't Move: the *In Genere* Inquiry Applications

In March 2019, Repubblika filed an application in the Magistrates Court asking for a magisterial inquiry into the revelations in the Panama Papers of corruption involving the then-Prime Minister's Chief of Staff Keith Schembri and then-Minister Konrad Mizzi. Unconfirmed reports indicate that the inquiry has now been concluded and delivered to the Attorney General for her evaluation and action.

The request for an inquiry was made after the police failed to take any action even though the Panama Papers had already placed evidence of wrongdoing in the public domain in April 2016, three years earlier.

The filing followed a legal battle conducted by then Leader of Opposition Simon Busuttill starting in July 2017 to establish ordinary citizens' right to ask for such inquiries to commence.

Repubblika underwent a similar ordeal in July 2019. After securing a ruling from a magistrate that the prerequisites for an inquiry into wrongdoing in the privatisation of three public hospitals to Vitals were met, persons identified by Repubblika as suspects in an application for an *in genere* inquiry appealed. A judge overruled the magistrate's ruling.

Despite that judge's decision, a fresh application led to the opening of an inquiry, which was concluded in 2024. Following this, charges were served on Joseph Muscat and several other alleged associates and accomplices. The prosecution in this case is ongoing.

The legal tool of directly requesting a Magistrate to commence an inquiry when the police fail to do so empowers citizens to act when the police who are supposed to work for them are unwilling to enforce the law adequately.

ADVOCACY

Even though the Maltese authorities avoid any form of engagement with us and our partners in civil society, Repubblika has worked on several position documents in the hope that we can advocate for the reforms we'd like to see take root in Malta. Most of those proposals are directly relevant to the fight against corruption.



Our past publications include:

- ★ Reform of Malta's Constitution: Recommendations on a Procedure for the Consideration and Approval of Amendments to the Constitution. (1 March 2019)⁸

- ★ A New Malta, A New Republic. (11 January 2020)⁹

- ★ Response to Government's Proposals to the Venice Commission. (19 May 2020)¹⁰

- ★ Reforming Malta's Parliament. (13 January 2021)¹¹

- ★ Submissions to the Public Inquiry into the murder of Daphne Caruana Galizia. (29 January 2021)¹²

- ★ Our Citizenship is Not for Sale. (1 May 2021)¹³

- ★ Protecting Whistleblowers in Malta. (25 November 2022)¹⁴

- ★ 20 Proposals for a Cleaner Republic. (14 October 2023)¹⁵

- ★ Malta Needs Laws that Compensate Victims of Grand Corruption. (23 November 2023)¹⁶

- 8 "Reform of Malta's Constitution: Recommendations on a Procedure for the Consideration and Approval of Amendments to the Constitution." *Repubblika*, 1 Mar. 2019, repubblika.org/reform-of-maltas-constitution-recommendations-on-a-procedure-for-the-consideration-and-approval-of-amendments-to-the-constitution/. Accessed 30 Jul. 2024.
- 9 "A New Malta, A New Republic." *Repubblika*, 11 Jan. 2020, repubblika.org/wp-content/uploads/2020/06/repubblika-A-New-Malta-A-New-Republic.pdf. Accessed 30 Jul. 2024.
- 10 "Response to Government's Proposals to the Venice Commission." *Repubblika*, 19 May 2020, repubblika.org/response-to-governments-proposals-to-the-venice-commission/. Accessed 30 Jul. 2024.
- 11 "Reforming Malta's Parliament." *Repubblika*, 13 Jan. 2021, repubblika.org/reforming-maltas-parliament/. Accessed 30 Jul. 2024.
- 12 "Submissions to the Public Inquiry into the Murder of Daphne Caruana Galizia." *Repubblika*, 29 Jan. 2021, repubblika.org/submissions-public-inquiry-murder-daphne-caruana-galizia/. Accessed 30 Jul. 2024.
- 13 "Our Citizenship Is Not For Sale." *Repubblika*, 1 May 2021, repubblika.org/our-citizenship-is-not-for-sale/. Accessed 30 Jul. 2024.
- 14 "Protecting Whistleblowers in Malta." *Repubblika*, 15 Nov. 2022, repubblika.org/protecting-whistleblowers-in-malta/. Accessed 30 Jul. 2024.
- 15 "20 Proposals For A Cleaner Republic." *Repubblika*, 14 Oct. 2023, repubblika.org/20-proposals-for-a-cleaner-republic/. Accessed 30 Jul. 2024.
- 16 "Malta Needs Laws That Compensate Victims of Grand Corruption." *Repubblika*, 23 Nov. 2023, repubblika.org/malta-needs-laws-that-compensate-victims-of-grand-corruption/. Accessed 30 Jul. 2024.

Working with Journalists: S-Info

The Daphne Caruana Galizia Public Inquiry found that investigative journalists face the greatest danger after publishing their revelations when, despite the publication of the evidence, the authorities take no action against the people exposed. The Inquiry made recommendations to the authorities to address this.

Repubblika also considered that we could help address this risk by using the few legal opportunities to push the authorities to act on journalistic revelations of corruption.

Indeed, our actions in court in connection with the Panama Papers and Vitals cases were mostly based on journalists' revelations and the evidence they gathered and published in support of their reporting. When the police failed to act on journalists' findings, we sought to break the inertia and the omertà that perpetuated injustice. This inertia and omertà also exposed journalists to serious risks.

As part of an EU-funded project called S-INFO (Sustainable Information)¹⁷ and together with other European Partners (in Belgium, Italy, and Romania), we are providing Maltese journalists and civil society activists with training, mentoring, funding, and a safe space to collaborate in various areas of shared interest, particularly the fight against corruption.

International Engagement

Repubblika is a member of the CHANCE Network (Civic Hub Against Organised Crime in Europe), which groups like-minded anti-mafia organisations in Europe.

The network was officially launched in 2019 in the European Parliament. It aims to promote cooperation among civil society organisations in different countries confronting organised crime, mafias, and corruption and promote equity and solidarity in European society.

