Ruling mogħti mill-Ispeaker l-Onor. Anġlu Farrugia fis-Seduta 256 tad-9 ta' Lulju 2024 dwar misinformation u fake news f'media internazzjonali dwar Membru Parlamentari

Fis-seduta tal-bieraħ, 8 ta' Lulju, l-Onor. Chris Fearne talab lis-Sedja hekk:

> "**ONOR CHRIS FEARNE:** Sur President, nixtieq niġbidlek l-attenzjoni għal tliet artikli li dehru fil-midja internazzjonali u fil-midja Maltija fil-ġranet li għaddew; midja li għandhom reputazzjoni stabbilita madwar id-dinja. Qed nirreferi għal artikli li dehru f'*The Times of Malta*, *Boston Globe*, u fuq il-website tal-*Organised Crime and Corruption Reporting Project* (OCCRP). Se nkun qiegħed inpoġġi dawn l-artikli fuq il-Mejda tal-Kamra. Dawn l-artikli juru b'mod dettaljat u msaħħaħ b'evidenza ċara li fix-xhur li għaddew kien qiegħed jinħema frame-up fuqi bl-iktar mod malinn u infami. Frameup li sewa iktar minn €6 miljun. Frame-up maħluq permezz ta' stejjer kompletament ivvintati dwari. Meta ħarġu dawn l-istejjer foloz jien kont tlabt lill-Pulizija tinvestiga lili kif ukoll is-sors ta' dawn l-istejjer. Wara investigazzjoni intensiva l-Kummissarju tal-Pulizija kien infurmani bil-miktub li l-istejjer kienu totalment foloz, u li fuqi ma kien hemm ebda dell ta' ħtija, aħseb u ara ħtija vera. Madanakollu l-Pulizija sa dakinhar ma kienx irnexxielhom isibu min kien li wettaq dan il-frame-up maħmuġ. B'riżultat ta' investigazzjoni tal-midja, li diġà semmejt, jien issa erġajt tlabt lill-Kummissarju tal-Pulizija biex fid-dawl ta' din l-evidenza ġdida u ċara, ikompli jinvestiga s-sors ta' dan il-frame-up. Tlabt li jiġi investigat kemm is-sors, li diġà hemm indikazzjoni ċara min huwa, kif ukoll jekk hemmx xi id oħra moħbija. Tlabt ukoll li jittieħdu l-passi kollha skont il-liġi kontra min jiġi konfermat li wettqu. Sur President, dan l-attakk, kordinat u malinn, ma sarx biss kontrija bħala ċittadin imma sar kontra tiegħi bħala rappreżentant tal-poplu, bħala membru tal-Kabinett, u bħala Deputat Prim Ministru. L-għan kien u jibqa' wieħed: li nieqaf milli naqdi dmirijieti u jeliminawni politikament. Sur President, *in vista* ta' dan, u dak li sirna nafu f'dawn l-aħħar ġranet, qiegħed solennament nitlob il-protezzjoni tas-Sedja. Nitolbok tiżgura li jien bħala deputat ta' din il-Kamra ma ninżammx mill-qadi ta' dmirijieti lejn il-poplu li eleġġieni, u lejn l-Istat Malti; qadi ta' dmirijieti mingħajr biża' jew favur. Fl-aħħar nett nitolbok tieħu l-passi li jidhirlek li huma xierqa biex familti u jien niġu mħarsa mill-periklu. Min kien lest jonfoq iktar minn €6 miljun biex jeliminani politikament permezz ta' frame-up mhux se jiddejjaq jagħmel agħar minn hekk.
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> Fl-aħħar nett nitlob il-permess tal-Kamra biex inqiegħed xi dokumenti fuq il-Mejda tal-Kamra.
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> **L-ISPEAKER:** Hawn permess? (Onor. Membri: Iva)
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> ....
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> **L-ISPEAKER:** Grazzi. Issa nara t-talba tiegħek u nagħti d-deċiżjoni tiegħi."

Is-Sedja rat id-dokumenti mqiegħda fuq il-Mejda tal-Kamra mill-Onor. Chris Fearne, u tinnota dak li ġie rapportat mill-*Organised Crime and Corruption Reporting Project* (OCCRP) li ppubblika diversi dokumenti, li ġew rapportati wkoll mit-*Times of Malta* u l-*Boston Globe* fejn jingħad li kien hemm pjanijiet minn Steward Health Care biex jagħmlu kampanja kontra dak iż-żmien, id-Deputat Prim Ministru Chris Fearne u Membri oħrajn tal-Gvern, kampanja indirizzata biex tkisser l-istess persuni u l-kampanja tagħhom, indikata bħala smear campaign.

