



CASE REPORT

- Case No:** K/020
- Complaint:** Acceptance of gift (hospitality) including first-class airline tickets to Dubai for Prime Minister, his wife and daughters
- Complainants:** Mr Timothy Alden and the Hon Dr Adrian Delia
- Complaint Dates:** 7 January and 8 January 2020, respectively
- Report Date:** 17 July 2020

The Complaints

1. By email of 7 January 2020 (attached and marked Document A), Mr Timothy Alden requested *“an investigation into Joseph Muscat and Keith Schembri’s trips abroad in light of the ongoing investigations, and Muscat’s supposed meeting with a lawyer in the Corinthia in London.”* The request was made *“in the context of Muscat’s reported earnings ... that he has reported the exact same balance since 2014”*.
2. Mr Alden did not refer to any specific clause in the Code of Ethics for Ministers and Parliamentary Secretaries, now forming part of the Standards in Public Life Act (Chapter 570 of the Laws of Malta) (the Act), as the basis of the alleged breach.



3. By letter of 8 January 2020 (attached and marked Document B), the Hon Dr Adrian Delia filed a complaint with reference to the circumstances of the “Dubai trip”, requesting me to investigate whether then Prime Minister Joseph Muscat had breached the provisions of the Code of Ethics for Members of the House of Representatives and/or the Code of Ethics for Ministers and Parliamentary Secretaries and to make such recommendations as I might consider appropriate in this case.

4. The Hon Dr Delia referred to article 5(b) and (d) of the Code of Ethics for Members of the House of Representatives and articles 4.8 and 8.4 of the Code of Ethics for Ministers and Parliamentary Secretaries.

The Context

5. Then Prime Minister Dr Joseph Muscat travelled to the United Arab Emirates through Dubai International Airport on Friday 27 December 2019, returning to Malta on Monday 30 December 2019. He was accompanied by his wife and two children.

6. A couple of days later he is reported to have travelled to London, United Kingdom, accompanied by his wife and two children.¹

7. The purpose of the visits was never officially disclosed, although they were described as private visits. Media reports² suggest that during the latter trip Dr Muscat met a lawyer during his stay at the Corinthia Hotel in London,

¹ <https://www.independent.com.mt/articles/2020-01-01/local-news/OPM-silent-on-Muscat-s-reported-London-visit-official-visits-always-communicated-6736217944>; <https://lovinmalta.com/news/joseph-muscat-headed-to-london-today-in-fourth-trip-since-announcing-his-resignation/>.

² <https://lovinmalta.com/news/exclusive-joseph-muscat-holds-meeting-with-top-international-lawyer-during-london-family-holiday/>.



whereas as regards the former it was speculated that he travelled to attend the Globe Soccer Awards and Conference that were held at the Madinat Jumeirah Hotel during that weekend. This was probably due to a photo which appeared on social media showing one of Dr Muscat's daughters with the international footballer João Félix Sequeira.³

8. On 7 January 2020 a journalist asked Dr Muscat who had paid for his visit to Dubai. He replied, "It's none of your business, it's my personal ... ehm ... private funds".⁴

Decision to Investigate

9. The allegation that the Hon Dr Muscat travelled to London, wherein he is reported to have met with a lawyer, does not in itself give rise to any ethical issues. The allegation is not that public funds were used for a private visit but that, given Dr Muscat's declared income and resources, this trip, together with other trips in the same period, would have severely impacted his savings, thus giving rise to the suspicion that the trips were either being paid for by third parties or were being funded by undeclared resources.

10. This allegation was mainly fuelled by the declaration made by Dr Muscat that he had used personal funds for the Dubai trip, which provoked the question as to how could one reconcile the obviously excessive expenditure of these two trips with the income and declared savings of the Prime Minister. This is a legitimate question that gives rise to genuine concerns.

³ <https://theshiftnews.com/2020/01/07/tickets-to-dubai-for-joseph-muscats-family-were-purchased-in-jordan/>.

⁴ <https://timesofmalta.com/articles/view/watch-dubai-trip-none-of-your-business-muscat.761508>.



11. However, considering my conclusions with regards to the Dubai trip later in this report, the London trip and supposed meeting with a London lawyer alone are not, in my opinion, a sufficient indication of undisclosed resources that could justify an investigation regarding a possible false declaration of assets.

12. The complaint by Mr Alden also refers to Keith Schembri, formerly Chief of Staff to Prime Minister Joseph Muscat, who was also reported as having travelled abroad in December 2019.⁵ However, Mr Schembri resigned as Chief of Staff on 26 November 2019, whereupon he ceased to be subject to the Act.