The association *Libera. Associazioni, nomi e numeri contro le mafie* and many different partners around Europe promote CHANCE. At the same time, *Libera* promotes two other international networks: the African network PLACE—*Peace and Liberation in Africa through Change and Engagement*—and ALAS—*América Latina Alternativa Social*, in Central and South America.

The network's political manifesto is a key source of inspiration for our work in Malta and allows us to coordinate with our partner organisations our advocacy with European institutions.

Repubblika is also closely engaged with the *Fondazione Falcone*¹⁸ founded in memory of Judge Giovanni Falcone. Our shared objective is to convert memory into action to promote legality.

We also regularly work with the *Comunità di Sant'Egidio*, whose Leghorn chapter organises the yearly *Medi*,¹⁹ which aims to promote peace and understanding in the Mediterranean and has featured Repubblika's work.

We also work with *Leali delle Notizie*, a cultural association founded in 2015. It hosts a yearly journalism festival in Ronchi dei Legionari and has awarded a yearly Daphne Caruana Galizia Prize for Courage in Journalism since 2017.

¹⁷ "Repubblika Involuta Fi Progett Kbir Tal-UE Bi Shab Ma' Tliet Organizzazzjonijiet Ewropej." *Repubblika*, 28 Mar. 2024, repubblika.org/repubblika-involuta-fi-progett-kbir-tal-ue-bi-shab-ma-tliet-organizzazzjonijiet-ewropej/. Accessed 30 Jul. 2024.

¹⁸ "La Memoria è Impegno." *Fondazione Falcone*, www.fondazionefalcone.org. Accessed 30 Jul. 2024.

¹⁹ "Medi 2024, a Livorno L'alternativa Delle Città Del Mediterraneo Alla "Logica" Dello Scontro." *Sant'Egidio*, 8 Mar. 2024, www.santegidio.org/pageID/30284/langID/it/itemID/56669/Medi-2024-a-Livorno-l-alternativa-delle-Città-del-Mediterraneo-alla-logica-dello-scontro.html. Accessed 30 Jul. 2024.

The Lessons We Did Not Learn

The Daphne Caruana Galizia Public Inquiry was exceptional for many reasons.

Joseph Muscat instituted it in one of his final acts before it became obvious – even to him – that not even this late act of magnanimity would save his job. He and his government had resisted campaigning by Daphne's family and supporters demanding the institution of the inquiry for two years. Until then, he had ignored a resolution by the Parliamentary Assembly of the Council of Europe demanding the Inquiry launch. The reversal showed that the alliance developed around the Caruana Galizias' campaign was effective and could secure meaningful change.

The Inquiry was also exceptional because a board set up by the state was openly examining the state's responsibility. When evidence was heard, almost all of it in public, the country had the opportunity to confront the depths of the darkness it had reached [REDACTED] and for the state to attempt to cover up its responsibility [REDACTED].

Finally, the Public Inquiry provided a list of recommendations for changes to our constitutional and administrative design that would allow us to start on the path of change and heal [REDACTED].

[REDACTED] Regrettably, apart from symbolic gestures, none of the recommendations were implemented at the time of writing, three years after the inquiry was concluded.

We list those outstanding recommendations here not merely as a historical recollection or even as a reminder of the failure of the authorities to live up to the commitments they made to follow the direction the Inquiry gave. We list them because no manifesto for an anti-corruption campaign can afford to forego the wisdom of the judges who wrote them. They should be at the top of the country's priority list and certainly are at the top of our advocacy program.

CHANGES TO CRIMINAL LAW

- A law is required to fight financial crime, including bribery and corruption, employing “Unexplained Wealth Orders”;

- A specific crime is introduced when a person holding a public position hinders or attempts to hinder the Police or other authorities in the execution of their duties, including crime investigations;

- The necessity to introduce a crime similar to Article 416 bis of the Italian Criminal Code that deals with the crime of “a mafia-style association”;

- To introduce in the Maltese Criminal Code a new crime of “Abuse of Office”, which is committed by a public official or a person in charge of a public service in the execution of their duty or the exercise of their functions;

- The law governing the Attorney General’s office should be revised to fully implement the recommendations of the Venice Commission regarding the full control of the investigation of serious crimes together with the Police as well as to initiate an investigation directly;

- The introduction of the crime of obstruction of justice in criminal law, along the lines of the crime of “obstruction of justice” in several overseas codes. This would include appropriate sentences which also cover the attempt at perversion of justice;

- Legislative provisions, including in the relevant Codes of Ethics, are required to safeguard against improper conduct of public officials in the execution of their duties.

SAFETY OF JOURNALISTS

- It is a necessity that a formal structure is set up within the Police, through which the Police can, in a regular and sustained manner, identify persons, including journalists, that may be exposed to serious attacks of whatever kind and for whatever motive which may escalate to physical violence;

- It is necessary that within such a unit, there would be an element which focuses on journalists who may be at serious risk;

- Another operational measure that the Police need to take is to timely investigate serious allegations which are being made as a result of the journalists’ investigations;

- The best protection that should be provided to whoever is exposed to serious risk is that the Police are in a position to identify the cause of that risk to protect against it. In the case of a journalist, this means, among others, a timely and effective investigation of the cause of that risk or risks.

MEDIA FREEDOM

- Amend the Constitution so that in the articles concerning freedom of expression, free journalism is recognised as one of the pillars of a democratic society and that the State must guarantee and protect it. An amendment should also recognise an individual’s right to receive information from the state and public administration, and the state and the public authorities are obliged to provide such information;

- To ensure the highest level of journalism and compliance, even from journalists, of the principles of ethics which govern the profession, an independent Office of the Ombudsman or a Commissioner for Journalistic Ethics should be set up on the same lines as the Commissioner for Standards in Public Life;²⁰

- There are grounds for revision of the provision of the Constitution which establishes the Broadcasting Authority, even because public broadcasting had failed in its duty of impartiality when it had not correctly or adequately reported and discussed the serious allegations of corruption which were revealed as a result of investigative journalism;

- The Freedom of Information Act (Chapter 496) must be revised so that the instances where public administration may refuse to provide information which is of public interest and to which the public has a right should be limited;

- It is necessary to address the problem of the possibility of so-called SLAPP libel suits. There are also grounds to eliminate the possibility of frivolous libel suits against journalists initiated by individuals who occupy public positions and have the duty to defend the right to freedom of expression. There is no place for libel suits against journalists to continue after they die;

- The distribution of public funds spent on advertising should be fair, equal and non-discriminatory. Until this is done, the possibility will remain that journalists shall remain open to undue pressure, if not indeed blackmail, by the governmental agencies which point out to them that they may withdraw the funds if they do not follow Government policy;

- There are grounds for a law providing an organisational framework in which journalists may operate freely and independently from interference or undue pressure. This law would reflect the important role that the media should have in a democratic society while providing a suitable structure that offers them protection in exercising their profession.