Nikkwota mill-istess rapport tal-OCCRP fejn dwar id-Deputat Prim Ministru, illum Membru Parlamentari, l-Onor. Chris Fearne, jingħad illi:

> "A key target of Steward's intelligence operations was Chris Fearne, Malta's health minister from 2016 until earlier this year. He was also the country's deputy prime minister until resigning in May, when charges of fraud and missapropriation were filed against hi min connection with the hospital deal. (Fearne has pleaded not guilty)
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> Steward blamed Fearne when payments to the healtchare firm were held up after disputes over whether Steward was providing all the medical services it had been contracted to deliver under the government contract."[1]

Is-Sedja rat ukoll dak li ġie rapportat fl-Istati Uniti mill-*Boston Globe* ta' Massachusetts fir-rapport bl-isem "Steward Health Care spent millions on surveillance of its critics - even amid financial crisis" u l-istess rapport fuq Steward Health Care, li jgħid:

> "On another occasion, an intelligence firm targeted a top Maltese politician and circulated an allegedly fraudulent bank wire transfer that suggested he had illegally granted a passport in exchange for a multimillion dollar bribe."[2]

Fl-istess rapport dettaljat diġà ċitat tal-*Organised Crime and Corruption Reporting Project*, ċjoè wieħed mit-tliet dokumenti li poġġa fuq il-Mejda tal-Kamra l-Onor. Chris Fearne fit-talba tiegħu ċitata aktar kmieni, jingħad ukoll:

> "In September that year, a director at CT Group at the time, Will Crawford, produced a two page briefing note titled "Malta: Abuse of Passport Scheme." It laid out a case that Fearne had used his position to lobby for the issuance of a Maltese passport to the brother of a longstanding adviser to Vladimir Putin, in Exchange for a bribe. The note claimed that a "fixer" for the Russian adviser had paid 3.2 million euros (3.5 million US Dollars) to an accounts held by the daughter of Fearne's former chief of staff, and that a record of the bank transfer was "attached".
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> This document was in the possession of Steward by October 2022, when Ernst, the comnpany 's international CEO, emailed it to a U.K-based partner at Quinn Emanuel. He also sent a copy of the bank record supposedly showing 3.2 million euro payment.
>
> But the record was not authentic. Alex Cobham, chief executive of the UK-based NGO Tax Justice Network, reviewed the document for OCCRP and called it a "clumsy and inexpert" fake."

u jkompli

> "but six months later, in early 2023, Matthew Caruana Galizia, the director of the Daphne Caruana Galizia Foundation, a Maltese NGO that supports investigative journalism, received a tip form a prominent UK journalist, who sent him an image of

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[1] OCRP - U.S. Healthcare Firm Embroiled in Malta Corruption Scandal Spent Millions on Private Spies, 1 July 2024 - https://www.occrp.org/en/investigations/us-healthcare-firm-embroiled-in-malta-corruption-scandal-spent-millions-on-private-spies

[2] *Globe Spotlight* Steward Health Care spent millions on surveillance of its critics – even amid financial crisis, 1 July 2024 – https://bostonglobe.com/2024/07/01/metro/steward-health-care-surveillance-intelligence-gathering/

the supposed bank transfer. A second UK journalist later approached him to give him the briefing note on Fearne."

"I think one was down to excitement, convinced that it was genuine, and the other was a bad actor, a tabloid journalist turned PR operative, acting maliciously, knowing full well that the document was forged but really useing every trick in the book to manipulate us into publishing it" Caruana Galizia recalled.

Caruana Galizia looked into the bank record, but became concerned after he contacted the Austrian bank named in it and was told the document was forged. He contacted the person who had purportedly transferred the Money, who also said it was a fake."[3]

Is-Sedja rat ukoll dak li ġie rapportat fis-6 ta' Ġunju tal-2023, jiġifieri ftit aktar minn sena ilu, minn ġurnal fl-Ukrajna li ppubblika evidenza dwar ħruġ ta' passaporti Maltin għal oligarchs Russi, liema rapport fost oħrajn jgħid hekk:

"Members of the influential Leonid Levitin family received Maltese citizenship ... List of people granted Maltese citizenship in 2016/2017 when Fearne was in charge of the programme."[4]

