

KUMMISSJONI ETIKA, DIXXIPLINA U MEDIA SOĊJALI

1. By means of an email dated 9th November, Hon Jason Azzopardi submitted a request for the Ethics, Disciplinary and Social Media Commission (the “Commission”) to investigate a report which appeared on the Illum on the 8th November 2020 that he had accepted a gift from Tumas Group. Hon Azzopardi was given the opportunity to submit a written statement on the matter and the Commisison met on the 17th November 2020 in order to consider the matter.
2. Prior to the hearing Dr. Azzopardi gave his reasons as to why Dr. Soler should abstain from sitting in judgement. Hon David Thake testified about the same subject. Prior to absenting himself to allow the members of the Commission the liberty to discuss the matter openly, Dr. Soler expressed his opinion that there was no valid reason for his recusal. This notwithstanding, he accepted to abstain in the light of the unanimous wish of the other members of the Commission, in order that there not be any doubt or perception of partiality or lack of a fair hearing.
3. Hon Azzopardi was invited to explain his position and he chose to do so under oath. The principal facts which were established and are not contested are the following,
4. In March 2017 Hon Azzopardi had difficulties to find accommodation in Tel Aviv and requested the assistance of Ray Fenech from Tumas Group, through whose intervention he was booked at the Hilton Hotel in Tel Aviv for three nights. Hon Azzopardi paid for the ‘extras’ On his return to Malta he bought a silver gift by way of thanks and in order for hem to make it clear that he had no obligation towards Mr. Ray Fenech.
5. The facts are to be considered in the light of Article 9 of Chapter IV of the Code of Ethics of the Nationalist Party which provides as follows:

No person who is bound by this Code should accept a gift of any form which in view of its value or other circumstances may be understood to have been given to create an obligation of

the donee towards third parties. The same rule applies to gifts given to the spouse or minor children of the person.

The prohibition to accept a gift is mandatory in view of the value or other circumstances which could create a perception that the donee could be indebted to the donor. In these circumstances there is a breach of ethics independently of the intention of the donor or the donee and independently of the fact that the acceptance of the gift did not influence the politician in the exercise of his duties. These are considerations which could have a bearing on the recommended sanction but not on the existence or otherwise of the breach.

The rule is a reflection of the high standards of correctness, honesty and integrity which in terms of the Preamble to the Code of Ethics are the highest values to which politicians should aspire.

6. Accordingly after an ascertainment of the facts and having considered the words and spirit of the Code of Ethics, it was unanimously decided that acceptance by Hon Azzopardi of the gift consisting of a three night paid stay at the Hilton, Tel Aviv constitutes a breach of Article 9, Chapter IV of the Code of Ethics.

7. In so far as sanctions are concerned the Commission is bound by Article 146 of the Statute of the Nationalist Party in terms of which the Commission may recommend to the Administrative Council one or more of the following;

- a) A warning or a reprimand;
- b) Suspension from membership of the Party for a definite time; or
- c) Expulsion from the Party.

The severity of the recommended sanction to the Administrative Council should be proportionate to all circumstances, including the value of the gift, the damage suffered by the politician and the Party and also the perception that the gift could have influenced the member in the fulfillment of his duties.

8. Without in any manner condoning the breach of ethics, the Commission has no doubt that the gift consisting in a three night stay at the Hilton, Tel Aviv did not influence Hon Azzopardi in the fulfillment of his role including the cause he has taken up with vigour, even at the risk of his personal safety, against the institutionalisation of criminality and corruption even when the target of his criticism were and still are members of the Tumas Group.

9. In the circumstances, the Commission unanimously agrees to recommend to the Administrative Council to reprimand Dr. Azzopardi unequivocally, making it clear that acceptance of any form of gifts in breach of the Code of Ethics and rules of transparency and disclosure will not be tolerated.

10. On its part the Commission reiterates that particularly in an environment where there is a pressing and urgent need to clean up politics and in order to re-establish trust in the political class, it is imperative that there be coherence between politicians words and actions and that all the elected representatives and functionaries of the Nationalist Party should conduct themselves with integrity and correctness in all circumstances.

The Commission expects full compliance with the Party's Code of Ethics and will escalate the recommended sanctions in view of the gravity and circumstances of the case.



Professor Joseph M. Pirotta

Chairman