²⁰ It is Repubblika’s view that such a measure should be considered with extreme caution to avoid any risk that the independence of journalists and their ability to protect their sources are not in any way compromised or put at risk.

Other Neglected Lessons

It is not only the Daphne Caruana Galizia Public Inquiry recommendations that the authorities have so far ignored. The national reform agenda should consider recommendations made by experts of international agencies that have evaluated our situation against global, particularly European, standards and norms, where we continue to lag behind.

We are providing here highlights of the outstanding recommendations made to us by the European Commission for Democracy through Law (the Venice Commission),²¹ the Office for Democratic Institutions and Human Rights of the Organisation for Security and Cooperation in Europe (ODIHR),²² the Group of States Against Corruption (GRECO),²³ the Organisation for Economic Cooperation and Development (OECD),²⁴ and the European Commission through its Rule of Law reporting process.²⁵

Across these recommendations, observations are repeated across the different reports by the agencies working independently.

They repeatedly emphasise:

- the need to reform the regulation of political party and political candidates' funding,
- the need to rein in the appointments of persons of trust and to subject them to integrity oversight,
- the need to ensure public service media is truly independent,
- the need to empower Parliament as an institution that truly oversees the executive,
- the need to ensure judicial independence and the ability of the judiciary to enforce the law,
- the need to better manage conflicts of interest and revolving doors,
- the need to regulate lobbying, and
- the need to guarantee media freedom.

21 Clayton, Richard. "Opinion No. 940 / 2018: MALTA OPINION Or. Engl. ON CONSTITUTIONAL ARRANGEMENTS AND SEPARATION OF POWERS AND THE INDEPENDENCE OF THE JUDICIARY AND LAW ENFORCEMENT Adopted by the Venice Commission at its 117th Plenary Session (Venice, 14-15 December 2018)." *EUROPEAN COMMISSION FOR DEMOCRACY THROUGH LAW (VENICE COMMISSION)*, 17 Dec. 2018, [www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-AD\(2018\)028-e](http://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-AD(2018)028-e). Accessed 30 Jul. 2024.

22 "REPUBLIC OF MALTA EARLY PARLIAMENTARY ELECTIONS 26 March 2022 ODIHR Election Expert Team Final Report." *OSCE Office for Democratic Institutions and Human Rights*, 14 Jul. 2022, www.osce.org/files/f/documents/8/7/522712.pdf. Accessed 30 Jul. 2024.

23 "GrecoRC5(2023)7 FIFTH EVALUATION ROUND Preventing Corruption and Promoting Integrity in Central Governments (Top Executive Functions) and Law Enforcement Agencies SECOND COMPLIANCE REPORT MALTA." *GRECO*, 21 Mar. 2024, rm.coe.int/fifth-evaluation-round-preventing-corruption-and-promoting-integrity-i/1680aef0f5. Accessed 30 Jul. 2024.

24 "Public Integrity in Malta." *OECD*, 27 Oct. 2023, www.oecd.org/en/publications/public-integrity-in-malta_0ecc469e-en.html. Accessed 30 Jul. 2024.

25 "2023 Rule of Law Report - Communication and Country Chapters." *European Commission*, 5 Jul. 2023, commission.europa.eu/publications/2023-rule-law-report-communication-and-country-chapters_en. Accessed 30 Jul. 2024.

As with the outstanding recommendations from the Daphne Caruana Galizia Public Inquiry, we list them here not merely as a historic recollection but because they remain part of our advocacy program.

JUSTICE

- The judgments of the Constitutional Court in human rights cases finding legal provisions unconstitutional should have *erga omnes* force.²⁶
- Magisterial (*in genere*) inquiries should be absorbed into the function of the independent director of public prosecutions, and the chief prosecutor's decisions should be subject to judicial review.
- Take steps to address the need for the judiciary to be involved in appointing the Chief Justice, considering European standards on judicial appointments and the opinion of the Venice Commission.
- Further efforts should be made to improve the efficiency of justice, particularly to reduce the length of proceedings.
- Step-up measures to address challenges related to the length of investigations of high-level corruption cases, including establishing a robust track record of final judgments.

PARLIAMENT AND ELECTIONS

- Parliament should be strengthened by tightening rules on conflicts of incompatibility, notably regarding the appointments of MPs to Officially Appointed Bodies.
- MPs should benefit from nonpartisan information to perform their controlling function (e.g., increasing research staff or establishing a senior consultative body). This should be accompanied by increased MPs' salaries, allowing them to focus on parliamentary work.
- All stakeholders should be able to access the Electoral Commission's meetings, and the minutes of all meetings should be published. All regulations and clarifications on electoral procedures should be adopted by vote in formal sessions of the Electoral Commission and duly published.
- Remove all restrictions on voting rights based on any kind of disability.
- Safeguard voter data privacy.

26 Republika considers that it should be possible for the Constitutional Court to rule a law as unconstitutional on human rights grounds and force its nullification.

- ➔ Enhance the election oversight system by giving the Electoral Commission adequate powers and resources to conduct proactive and efficient supervision, investigation, and enforcement of political finance regulations. Empower the Auditor General to carry out proactive investigations and publish findings on the misuse of public resources for campaign purposes.

- ➔ Ensure the secrecy of voting for assisted voting and adopt additional alternative voting methods.

- ➔ Guarantee the access of citizens and international observers to all stages of the electoral process.