Rapport ieħor li deher fid-*Daily Pakistan* f'Lulju 2023 jgħid illi:

"A controversial Indian-Canadian businessman whose company has recently signed an Rs2,800-crore deal to supply e-buses to Brihanmumbai Electric Supply and Transport (BEST) is facing fresh allegations of corruption – involving Malta's Deputy Prime Minister Chris Fearne's office."[5]

Dan ir-rapport ikompli jgħid:

"The controversial takeover of Malta's state hospitals has now taken an extraordinary further twist, with leaked banked transfers showing a series of suspicious payments to the chief political advisor of Malta's health minister Chris Fearne."[6]

Is-Sedja tifhem dak li qed jitlob l-Onor. Chris Fearne għar-rigward ta' malafama aggravata kif ġie rapportat anke minn media houses internazzjonali u għalhekk ħasset li għandha tara x'inhi l-pożizzjoni tal-House of Commons dwar "Disinformation and fake news", fejn f'rapport tal-14 ta' Frar 2019,[7] jingħad b'mod ċar li meta jsir attakk, fake news, fil-konfront ta' Membri tal-Parlament, dan huwa attakk fuq l-istess demokrazija parlamentari, tant li fl-istess rapport, proprju f'paġna 6, jgħid hekk:

"While the Internet has brought many freedoms across the world and an unprecedented ability to communicate, it also carries the insidious ability to distort, to mislead and to

[3] Ibid.
[4] *internationalApostrophe*: "Ukrainian journalist published evidence of trade in passports of Malta for Russian oligarchs", 6 June 2023 - https://apostrophe.ua/en/news/world/europe/2023-06-06/ukrainskaya-zhurnalistka-opublikovala-dokazatelstva-torgovli-pasportami-malty-dlya-rossijskih-oligarhov/298480
[5] *Daily Pakistan* "Investigation: How Ram Tumuluri's company bribed Malta govt senior official" 31 May 2023 - https://en.dailypakistan.com.pk/31-May-2023/investigation-how-ram-tumuluri-s-company-bribed-malta-govt-senior-official
[6] Ibid.
[7] MPs to investigate threat to democracy from fake news – 29 January 2017 - https://www.theguardian.com/media/2017/jan/29/fake-news-mps-investigate-threat-democracy

produce hatred and instability. It functions on a scale and at a speed that is unprecedented in human history. One of the witnesses at our inquiry, Tristan Harris, from the US-based Center for Humane Technology, describes the current use of technology as "hijacking our minds and society". We must use technology, instead, to free our minds and use regulation to restore democratic accountability. We must make sure that people stay in charge of the machines."

L-istess ġie rapportat minn Membri Parlamentari fil-House of Commons, fejn l-istess Membri, dwar il-fenomenu tal-fake news, jgħidu hekk:

> "The phenomenon of fake news is to be investigated by a group of influential MPs following concerns that knowingly false articles posing as journalism could become a threat to democracy."[8]

L-istess Final Report jgħid li meta jsiru rapporti bħal dawn, allura bħalma huwa l-każ fil-konfront tal-Onor. Chris Fearne meta kien mhux biss Deputat Prim Ministru u Ministru għas-Saħħa, imma wkoll Leader of the House ta' dan il-Parlament,

> "Democracy is at risk from the malicious and relentless targeting of citizens with disinformation and personalised 'dark adverts' from unidentifiable sources, delivered through the major social media platforms we use everyday. Much of this is directed from agencies working in foreign countries, including Russia."[9]

Mingħajr ma s-Sedja toqgħod tidħol fil-merti dwar min jista' jkun wara dan kollu, ċertament li anke skont ir-rapport tal-istess *Organised Crime and Corruption Reporting Project* esebit u mpoġġi fuq il-Mejda tal-Kamra fis-seduta tal-bieraħ, jidher li l-pjanijiet f'din l-ismear campaign u fake news fil-konfront tal-Membru Parlamentari Chris Fearne huma tal-istess kumpanija.

