

FII-Qorti Civil Prim'Awla

Registru
Motifika

Repubblika (VO 1670)

-v-

Kummissarju għall-
Organizzazzjonijiet Volontarji

Protest ta' Repubblika
Jesponi umilment

Illu fis-6 ta' Marzu 2021 ircevw minnhand il-Protestat ittra fejn gew infurmati illi l-istess Protestat jikkunsidrahom li qeghdin jagixxu bi ksur tal-ligi minhabba l-mod kif kienu qeghdin jigrbu u jiddisponu mill-fondi (u dan minghajr ma ta xi fatti li jindika u dan) u ukoll minhabba li kienu qeghdin jagixxu bhala, jew fl-interess ta', part politiku.

Illu fil-pront Repubblika rrispondew lill-Protestat permezz ta' l-ittra hawn annessa (Dok A) fejn ghal kollox u minghajr rizerwa mbattew l-asserzjonijiet fiergha u bla bazi li saru u xlew lill-istess Protesta b'agir illegali u njeqes mir-rispett lejn id-dntijiet fundamentali ta' assocjazzjoni u espressjoni u dan peress illi kien qed jagixxu biex johnoq il-vuci ta' organizzazzjoni li tiggied favur governanza xierqa tal-pajjiz.

Illu in kwantu jikkoncerna l-gbir tal-fondi u kif dawn jigu wzati, donnu li l-Protestat nesa' illi kien hu li approva hu stess l-iStatut u li l-kontijiet ta' Repubblika gew 'audited' minnu, u qatt qabel issa ma deherlu li kellu jgissen xi hsieb. Fi kwajunkwe kaz, Repubblika tinnega illi b'xi mod mhijex tagixxi skond il-ligi f'dan ir-rigward u tikkunsidra l-asserzjonijiet tal-Protestat bhala ghal kollox neqsin mill-verita'.

Illu in oltre l-Protestat donnu ghazel il-fatt illi Repubblika kellha l-ardir (biex wiehed juzu l-kejl tal-Protestat stess) taghmel sottomissjonijiet quddiem il-Bord ta' Inkjesta fil-Qtil ta' Daphne Caruana Galizia biex jiggustifika l-pozizzjoni tieghu, filwaqt illi cci-tata wkoll diversi artikli li "kumbinazzjoni" jikkritikaw il-Gvern, artikli miktubin minn esponenti ta' Repubblika.

Illu Repubblika ihossu illi l-agir tal-Protestat jehtieg sfida f'forma gudizzjarja, stante illi tali agir hu ghal kollox anti-kostituzzjonali u ntiz biex igib fix-xejn l-vuci ta' Repubblika: l-Protestat ghandu jkun avzat illi Repubblika ser taghmel dak kollu li hemm bzonn sa biex tissalvagwardja l-ezistenza u x-xoghol taghha, anke jekk dan idejjaq lill-Gvern, anzi specjalment jekk dan ikun il-kaz.

Ghaldaqstant, filwaqt li jpoggu lill-Protestat in dolo mora u culpa għall-finijiet u effetti kollha tal-ligi, jiddiffiduh milli jkompli bl-agir illegali u anti-kostituzzjonali tieghu u li b'effett immedjat jirtira t-talbiet espressi fl-ittra tieghu u dan minghajr rizerwa filwaqt li jirrikonoxxi illi l-asserzjonijiet tieghu huma ghal kollox bla bazi u jirtira l-istess b'-mod immedjat.

Bl-ispejj z

Av A r w org-Cardona
56 Me t treet Valletta

Av Eve Borg Costanzi
56 Melita Street Valletta

Av Paul Borg Olivier
Vincenti Buildings Strait Str t Valletta

Illum... 09 MAR 2021

Ipprezentata mill-... P.L. J.P. Busuttill
B/bla dok... B'dok. wiehed dokumenti

Anness Dok 'A'

Notifika:

Ufficiju tal-Kumissarju għall-Organizzazzjonijiet Volontarji Block C Beltissebh Floriana

Notifiki ulterjuri:

Prim Ministru Ufficiju tal-Prim Ministru Kastija Valetta

Ministru għall-Edukazzjoni Ministeru tal-Edukazzjoni Beltissebh Floriana

Protestanti:

Pjazza tal-Knisja Mqabba

repubblika

A CIVIL SOCIETY MOVEMENT

6 March 2021

The Commissioner for Voluntary Organisations
Block C, Beltissebħ
Valletta

Sent by email: vo@gov.mt

Sir,

Your lawyer's letter of 26th February, received today, refers.

I will make it clear from the outset that we consider your letter to be a blatant attempt at silencing us. You single us out because we dare to raise our voice against the manner in which the country is being governed. This is not merely our right. It is our duty as a civil society organisation.

In this context, you will be met with the strongest possible resistance on our part against any action you take if you attempt to take this matter further.