- ➔ Review legal provisions for appointing individuals as both Assistant Electoral Commissioners and party agents to avoid conflict of interest.

- ➔ Introduce a meaningful public funding system for political parties based on fair and reasonable criteria. Party-controlled entities should be subject to the same rules that govern the funding of the political parties.

- ➔ Prevent disproportionate spending by political parties with limits on a party's campaign expenditure and regulating financing by third parties.²⁷

- ➔ Campaign finance regulations and sanctions should be equally applied to all candidates.

- ➔ Publish all financial reports within legal deadlines and address the existing delays.

- ➔ Lower the public disclosure threshold on large donations and require donations above the threshold to be made through a designated bank account.²⁸

- ➔ Provide for the disclosure, as a rule, of governmental draft legislation²⁹ and other texts of particular public interest accompanied by an appropriate level of consultations in that context. Only regulated, specific and limited exceptions to this rule should be possible, and the outcomes of public consultation procedures should be published online in a timely and easily accessible manner.

- ➔ Enshrine the functions and role of the Commissioner for Standards in Public Life in the Constitution. Assign a legal personality to the office of the Commissioner in the Standards Act. Define clearer parameters on qualifications and background to guide the appointment of future Commissioners for Standards in Public Life.

²⁷ Repubblika considers that existing restrictions on campaign spending and treating during a formal election campaign should be extended to any such time that an election is due within less than a year.

²⁸ Repubblika considers that no donations of any size should be permissible from any source which is employed or contracted by the government. We also argue for the criminalisation of unlawful donations to political parties.

²⁹ Including subsidiary legislation.

- ➔ Restructure the Committee for Standards in Public Life by including lay members and appointing a former judge³⁰ selected by all political parties and known for his/her integrity and independence as its chairperson.

- ➔ Include, as part of a bill to amend the Standards Act, a provision to amend the Constitution to prohibit elected officials from obtaining secondary employment in the public sector.

- ➔ Include a clear definition of 'misconduct' in the Standards Act and ensure former MPs can be investigated and sanctioned for misconduct during their term in office.

- ➔ Include clear definitions of 'abuse of power and privileges', 'conflict of interests', and 'gifts' in the Standards Act.

- ➔ Amend the Standards Act to enable the Commissioner to receive and investigate anonymous complaints and empower the Commissioner to grant whistle-blower status to public employees who disclose, in good faith and on reasonable grounds, misconduct in the context of their workplace.

- ➔ Update and adopt the new Codes of Ethics for Members of the House of Representatives and the Code of Ethics for Ministers and Parliamentary Secretaries. Include all relevant key terms and definitions (e.g., abuse of power and privileges, gift, benefit, hospitality, undue influence, misconduct, family members, conflict of interest, personal interest, lobbying, and lobbyists). Clarify the definitions of key values such as sense of service, diligence, and leadership.

- ➔ A new Code of Ethics for Members of the House of Representatives should include clear provisions on the proper use of information, requiring truthfulness, transparency, proper use of confidential information, and disclosure.

- ➔ Include post-public employment restrictions for MPs in the new Code of Ethics regulating the use of confidential information and restrictions on lobbying activities.

- ➔ Clarify the definition of conflict of interest to clarify that (a) personal interests may include legitimate private-capacity interests, which (b) cover financial interests, personal affiliations and associations, and family interests.³¹

³⁰ Repubblika is of the view that former judges should not be appointed for public office after their retirement from the bench as this risks compromising their independence while serving. We would rather see judges feel secure that their retirement is appropriately paid for than to see them feel they need to qualify their decisions on the basis of whether this might give them a prospect for appointments after their retirement.

³¹ Repubblika considers these to include professional interests, particularly concerning the identity and interests of clients.

INTEGRITY IN THE EXECUTIVE

- The prime minister's appointing powers, notably those of independent commissions and permanent secretaries, should be reduced.

- Appointments to positions of trust should be strictly limited (establishing a constitutional basis for such appointments).

- Those who perform top executive functions must comply with the highest standards of integrity, including rules of conduct, conflicts of interest, declaratory obligations, and supervision by the Commissioner for Standards in Public Life.³²

- An integrity strategy for all pertinent categories of persons entrusted with top executive functions should be developed and implemented based on proper risk assessments.

- More robust and systematic awareness-raising measures (e.g., refresher training and workshops, guidance documents, written reminders) should be provided to all persons entrusted with top executive functions at the start of their term and at regular intervals throughout their term.³³

- Information about the integrity requirements for public officials and their observance should be readily available, including on public authorities' websites.

- Rules should govern contacts between persons with top executive functions and lobbyists/third parties that seek to influence the public decision-making process, the disclosure of such contacts, and the subject matters discussed.

- The system for managing conflicts of interest should be supplemented with clear provisions and guidance regarding a requirement that persons exercising top executive functions disclose conflicts ad hoc and clear procedures, responsibilities, and deadlines for solving situations of conflict of interest.

- The current provisions on incompatibilities and side activities applicable to persons with top executive functions should be more coherent and robust, with clearer and stricter limits on permissible parallel activities. Specific procedures, responsibilities, and deadlines for solving such situations upon ad-hoc disclosures and/or complaints by the public or other institutions should be introduced.

³² Indeed Repubblika considers that all (not just the top) public service executives should be required to comply with the highest standards of integrity.

³³ Repubblika considers that term contracts for senior civil servants should also be re-examined.

- The current regime of asset and interest declaration should be further developed by extending it to persons entrusted with top executive functions, including persons of trust, who have the duty to file a detailed declaration with the Commissioner for Standards in Public Life. One should consider including information on spouses and ensuring that all declarations are made systematically, easily, and publicly accessible online.