Għalhekk is-Sedja, filwaqt li tirrileva li ma għandha l-ebda mansjoni li hi stess tissindika jew tinvestiga dak li ġie rappurtat, min-naħa l-oħra tifhem li l-Ordinanza dwar il-Privileġġi u s-Setgħat tal-Kamra tad-Deputati, Kap. 113, fl-artiklu 11, para. (4)(j), titkellem dwar ir-reat ta':

> "il-pubblikazzjoni ta' kull libell li jagħti malafama lill-iSpeaker jew lil xi membru li tolqot xi ħaġa magħmula minnu jew li ntqalet minnu bħala Speaker jew bħala Membru fil-Kamra jew f'Kumitat tagħha;"

fejn kull "pubblikazzjoni" tfisser

> "kull att li bih kull stampat jiġi jew jista' jiġi kkomunikat jew imgħarraf lil xi persuna jew li bih kliem jew immaġni viżwali jiġu mxandra"

u fejn "xandir" tfisser

[8] Hon. Damian Collins, Chair of the Digital, Culture, Media and Sport Committee of the UK House of Commons on the publication of *Disinformation and 'fake news': Final Report (Session 2017-19)*, 14 February 2019

[9] Cap. 113 House of Representatives (Privileges and Powers Ordinance)

> "xandir ta' kliem jew immaġni viżwali bil-mezz ta' telegrafija mingħajr fili jew bil-fili jew bit-tnejn, sew jekk dawk il-kliem jew l-immaġni jkunu fil-fatt riċevuti minn xi persuna sew jekk le."[10] ,

jew kull reat ieħor wara li jsiru l-investigazzjonijiet meħtieġa.

Wara li fehmet li l-Onor. Chris Fearne - kif qal fit-talba tiegħu stess - diġà għamel rapport lill-Pulizija Maltija biex tagħmel l-investigazzjonijiet ulterjuri, is-Sedja tifhem ukoll ir-rwol ta' dan il-Parlament meta jiġi attakkat membru elett mill-poplu, u l-effett li dan ikollu fuq l-istess Parlament f'dak li hu rappurtaġġ minn kumpaniji jew persuni barra t-territorju ta' pajjiżna.

Is-Sedja rat dak li jgħid l-istess Kodiċi tal-Amerika, il-United States Code, fejn "United States person", minbarra ċittadin jew persuna li għandha residenza fl-Amerika, tinkludi "a business entity incorporated in or within its primary location or place of operation in the United States". Għalhekk Steward Health Care – a limited liability company - hija żgur kumpanija li taqa' f'din id-definizzjoni ta' dan l-artiklu.

Għalhekk, wara li s-Sedja rat l-istess liġi Amerikana li titlob li għal kull akkuża fil-konfront ta' persuna jew kumpanija – f'dan il-każ Steward Health Care – fejn l-interess Amerikan huwa li jipproteġi l-integrità tal-istess rule of law, tħoss li d-Dipartiment tal-Ġustizzja jrid jara li dawn it-tip ta' kumpaniji ma jkunux, kif huwa deskritt, "bad actors" u li "they don't promote unlawful conduct at the expense of the public interest"...

Is-Sedja, wara li rat dan kollu u wara li rat ukoll li hawnhekk jidher li jista' jkun hemm każ ta' corporate crime li s-Sedja tħoss li għandu jingħata prijorità assoluta mid-Dipartiment tal-Ġustizzja Amerikana, fejn ikunu jridu jsiru l-investigazzjonijiet meħtieġa fuq dawn l-allegazzjonijiet imsemmija, fiċ-ċirkostanzi fejn qed nitkellmu fuq il-protezzjoni ta' Membru Parlamentari fl-ogħla istituzzjoni tal-pajjiż, is-Sedja temmen li minbarra li l-Pulizija Maltija tkompli bix-xogħol tagħha kif diġà rappurtat mill-Onor. Chris Fearne, f'dan il-każ partikolari u uniku, wara l-qari ta' dan ir-ruling,għandha tordna lill-Iskrivan tal-Kamra tgħaddi kopja ta' dan ir-ruling lill-Ministru għall-Affarijiet Barranin biex jinnotifika b'*note verbale* lill-Ambaxxata Amerikana u l-High Commission Ingliża fejn jidhru l-kumpaniji li allegatament kienu wara l-moħħ tal-imsemmija fake news indikat.

Dwar it-talba l-oħra tal-Onor. Chris Fearne u ċjoè "Fl-aħħar nett nitolbok tiegħu l-passi li jidhirlek li huma xierqa biex familti u jien niġu mħarsa mill-periklu", is-Sedja qiegħda b'dan l-istess ruling tinforma lill-Kummissarju tal-Pulizija biex minbarra l-istess investigazzjoni li qed jagħmel, jara li jagħti l-protezzjoni kollha meħtieġa kif mitluba lill-Onor. Chris Fearne u l-familja tiegħu.

Ir-ruling huwa deċiż.

[10] United States Code: Crimes and Criminal Procedure