236. L-Onor. Adrian Delia, Kap tal-Oppożizzjoni, l-Onor. David Agius, l-Onor. Robert Cutajar u l-Onor. Jason Azzopardi jipproponu:

Peress:

Illi fis-17 ta' Diċembru 2018 l-ogħla organu tal-Kunsill tal-Ewropa dwar it-tħaddim tad-demokrazija u s-saltna tad-dritt, il-Venice Commission, ippubblika r-rapport dettaljat tiegħu dwar is-sitwazzjoni f'Malta, u dan wara talba formali għal hekk tat-8 ta' Ottubru 2018 mir-rapporteur tal-Kunsill tal-Ewropa dwar l-omiċidju ta' Daphne Caruana Galizia;

Illi essenzjalment dan ir-Rapport ikkonkluda li għandna "riskji serji għas-saltna tad-Dritt f'Malta" u konsegwenza t'hekk id-demokrazija f'Malta hija marida sew;

Illi dan ir-Rapport, li xtarr fid-dettall il-qagħda mwiegħra tal-istituzzjonijiet f'pajjiżna li suppost jiġġieldu l-kriminalità u l-korruzzjoni, u n-nuqqas ta' indipendenza tagħhom, saħansitra kkonkluda li "*As concerns positive obligations in relation to the murder of Daphne Caruna Galizia, it must be established that the authorities knew or ought to have known at the time of the existence of a real and immediate risk to the life of an identified individual or individuals from the criminal acts of a third party, and that they failed to take measures within the scope of their powers which, judged reasonably, might have been expected to avoid that risk",* u ċjoè fi kliem ieħor, li l-Istat Malti seta' salva l-ħajja ta' ġurnalista Maltija li kieku għamel dmiru u mhux għamel tabirruħu li ma kienx jaf bit-theddid fuq il-ħajja tal-ġurnalista Daphne Caruana Galizia għax kien konvenjenti għalih li din titwarrab min-nofs peress li kienet qed tikxef il-korruzzjoni fil-kuriduri tal-poter;

Illi dan ir-Rapport sab li l-Gvern nissel u kattar kultura ta' biża' fost il-membri tas-soċjetà ċivili li lmentaw mill-omertà li qed tixxettel: "*The media and civil society are essential for democracy in any state. Their role as watchdogs is an indispensable precondition for the accountability of Government. The delegation of the Venice Commission had the impression that in Malta the media and civil society have difficulty in living up to these needs. Even when it is stressful for the authorities to endure their criticism, the latter have a duty to ensure that the media and civil society can freely express themselves*";

Illi għal dawn ir-raġunijiet u iktar, huwa importanti wisq li dan ir-Rapport ikun mistħarreġ u dibattut mill-iktar fis minn din il-Kamra;

Illi wkoll fit-3 ta' April 2019 ġie ppubblikat ir-Rapport tal-GRECO (FIFTH EVALUATION REPORT) "*Preventing corruption and promoting integrity in central governments (top executive functions) and law enforcement agencies*" għal Malta li mhu xejn għajr ċertifikat ta' kundanna u tħammir tal-wiċċ għall-pajjiżna peress li kixef l-għatu fuq kif il-Gvern ħataf l-istituzzjonijiet li suppost qegħdin hemm biex jiżguraw it-twettiq tal-liġijiet iżda li minflok qed jintużaw bħala paraventu mill-uffiċjali korrotti tal-Gvern;

Illi r-Rapport Greco jagħmilha ċara li "*the criminal justice response can too easily be paralysed where political influences come into play. For instance, where members of government are suspected of committing a crime. The GET learned that the police has thus refused to spontaneously open cases following the Panama Papers and other revelations, or even when information was made available from the FIU.*";

Illi dan ir-Rapport jgħid ukoll *the recent controversies concerning various PTEFs (the Prime Minister and his wife, several ministers, a chief of staff) provide ample illustrations of the inability of Malta's justice system to deal with tips, information and requests which come to the attention of the police, prosecution or inquiring judge. In many other GRECO countries, on a given case, one or more of such bodies would act ex officio. <u>But in Malta</u>, as it was broadly reported in the media and interviews held by the GET, <u>the police has refused to open cases arguing that no "hard" evidence had been presented to it, even if it was undisputed that legal off-shore constructions had been set-up under questionable circumstances</u>.*";

Illi b'mod mill-iktar drammatiku dan ir-Rapport, li fih xejn inqas minn 23 rakkomondazzjoni biex is-soqfa istituzzjonali f'Malta ma jisfrondawx fuqna, jikkundanna lil Gvern għax "***<u>senior officials benefit from a total impunity for their actions. This is worrying</u>***" b'turija u konferma li l-liġi fil-pajjiż mhijiex l-istess għal kulħadd u li sirna pajjiż fejn min hu l-aqwa jħawwel;

Illi tenut kont tal-importanza bla preċedent ta' dawn ir-Rapporti, il-Kamra għandha tapprova t-twaqqif immedjatament ta' Kumitat Parlamentari *ad hoc* b'ħames Membri Parlamentari, tnejn min-naħa tal-Oppożizzjoni li jkunu jinkludu l-President tal-Kumitat Parlamentari msemmi li allura għandu jkun min-naħa tal-membri tal-Oppożizzjoni, u tliet Membri Parlamentari min-naħa tal-Gvern;

Illi dan il-Kumitat Parlamentari jkollu l-għan li jifli u jistudja dawn ir-Rapporti tal-Venice Commission u tal-GRECO tal-Kunsill tal-Ewropa u konsegwentement jirrakomonda dettaljatament, fi żmien mhux iktar minn tliet xhur mit-twaqqif urġenti tiegħu, kif dawn ir-Rapporti għandhom jiġu implimentati mhux aktar tard mis-sitt xhur ta' wara;

Illi għal dan il-għan, din il-Kamra qed:

Tapprova t-twaqqif urġenti ta' dan il-Kumitat Parlamentari kif fuq spjegat,

u

Tirriżolvi li tkompli tiddibatti urġentement u fid-dettall dawn ir-Rapporti fil-Kumitat li qed jigi propost, liema Rapporti xeħtu dawl fuq il-feriti li qed jiżvinaw lid-demokrazija f'Malta u allura, bl-għan li d-demokrazija f'Malta tiġi konformi mal-livelli mistennija minn pajjiż Ewropew fejn suppost issaltan is-saltna tad-Dritt minflok id-dritt tas-Saltna.

15.04.2019