- To ensure that asset and interest declarations of persons entrusted with top executive functions are subject to effective and proactive checks by the Commissioner for Standards in Public Life; that the institution should, therefore, be provided with adequate legal, human and other means to perform the function; that institution should be required to report publicly and regularly about its work. Clear consequences and effective, proportionate and dissuasive sanctions should be established and applied to guarantee the accuracy and correctness of information declared as well as to ensure the actual filing of declarations.³⁴

- The criminal investigation and prosecution system regarding persons entrusted with top executive functions should be reformed along the lines identified by the Venice Commission in its assessment of December 2018, giving prosecutors a central active role without retaining the parallel jurisdiction of the Permanent Commission against Corruption.³⁵ It should be clear for criminal investigative bodies that the launching of an investigation can be based on reasonable suspicion and does not require evidence to be readily submitted.

- That legislation should be enacted, giving criminal investigation bodies the authority to seek and use special investigative techniques (such as wiretaps and other similar measures) to investigate corruption offences. These should be authorised by the proper judicial authority, making the evidence obtained thereby admissible in court while respecting the case law of the European Court of Human Rights and that it is made clear to all authorities involved in the investigation of corruption that the evidence lawfully obtained by such means is admissible evidence in court.

- All persons with top executive functions should be subject to the supervision of the Commissioner for Standards in Public Life, who should be equipped with the appropriate means and possibilities to conduct inquiries and to propose effective, proportionate and dissuasive sanctions, and that the jurisdiction of the commissioner extends to on-going situations even where these result from actions which predate the enactment of the standards in Public Life Act.

- Adopt and implement a dedicated anti-corruption strategy for the Maltese Police Force based on proper risk assessments. Promote a culture of integrity, thus restoring public trust in the Force through robust rules. Ensure effective compliance within merit-based career streams. The force should have sufficient operational independence and be politically neutral.

³⁴ It is Repubblika's view that the law should impose on the Commissioner the duty to refer any breach for criminal investigation by the Police.

³⁵ Indeed Repubblika questions the utility of keeping the Permanent Commission in existence at all.

MEDIA

- ➔ The Broadcasting Authority should monitor and enforce legal obligations regarding impartiality and accuracy in broadcasting and provide adequate remedies.
- ➔ The governing boards of the Broadcasting Authority and the Public Broadcasting Services should be independent and transparent. Management should be selected transparently.
- ➔ The Freedom of Information Act of 2008 should be analysed independently and thoroughly.³⁶
- ➔ Following European standards, legislative and other safeguards should be adopted to protect journalists and improve their working environment, including access to official documents.

INTEGRITY IN THE POLICE

- ➔ Objective, fair, and transparent criteria based on merit and adequate open competitions should be provided for and effectively used for all recruitments and promotions in the Maltese Police Force. Procedures for transfers should include independent oversight.
- ➔ More explicit and strict criteria should regulate the exercise of parallel activities. Measures should be taken to promote such rules and to ensure effective compliance.
- ➔ The Independent Police Complaints Board should be properly equipped, resourced and given adequate guarantees of independence, enabling it to become an effective supervisory mechanism dedicated to its tasks. Its activity should be documented in a meaningful manner in a public and easily accessible annual activity report.³⁷
- ➔ A mechanism for reporting suspicions of corruption and other malpractice within the Maltese Police Force should be set up. This would ensure that adequate protection measures are in place for force members when they report such instances.

HUMAN RIGHTS

- ➔ Take measures to establish a National Human Rights Institution, taking into account the UN Paris Principles.³⁸

³⁶ Repubblika expects that any such analysis would find that exceptions to the public disclosure rule should be more specific and be applied more narrowly.

³⁷ Repubblika considers that disciplinary appeals should be excluded from its function.

³⁸ See for the UN Paris Principles: "UN Paris Principles & Accreditation." *European Network of National Human Rights Institutions*, ennhri.org/about-nhris/un-paris-principles-and-accreditation/. Accessed 30 Jul. 2024. Repubblika supports the Ombudsman's recommendation that his office be made into the national human rights institution.

Outstanding Commitments of the Ruling Party

It is helpful to recall some of the commitments made by the governing Partit Laburista for the current term of government,³⁹ which commitments we support, so that we can insist that these commitments are met immediately and, in any case, no later than 2026.

Commitment Reference Number	Commitment	Comments
872	The Labour Party in government will propose a reform in magisterial inquiries by creating a specialised unit. This section will include technical experts, lawyers, and administrative officers to professionalise inquiries and shorten the time needed to do them.	<i>Four magistrates have been assigned to inquiry duties. Understaffing remains endemic, and there is no evidence of faster turnaround times.</i>
875	We'll continue working so that the processes of the administration of justice are not unnecessarily prolonged and the duration of cases is reduced to acceptable levels.	<i>There is no evidence of a shorter case duration. On the contrary, anecdotal evidence suggests that cases take longer to close.</i>
892	(The transfer of cases from the police to the Attorney General) will free the Police to focus on investigations.	<i>There is no evidence to suggest the police have been freed up from prosecutorial commitments to focus on investigations.</i>
899	In consultation with the Chamber of Advocates, we will strengthen the laws regulating the legal profession.	<i>This process is in gridlock.</i>
901	A Labour Government will continue implementing more reforms to strengthen all institutions and empower democracy in our country.	<i>No such reforms were implemented. Legislative changes have weakened institutions (e.g., removing the consensus requirement to appoint the Commissioner for Standards in Public Life). Otherwise, a long list of recommended reforms remains pending.</i>

³⁹ Abela, Robert. "Malta Flimkien: Manifest Elettorali 2022 Partit Laburista." *Times of Malta*, cdn-others.timesofmalta.com/6c548ddfc87ed80c7946b8a20308db142834241a.pdf. Accessed 30 Jul. 2024.

