

Therese Comodini Cachia

ADVOCATE

28 October 2023

Commissioner of Police

Mr Angelo Gafa

Police Headquarters

Floriana

Dear Commissioner Gafa,

I am instructed by Dr Robert Aquilina to once again call upon you to provide him and his family members with sufficient protection to secure his ability to participate in public engagement in fulfillment of his right to freedom of expression without fear, harassment, or threats. Despite several specific indications made to the police of the threatening environment he faces, his requests for protection have continued to be rejected.

The obligations of the state reflected in the caselaw of the European Court of Human Rights and several Recommendations and Resolutions of the Council of Europe particularly Recommendation CM/REC(2016)4, have already been brought to your attention in my letter dated 25 April 2023. The police are also responsible in providing for the safety and protection of those who participate in public debate and to ensure that they are able to do so without fear.

Since at least April 2023, Dr Aquilina has himself brought information to the attention of the police which indicates the nature of the risk that threatens his safety and that of his family. Others such as representatives of Pen Malta, with the support of Pen International, also voiced their concerns on the matter during meetings held with the police.

More specifically, the police were informed by him of signs of an attempted entry into his family home, of evidence witnessed by two witnesses of him being followed by person/s close to the network of politicians of whom he is critical in his activism, and of a 'message' that a person of Libyan nationality sought to get to him.

Forensic officers have confirmed that the marks found on the door to his family home are compatible with an attempt to forcefully enter his home. It is of public knowledge and easily

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ascertainable to the police that the person/s who were noticed following or surveilling Dr Aquilina are closely connected with a political network whom Dr Aquilina has publicly denounced as abusers of political power.

Dr Aquilina has also brought to the attention of the police that a person of Libyan nationality had sought to send a message to him on the instructions of a Maltese businessman whom Dr Aquilina had named as being close to yourself. As far as Dr Aquilina is aware, the instructions for him to be spoken to came from the businessman at a time when Dr Aquilina was publicly questioning the correctness of having a police commissioner being close to a businessman and attending social events which were also attended by politicians who are persons of interest to the police.

The risks to him are no longer only from those who are instigated by disparaging and divisive public rhetoric uttered by politicians, such as that attack made by Prime Minister Robert Abela in parliament on the 23rd October 2023. This public rhetoric has already led to private persons taking it upon themselves to threaten Dr Aquilina, including to obtain information on his family members. For example, a judgment finding one such person guilty of threatening Dr Aquilina involved evidence showing the perpetrator gathered information about Dr Aquilina and his family, including their whereabouts, by following them on various occasions in churches. But the risks now appear to be of a more serious nature.

It is of concern that the police has failed to identify and act upon this risk without having to be prodded to act. As it is of great concern that despite one police department being aware of evidence compatible to an attempted forced entry into Dr Aquilina's home, the other department whose only function is to assess risk was not made aware of this evidence for at least five months. Furthermore, it is of serious concern that though the police have known for the last five months of evidence compatible with attempted forced entry to his home, they failed to inform him of this even when he repeatedly asked for this in writing. That Dr Aquilina has to inform you himself of such real threats and that these are then dismissed as they have been since his request last April, is an aggravation amounting to a failure by the police in fulfilling their obligation to provide adequate protection.

These real and actual threats of a likely attempted forced entry into his home, surveillance by person/s with security training, and instructions to harass him given by persons close to the Commissioner, cannot but be considered real and sufficient for him and his family to receive protection.

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Consequently, you are once again being called upon to fulfill your obligations towards the implementation of the state's obligation to ensure participation in public debate can take place in a safe and enabling environment, without fear, threats or harassment, and provide Dr Aquilina and his family with effective protection.

A handwritten signature in dark ink, consisting of several overlapping, fluid strokes that form a cursive, somewhat elongated shape.

Avv Therese Comodini Cachia

cc. Deputy Police Commissioner, Mr Sandro Gatt