



Tweede Kamer

DER STATEN-GENERAAL

To Mr Dalli
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Dear Mr Dalli,

Thank you for your letter of 3 August 2019 concerning my report on 'Daphne Caruana Galizia's assassination and the rule of law in Malta and beyond: ensuring that the whole truth emerges' and, in particular, certain references therein to yourself.

Your letter and the other documents that you have sent me are very wide-ranging, going far beyond the scope of my report and into the minutiae of other aspects of your situation, often rather elliptical and expressed in somewhat lurid and polemical language. I will nevertheless do my best to respond to what I understand to be your main issues.

The first issue you raise is the claim that material in my report came from a Maltese "prompter". You do not state the name of the person whom you suspect of having played this role and unfortunately my knowledge of Maltese domestic politics is insufficient to identify any particular individual from your description. That is, however, by the bye, as nobody, whether from Malta or elsewhere, 'prompted' me to include certain information or to use certain expressions in my report. There is no 'prompter', the report is entirely my own work and I take full responsibility for it.

The second issue is summarised in your question, "Why am I disgraced?" Allow me to explain why I chose to use that word.



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The OLAF Final Report of 15 October 2012 found that you had “put at risk the image and the reputation of the European Commission in the eyes of the tobacco producers and, potentially, in front of public opinion” and concluded that “the inconsistency of [your] statements, together with the findings of this investigation relating to [you], could be seen as a serious breach of [your] duty to behave in keeping with the dignity and the duties of [your] office.” In the light of this report, you tendered your resignation as a European Commissioner to then European Commission President Barroso. In June of this year, the EU General Court comprehensively dismissed all of your criticisms of the handling of your case by OLAF and the European Commission. I recall that the General Court had already rejected your case for unfair dismissal by President Barroso. Whilst you may not accept these judgments, I have no reason not to do so myself. I also recall that the Council of Europe’s Group of States Against Corruption (GRECO) has criticised the fact that in Malta, “former officials who have been embroiled in dubious dealings or actions are given prominent governmental functions, in the absence of any policy requiring a clean reputation to be appointed at the highest levels. For instance, a former Maltese Health Commissioner of the European Commission, who was forced to resign by president Barroso following allegations of bribery from the tobacco industry, was appointed special adviser for health matters in the Maltese Government in 2013” (Fifth Round Evaluation Report, 22 March 2019). I further recall the similar observations made by the European Parliament’s inquiry committee, which found “disturbing” the fact that, following your resignation, you were made an advisor to the Maltese Prime Minister, “instead of being prosecuted for bribery and corruption charges, despite substantial evidence in investigations and reports by OLAF and Malta’s own FIAU” (Mission Report following the ad-hoc Delegation to Malta (30 November – 1 December 2017), 1 January 2018).

In these circumstances, I feel that my use of the word ‘disgraced’, whilst succinct as a description of your situation, was well within the bounds of fair comment.

The third issue you raise is my reference to Ms Caruana Galizia’s deduction that you may have played a part in the awarding of a government contract to Vitals Global Healthcare (VGH). I included this reference as a possible identification of the third person involved in the particular activity mentioned, given Ms Caruana Galizia’s outstanding overall track-record as an investigative journalist. This does not mean that I find your involvement to have been proved; for the purposes of my report, which were to describe the strong suspicions of impropriety surrounding the VGH contract, it was not necessary to pursue the point thus far. I note that a magisterial inquiry has now been opened into the matter, which may shed further light upon this aspect.

Finally, you mention my report’s reference to your Pilatus Bank account. I note that you do not deny the truth of this statement but rather assume that it was included at the request of the anonymous alleged ‘prompter’, with the aim of implying certain connotations. In this case, not only are you imagining the existence of a ‘prompter’,



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you are also reading more into the text than it was intended to convey. Since you mention these possible connotations, however, I would agree that it seems peculiar for a person in your position to engage with a bank such as Pilatus, whose business model and operations have since been exposed as highly dubious to say the least, entrusting it with the not insignificant sum of €1000 merely in order to "see what services they offer", when a simple enquiry would surely have provided the same information for free.

In light of the foregoing, I consider that I have nothing for which to apologise to you. I am, however, prepared to overlook for now the accusations and insults against me in your published letter.

Yours sincerely,

Pieter Omtzigt