13. Bearing the above in mind, I decided that the complaints warranted further investigation under the Act in so far as Dr Muscat's visit to the United Arab Emirates was concerned. I decided to consider the two complaints in one report.

Investigation Procedure

14. I summoned Paul Fleri Soler, Country Manager for Emirates Airline in Malta, to give evidence regarding the purchase of tickets for flights from Malta to Dubai and back by Dr Joseph Muscat and his family.

15. The meeting was held on 23 January 2020. Mr Paul Fleri Soler was accompanied by Dr Rebecca Tanti Dougall.

16. Mr Fleri Soler stated *inter alia* that:

- The tickets for the flights in question had been bought through a travel agent called Travel Masters in Amman, Jordan.

⁵ <https://timesofmalta.com/articles/view/keith-schembri-gets-police-permission-to-travel-abroad.759552>.



- The tickets were issued in first class.
- The cost of each ticket amounted to JOD4,152.60, then equivalent to €5,259, or over €21,000 for the four tickets.
- The tickets were recorded as having been paid for in “cash”. This could have meant actual cash, a bank transfer, or a cheque, but excluded payment by credit card or on invoice. No information was available on who paid for the tickets.
- The four tickets had originally been issued in business class, then cancelled and re-issued as first class within an hour and a half. However, they were charged as first class, meaning that they were not changed through an upgrade or the application of air miles.
- No discounts or negotiated fares applied to the tickets. The cost represented the system fare, meaning that tickets bought in Malta would have cost the same amount. Hence there was no possibility that the tickets were bought from Jordan to take advantage of price differentials.

17. On the 31 January 2020 I wrote to the Hon Dr Joseph Muscat (copy of letter attached and marked Document C) providing him with copies of the complaints and stating as follows:

*You are requested to attend a meeting at this office on **Thursday 6 February 2020 at 10.30 am**⁶ to present your reactions to the complaints and to provide information about the nature, circumstances, and funding of your visit to Dubai.*

You may wish to note your rights and obligations under articles 18 and 19 of the Standards in Public Life Act.

⁶ The meeting was re-scheduled to 7 February 2020.



The complaint will be examined in the light, inter alia, of the following provisions of the codes of ethics set out in the schedules to the Act:

Code of Ethics for Ministers and Parliamentary Secretaries

4.7 Ministers shall ensure that there is no conflict of interest between their public duties and personal interests.

4.8 Ministers shall not accept any gifts or benefits, except as provided in this Code, that may or may reasonably create an impression that they are compromising their judgement or place them under an inappropriate obligation.

5.7 Honesty – Ministers shall avoid entering into conflicts of interest between the public interest and their private interest and shall provide complete and correct information to Parliament, to the Cabinet and the public in general.

8.4 No Minister shall accept gifts, donations, hospitality or services from anyone, that may place him under an obligation towards such person or persons and this shall also apply to immediate family members of the Minister. In case of doubt, the Prime Minister shall be consulted.

Code of Ethics for Members of the House of Representatives

(2) A member of the House of Representatives – [...]

(b) shall not accept gifts from persons, groups or companies that had any direct or indirect intent in legislation before the House of Representatives; [...]

(d) who has made a visit outside Malta, financed in whole or in part by one person, group or company which has a direct interest in



legislation before the House, shall declare the fact in a register purposely kept by the Speaker, and accessible to the public; [...].

You are kindly requested to confirm that you have received this letter and that you will attend the meeting.

18. A meeting with the Hon Dr Muscat was held on 7 February 2020. Dr Muscat was accompanied by his assistant, Mr Mark Farrugia. Mr Charles Polidano, Director General in my office, was also present.

19. Dr Muscat gave me a detailed account of the trip and its purpose.

20. Dr Muscat made the disclosure with the request that the details be kept confidential since, as the visit was private in nature, these need not be put in the public domain.

21. Dr Muscat stated that the trip was not paid for by public funds and neither was it funded by Dr Muscat's private funds.

22. Since Dr Muscat stated that he had not stayed at the Madinat Jumeirah in Dubai, I confronted him with the photo showing his daughter with the well-known international footballer João Félix Sequeira. Dr Muscat explained that this photo had been taken in the First-Class Lounge of Dubai International Airport when his daughter by chance saw João Félix. She uploaded the photo prior to their departure to Malta.

23. It was subsequently agreed that Dr Muscat would present a statement in writing to me setting out such details concerning the purpose of his visit as he felt able to provide on the record. Any information in this statement could be placed in the public domain by me as part of my report on the case.