In more detail, and to substantiate our characterisations of your motivation, in your opening paragraphs, you first state that you have determined that Repubblika is in breach of the law and then go on to state the you are "enquiring whether the organisation is..."

It would be appreciated therefore if you would explain, if any such explanation is even remotely possible, how you have made a determination and then, in your next breath, enquire into the question that you have already determined.



In fact, if you were to read our Statute and the law with an eye to reality, rather than seeking to hang your cap on the flimsiest of pegs, you would see that the manner of fund-raising and the activities ancillary thereto are entirely normal and certainly not carried out in any manner that is in breach of the law.

It should be pointed out for the record that you had examined our Statute as it was adopted on the day of our foundation on 25 January 2019 and you had not made any adverse comments at the time. Nothing has changed since then except for, apparently, your determination to use an interpretation that is stretched beyond snapping point in an attempt to suppress us in the performance of our democratic duty.

You are also perfectly aware of the sources of the funds we have raised and how they have been spent. You had already unilaterally hired your auditors to look at our finances. We had responded with the information you required almost a year ago and you have made no adverse comments since then. If you had really found anything untoward, it would have made it to your letter or in some other form of communication.

It may be the case, though frankly I doubt it, that you were confused by the reference to guarantees and similar instruments, intended, as is entirely clear, to facilitate the acquisition of funding in a proper and transparent manner, and in full compliance with any and all laws.

Insofar as the other elements of fundraising to which you refer and which you allege characterise us as an organisation serving private interests are concerned, I do not propose to enter into any debate, other than to point out that most, if not all, of these are commercial activities that find no place in Repubblica's range of functions.

We have never undertaken any of the activities that, you allege, better describe the nature of our organisation and we find the suggestion, based as it is on no substantiating facts whatsoever, as an attempt to cast doubt on Repubblica, its members, its committee and its officials.

Finally, in this regard, I note that you give no evidence whatsoever to back up your suggestion that exorbitant charges or expenses have been incurred or administered, which is telling in itself. You have no basis to make this suggestion and again, we feel that you have put it in your letter to damage the reputation of people who have done nothing more than give up their own time and money to serve the community with their voluntary work.

For the record, it is declared that Repubblica has never paid exorbitant prices on anything or to anyone and we struggle to imagine what could have possibly given you this fantastical idea.

Insofar as concerns your assertion that Repubblica is in breach of the law because of what you have referred to as its "political" activities, this assertion is entirely gratuitous and



unfounded in fact and at law. To be clear: Repubblica is not a political party, it is not controlled by a political party and it does not militate in favour of a political party.

The articles you attached to your letter in no way whatsoever amount to any evidence of anything beyond the fact that Repubblica is made up of people who have opinions they are willing to express. If as a result this causes displeasure to people in political authority, this is the latter's problem.

Such an activity is not a crime or a breach of any law, neither that governing civil society organisations nor any other. On the contrary, the activity of expressing oneself freely about political matters is a fundamental human right and it is your duty as a State official to ensure that it is protected to the fullest extent. Instead you seek to suppress it.

It is a function of democratic life for civil society organisations to call out wrongdoing in government conduct and to do so freely. Any law that is written or applied with the purpose of, or used to suppress that function is unconstitutional and in breach of the fundamental human rights of anyone who functions within and through such organisations.

Frankly, it is clear that you have chosen to jump to the conclusion because Repubblica dares raise its voice against the manner in which the country is being governed. If you will forgive me reiterating my opening paragraph, this is a partisan political activity in breach of the law.

You could not be further from the truth if you tried: this confusion of identity between the government, indeed the State, and the political party that forms the government was endemic in previous decades and it appears that you are seeking to revive it.

It should need hardly be said, though clearly it does need to be, that criticising the Government is not a function reserved to the political party in opposition, and attributing partisan political motivation to anyone else who dares gainsay the government is unacceptable and nothing short of an attack on freedom of association and freedom of expression.

Not to put too fine a point on it, by seeking to stifle Repubblica, you are in effect stifling criticism of the government, which in a democracy is unacceptable.

Taking your attitude to its logical, though entirely perverse conclusion, your next step would be to suppress environmental NGOs, organisations that speak and defend the rights of minorities and any other group who, for whatever reason, expresses a view that is consistent with the views expressed by the Parliamentary opposition or contrary to those of the government. Characterising this as preposterous in the extreme is to put it mildly.

Your position, being unfounded at law, is therefore anti-democratic, abusive and unacceptable and you are invited to revise this position or face the appropriate reaction.



In the meantime, we will be keeping international human rights bodies abreast with the manner in which the government and its agents fail to uphold democratic principles by resorting to perverse interpretations of the law which mock genuine respect for the rule of law.

We shall also be giving appropriate publicity to this matter as and when we deem fit.

Sincerely,

A handwritten signature in blue ink, appearing to read "R. Aquilina". The signature is fluid and cursive.

Robert Aquilina
President