902	The Permanent Commission Against Corruption, the Police, the FIAU, and Financial Authorities will continue to receive the government's backing to fulfil their duties as effectively as possible.	<i>There is no evidence whatsoever that these initiatives have improved anti-corruption action. There is no record of convictions that could suggest otherwise.</i>
904	A national anti-corruption and integrity strategy to continue to improve existing rules.	<i>Strategies that predate this commitment have not been updated, and recommendations made by international agencies remain pending.</i>
905	Strengthen standards in public life, accountability and transparency among all involved in the country's executive leadership in entities and public institutions.	<i>No improvements have been made to standards, and the existing ones are frequently defied.</i>
907	It is time to analyse MPs' roles and the resources they are given to fulfil their duties, including research and policy drafting.	<i>This analysis remains outstanding.</i>
909	We will launch a public consultation on the country's electoral system, particularly with people not involved in politics.	<i>This consultation has not started yet.</i>
911	We will continue the national discussion on updating the Constitution to ensure good governance and increased scrutiny of the state's functioning.	<i>This "national discussion" has been promised since 2012 and has not yet commenced.</i>
913	We will ensure the electoral process's transparency and accountability, including implementing the law on financing political parties.	<i>No reforms have been implemented in this area.</i>
915	We will enshrine in the Constitution the contribution of journalists to the functioning of democracy.	<i>This has not happened.</i>
916	We will implement anti-SLAPP legislation.	<i>Though the EU Directive on anti-SLAPP has been transposed, this is still limited only to cross-border lawsuits.</i>
917	We will discuss the recommendations of the (media freedom) experts group with all parties concerned.	<i>This has not happened.</i>
918	We will implement an information campaign against disinformation.	<i>This has not happened.</i>
919	We will ensure there will be people not involved in politics on the Broadcasting Authority Board.	<i>This has not happened.</i>
920	We will set up a fund to be administered by the Broadcasting Authority to help journalists improve their skills.	<i>This has not happened.</i>

POLICY PRIORITY AREAS

We are approaching the sixth year of our existence as a constituted NGO, marking seven years since the assassination of Daphne Caruana Galizia. During this time, we have worked with several sister organisations throughout Europe, from whom we have learnt new ways of fighting corruption and with whom we work on a cohesive European strategy. We have also partnered with several local NGOs with whom we share common values and the ambition to fight corruption.

We have much to learn, and in the coming months, we'll work with our partners locally and internationally to refine our strategy, improve our methods, and pursue results in the public interest.

We identify the following advocacy priority areas for our anti-corruption work. We will renew our efforts to campaign in the following 10 priority areas.

01

OUTSTANDING RECOMMENDATIONS

We are committed to keeping the outstanding recommendation listed earlier in this document at the top of our agenda. The authorities' refusal to implement these measures exacerbates the harm to our democracy and its vulnerability to corruption, which the recommendations sought to address. No doubt, it may be necessary to discuss the details of the recommendations as well as the manner of their implementation. Further analysis may likely justify modifications to the proposals.

Despite promising to implement these measures, the authorities have simply shelved these proposals with little to no attempt to justify why they have decided not to—they only pay them occasional lip service.

Some of these matters have been on our agenda since our foundation, and we cannot be distracted from our primary focus. Nor must we lose sight of our primary focus by dispersing our energies on ambitious crusades for wider reform.

02

NEW CODES OF ETHICS

We refer to the recommendations made by the OECD and referred to elsewhere in this document.

We also draw inspiration from the model charter for good politics promoted by Avviso Pubblico⁴⁰, which the European Commission identified as a best practice model. Apart from other aspects of this Manifesto that are consistent with the ambitions of the model charter, we particularly underline the ambition that persons at all levels of public life (local, national, and European) undertake to

“encourage, through the activation of participatory processes, the involvement of citizens, groups, and associations in the formulation and the implementation of corruption prevention measures and tools and to promote listening to the communities of citizens involved in civic monitoring, facilitating their access to all significant information relating to the administrative life of the institution.”

Therefore, we underline our role as a civil society not merely in advocating for ethical public life but in participating in the effort to monitor it and denounce ethical breaches and misconduct.

40 "Avviso Pubblico Charter." Avviso Pubblico, www.avvisopubblico.it/home/en/avviso-pubblico-charter/. Accessed 30 Jul. 2024.

03

MEANINGFUL FREEDOM OF INFORMATION

The first and most effective tool against corruption is transparency. Where public officials are required by law and procedure to enable citizens to be aware or to become aware of the functioning of government, it becomes harder for corruption to flourish.

It is symptomatic of Malta's administration's extreme vulnerability to corruption that the provisions of the Freedom of Information Act are honoured in their breach, and information to the public is only provided when it suits the authorities to do so.

We have cited elsewhere in this report recommendations by several international agencies to address Malta's poor quality of Freedom of Information. Part of our effort will be focused on promoting the idea of a new European Directive on Freedom of Information with new standards that would become the minimum requirement for Malta, as with all the other member states.

04

NEW RULES FOR FUNDING OF POLITICAL ACTIVITY

We advocate an overhaul of how political parties and candidates are funded. We consider this aspect a major vulnerability to corruption in our democracy.

We consider political parties an essential element of a functioning democracy. We appreciate that, as with any other activity, the democratic and electoral process and the function of forming policies within political groupings have an expense that must be met. We reject the notion that the public funding of political activity is objectionable in principle, as political parties appear to believe.

We need reform not merely in the fund-raising and spending of political parties but also of political candidates, fundraising groupings, and other entities, commercial or otherwise, involved in the funding and effective control of political parties or political candidates.

We argue for a ban on the soliciting and acceptance of funds and other forms of support for political activity from private individuals or entities who hold public concessions or are contracted to provide public services, or have contractual relationships with the administration, or have submitted a request to that administration, or have been the object of its acts and resolutions in the years preceding the ending of the term of office of the candidate, political operative, or political party.

05

EMPOWERMENT OF INSTITUTIONS TO COMBAT CORRUPTION

We reiterate our concerns about the fragmentation and ineffectiveness of the agencies supposed to combat corruption. We know of very little coordination between them, that the rules confuse or duplicate their competencies and responsibilities, and that they have little to no material impact on outcomes.

The fact that the work of the Permanent Commission Against Corruption has not led to even one conviction in its more than three-decade history suggests that cosmetic changes to its form will not be sufficient.

We are also frustrated by the ability of the Attorney General to frustrate the work of investigating magistrates, by the unwillingness of the police to act, by the fact that magistrates are stretched beyond reason, by the absence of sentencing policies to ensure the fair application of the law, by the poor quality of prosecution, and by the ultimate result which is the impunity of the perpetrators.

Given this, we propose appointing Special Anti-Corruption Magistrates with the resources to employ and manage judicial police who act directly under their supervision. At the same time, the magistrates are given the authority to prosecute the perpetrators themselves.

We also argue for a thorough reform of the state's capacity to fight corruption, with more and better-distributed funding, measurable performance indicators, and openness to the scrutiny of civil society and the public.

06

REFORM OF WHISTLEBLOWER PROTECTION

Despite having a Whistleblower Protection Law for 10 years, it was and remains unusable for three important reasons.

Firstly, the authority to decide whether a whistle-blower reporting public sector corruption is granted protection rests with officials who are appointed by and report directly to ministers on whom the revelations are likely to be made.

Secondly, the law, as it stands, assigns the power to decide whether a whistle-blower reporting private sector corruption is granted protection to the Ombudsman, who has repeatedly declared they are unable to fulfil this function. At the same time, the Constitution expressly limits the Ombudsman's competence within the public sector.

Thirdly, submitting evidence supporting an application for whistle-blower protection is not privileged. If protection is denied, the applicant is liable to incriminate themselves and suffer consequences merely for asking to be protected.

We have published our detailed case arguing for the changes we consider are necessary to this law and insist that the fight against corruption requires the collaboration of whistle-blowers, which in turn requires their protection from reprisal.

07

SOCIAL REUSE OF CONFISCATED ASSETS

Organised crime and corruption deprive the community of their rightful ownership of common goods and private wealth, which is hoarded by the corrupt. The seizure and eventual confiscation of assets that are suspected and eventually shown to be derived from the proceeds of crime or that, in any case, are of a provenance that the owner cannot legitimately prove is not merely a punishment. Nor should it merely be a form of compensation paid to the authorities in exchange for the effort to pursue those assets.

It should also be a matter of restitution because, though not in the conventional sense, given the complexity of corruption and other forms of organised crime, these assets are, in effect, goods stolen from the community.

As has been amply demonstrated in Italy and several other jurisdictions that have since adopted this methodology, restoring assets to the community can help address the imbalance created by crime.

We appreciate the benefits of allowing public entities to use these assets for their projects. We certainly prefer this over their auctioning or similar disposal, not least out of fear that their criminal owners are in this way able to use liquid proceeds of crime to reacquire their seized assets.

However, proper compensation to the community would address, at least in part, the economic and social imbalances created by crime. We therefore argue for the reuse of these assets by social enterprises⁴¹ or civil society organisations working in the public interest.

08

LEGAL STANDING OF CIVIL SOCIETY ORGANISATIONS

Very often, the wider community suffers the consequences of grand corruption. In a way, in many cases of corruption, everyone is its victim. In legal terms, this does not give every person the legal interest to have *locus standi* in a case before the courts.

Civil society is not entitled, therefore, to argue the interests of victims during criminal proceedings by the state against perpetrators, nor is it entitled to seek compensation from the perpetrators for the harm and deprivation their criminal acts inflicted on everyone.

Furthermore, as with many other crimes, victims of corruption do not recognise themselves as such and assume that the consequences they suffer are the inevitable product of bad public policy or administrative decisions rather than a crime.

We argue that the law should explicitly state that in cases of corruption, civil society organisations whose statutes empower them to act in this way can constitute themselves *parte civile* in criminal proceedings and be allowed to argue on behalf of victims. By extension, civil society organisations should also be able to sue perpetrators to recover compensation for victims and represent victims' interests without requiring them to provide evidence of their legal standing.

⁴¹ Social enterprises remain a purely theoretical possibility in Malta despite the enactment of the Social Enterprises Act (Cap. 630) in 2022. That law has not yet been brought into force.

09

TRANSPARENCY OF PROSECUTOR'S DECISIONS NOT TO PROSECUTE CORRUPTION

Concomitant with the recognition of civil society organisations as being presumed to have legal standing in cases of corruption, the reservation to victims of the right to seek judicial review of a prosecutor's decision not to prosecute is extended to civil society organisations seeking judicial review of prosecutors' decisions not to prosecute cases of corruption.

Elsewhere, we recommend the creation of specialised anti-corruption magistrates. Whether such a thing was ever to materialise, and irrespective of where the competence to decide not to prosecute a case of corruption resides, a sufficient measure of transparency needs to be introduced to allow public scrutiny and the possibility of judicial review of such a decision. A decision not to prosecute a corruption case should be reasoned, written, and published.

10

CRIMINALISATION OF ECOCIDE

We will campaign for the adequate implementation of the new EU Directive on criminalising offences against the environment. This is alucrative activity for organised crime and corruption, which persists, not least because the environment has so far been unable to speak for itself as a victim of these crimes.

The Directive requires member states to recognise civil society organisations working in this space as having the legal standing to intervene in criminal proceedings. Malta's environment has long suffered criminal infiltration into our politics, and we will campaign for the use of all newly available legal means to increase the effectiveness of our work in this space.



**MONITOR.
DENOUNCE.
ACT.**

Our work as anti-corruption activists can be organised around three pillars, requiring increased focus and resources over the coming months and years.

To fulfil our monitoring function, we will need to build capacity within and around our organisation to monitor the performance and expenditures of the public administration more closely.

This function includes collecting data and analysing the work done by statutory agencies such as the Ombudsman, the National Auditor, and the Commissioner for Standards in Public Life, among others, and the findings of journalistic investigations. It also involves providing potential witnesses, informants, and whistle-blowers with a **safe means of providing information** that will allow us to complement the work done by other agencies.

Although corruption is a primary political concern in our community, there is a glaring lack of locally focused academic research in Corruption and Transparency Studies. We will seek opportunities to source funding and support further cultivating this space.

Over the coming months and years, we will join cross-border projects promoting cooperation between civil society organisations and law-enforcement agencies. Although informally, Repubblika has excellent engagement with several police investigators, our dialogue with the institution of the police is nearly non-existent. We are vociferous critics of the administration of the police. We will continue to be that while the changes we advocated for and described in this document remain an ambition rather than reality.

However, we will be taking initiatives to create opportunities for **cooperation with the police** in areas where we can add value, such as raising the public's awareness of organised crime, of their status as victims of corruption, and of the value of cooperating with the authorities to combat and eradicate abuse of power.

Engaging with the judiciary outside the courtroom is considered anathema in the local culture. However, and especially judging from the experiences of our sister organisations in other countries, we argue that a **transparent institutional dialogue** between the police, the prosecution service, and civil society is desirable and can cultivate better mutual understanding as we fulfil our different roles when combating organised crime.

We will seek similar lines of **engagement with the integrity institutions**—the Ombudsman, the National Auditor, and the Commissioner for Standards in Public Life—to find ways civil society can support their work.

While we campaign for reforms to laws regulating political activities and criticise the near-inexistent enforcement of existing laws, it is our responsibility to make the public aware of corrupt activities by candidates or holders of political office. We will

focus on building capacity to **monitor compliance** with accepted international norms of behaviour by political operatives and their staff.

Once strengthened, our monitoring efforts will better support our work to expose corruption, denounce it, and challenge the authorities to act on it.

We will seek to improve our **engagement methods with journalists** and the media to continue building trust. The values of our ongoing EU-funded S-INFO project will be extended to more of our activities where civil society provides input support to independent journalists with research and analysis and with follow-up support by ensuring that journalists' findings make it to and stay on the national agenda, and where appropriate kick-start institutional action.

We also want to broaden the scope of our **court action**, which is currently necessarily limited to the many hours our generous lawyers dedicate to support us without any form of remuneration. We want to build the capacity to fund at least some of the legal work and do more, cover more cases in newer areas of activity, engage the courts in public interest cases, and secure judgements in the public interest.

Finally, our ambition is to see the anti-corruption civil society movement grow well beyond the narrow limits of our capabilities as Repubblika. The roots of a **civic alliance against corruption** already exist.

In joint efforts, we work regularly with other organisations and collectives, particularly #occupyjustice, the Aditus Foundation, the Daphne Caruana Galizia Foundation, and SOS Malta. With all four we share advocacy work with international organisations. With the Daphne Foundation, we have taken joint action in the courts. Thanks to SOS Malta, we have secured funding for several of our activities listed in this document. Again, we have worked with all four on public engagement and raising awareness.

We also want to acknowledge other organisations who have stood by us in our public and protest efforts: the UHM - Voice of the Workers, the Studenti Demokristjani Maltin, the Young European Federalists JEF Malta, the Kunsill tal-Istudenti Universitarji, PEN Malta, Moviment Graffiti, Vuçi Kollettiva, the Media & Knowledge Sciences Association, the Kunsill Nazzjonali taż-Żgħażaġh, the Information and Communications Technology Students Association, and the Malta Biochemistry Students Association.

These are the foundations of an Anti-Corruption Alliance, which will breathe new energy into our efforts to fight corruption in Malta. It is the response to the suggestion that Malta is no more than the criminals that have captured it. Malta is its law-abiding citizens, fearless in the face of threats, unbowed by the violence that justice and truth have been made to suffer, and determined to be a country where doing the right thing is a safe and positive choice.

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Invitation

We will need more resources to implement this strategy than we have so far.

TO DONORS

Unlike many of our sister organisations in Europe, the notion that the local authorities might support us in any way is virtually unimaginable. The Maltese authorities do not yet consider us more than a nuisance, and they would much rather we did not exist.

We want to increase our capacity by tapping into EU funding for activities like ours. We have had some successes, but these remain limited. There is much competition for limited European budgets. In any case, funding requires that we put up our share of the expenses and is allocated narrowly for finite projects without regard to the cost of ongoing activities (such as court cases, for example).

This compels us to seek funding from within Maltese civil society. We appeal to individual and corporate donors who appreciate the need to promote legality in our community and support our anti-corruption efforts through transparent donations and sponsorships that will allow us to sustain our activities in the future.

TO VOLUNTEERS

We also call for more individual members of our community to dedicate more of their time and effort to the fight against corruption. This is not a temporary battle. It doesn't end just because one political party replaces the other in government. The opportunity for corruption comes with political power, and there will always be political power. There will always be the need to monitor public affairs and to denounce wrongdoing wherever it is found. We need more volunteers to help us with the work, particularly people with specialist knowledge relevant to our work – former public servants, lawyers, teachers, architects, town planners, artists, journalists, researchers, former judges, prosecutors and politicians.

Please come to us. We have work for you.

TO RESEARCHERS

We make a specific call to researchers in different disciplines, from political science to architecture, from economics to health services, from law to philosophy, from psychology to journalism studies, and everything in between, to direct their focus on corruption and transparency, document the evidence, and build a case for reforms based on scientific analysis.

TO EDUCATORS

We call on you to show courage and reject the wilful conflation of crime and corruption with politics and public service. We ask you to defy taboos and to help your students recognise mafia crime and corruption and deny it their admiration and their cooperation.

In your hands are new citizens who need to be empowered to testify to the truth, justice and fairness and to push back on the infiltration of greed in private and public life, in the family, at work, in business, and politics. They need to understand all that the rule of law implies and stands for.

We will support you with well-researched teaching materials and best practices from other countries. Still, we rely on the privilege of your responsibility in the classroom to get the message through.

TO NGOS

We call upon civil society organisations whose focus may be less obviously on anti-corruption and transparency but whose activities are impacted by these issues.

That's everyone.

We mention a few: business and labour organisations that rely on a fair market to thrive, organisations that defend the environment, and charities that help the poor and the disadvantaged. All of these represent and work for people who are victims of corruption.

Join us in an Anti-Corruption Alliance to coordinate our efforts and share our stories about how corruption impacts us.

TO YOU

Finally, we call on you, the reader, who have come this far because of your undoubted commitment to justice, fairness, and lawfulness. We appreciate your thoughts and are grateful for your financial support.

But if you have so far stayed silent, do understand that your voice matters, and we need it on our side. Speak up. The more of us there are, the deeper we will sink omertà. This country does not belong to the mafia.

**THIS
COUNTRY
BELONGS
TO YOU.
YOU ARE
MALTA.**





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A CIVIL SOCIETY MOVEMENT

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