24. On 11 February 2020 The Hon Dr Muscat submitted a letter (copy attached and marked Document D) stating that "*... as I confirmed to you with*



details, it was a private visit, in which no public funds were used and at no stage was there a breach of the Code of Ethics for Ministers and Parliamentary Secretaries and the Code of Ethics for Members of the House of Representatives rightly quoted by you.”⁷

Considerations

25. I have no evidence to contradict the detailed statement of events given to me by Dr Muscat and therefore, considering the evidence available, it appears that the trip in question:

- (i) was not paid through public funds;
- (ii) was of a private nature and not related to official business; and
- (iii) was not paid for by any person or entity that has, or has had, or was expected to have an interest in legislation in Malta or any other commercial or political interest in Malta.

26. In view of the above, and at Dr Muscat’s request, I consider it prudent not to publish the purpose and the details of the trip made available to me.

Conclusion

27. It appears that this trip was not in any way related to Dr Muscat’s duties as Prime Minister or to his responsibilities as a member of the House of Representatives. It also appears that no public funds were used for the purpose.

28. His reply to journalists that the trip was “*none of your business*” ought to have been phrased less arrogantly, given that politicians are accountable to

⁷ Excerpt translated from Maltese (Document D).



the public, and particularly in light of the particular circumstances the country was experiencing and events that were unfolding at the time; and his declaration that he had used “*personal funds*” for the trip in question can only be justified in the sense that no public funds were used, as this was not the case. However, these issues are peripheral to the main thrust of the complaint being considered.

29. What is relevant for the purposes of this investigation is the fact that the hospitality afforded to Dr Muscat, consisting of first-class flight tickets, transportation and accommodation for him, his wife and two children, was made when he had already given notice of his resignation as Prime Minister⁸ and by persons who had no direct or indirect interest in legislation before the House of Representatives or commercial interests in Malta. Dr Muscat effectively relinquished his position as Prime Minister on 13 January 2020, within two weeks of his return from Dubai. It could perhaps be argued that Dr Muscat would have been better advised to postpone the trip until he effectively resigned his position as head of government. However, he claims that this could not be postponed and in any event the complaint does not rely on the timing of the trip.

30. In any case, there appears to me to be no basis to believe that the hospitality afforded to Dr Muscat could have reasonably been perceived as intended to influence his decisions as Prime Minister in the very short time he had left in this post. Hence this case does not appear to me to represent a breach of paragraphs 4.7, 4.8, 5.7 or 8.4 of the Code of Ethics for Ministers. Since those who funded the trip had no interest in legislation before the House

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https://www.facebook.com/MaltaGov/videos/450640002320456/?so_channel_t ab&rv_all_videos_card.



of Representatives, paragraphs 5(2)(b) and 5(2)(d) of the Code of Ethics for Members of the House do not apply.

31. One might ask whether Dr Muscat's paid visit to the United Arab Emirates might have influenced past decisions taken by him in an official capacity – meaning, in effect, that it represented a reward for services already rendered. However, this would imply that the visit was the continuation of an already established relationship between Dr Muscat and the sponsor of the visit. I have found no evidence that suggests that such a prior relationship existed.

32. I am therefore closing this report on this basis.

33. A copy of this report is being given to the Complainants and to the Hon Dr Joseph Muscat. A copy is being submitted to the Standing Committee for Standards in Public Life for information purposes. A copy will also be made available on the website of my office.⁹



Dr George Marius Hyzler

Commissioner for Standards in Public Life

⁹ <https://standardscommissioner.com/>.



Attached Documents

- Document A Complaint by Mr Timothy Alden dated 7 January 2020
- Document B Complaint by the Hon Dr Adrian Delia dated 8 January 2020
- Document C Letter to the Hon Dr Joseph Muscat dated 31 January 2020
- Document D Letter from the Hon Dr Joseph Muscat dated 11 February
2020

Charles Polidano - Office of the Commissioner for Standards in Public Life

From: Timothy Alden <leader@pd.org.mt>
Sent: Tuesday, 7 January 2020 14:48
To: Office
Subject: Muscat's Trips Abroad

Dear Dr. Hyzler,

I would like to request an investigation into Joseph Muscat and Keith Schembri's trips abroad in light of the ongoing investigations, and Muscat's supposed meeting with a lawyer in the Corinthia in London.

I make this request in the context of Muscat's reported earnings the fact that he has reported the exact same balance since 2014; <https://timesofmalta.com/articles/view/muscats-see-the-world-without-breaking-the-bank.709038?fbclid=IwAR03Kbtbm9w1-qQh3SkVHbss9seG3JIZ7N4ZOg5K2sqR52oAW-oMiSIhK1I>

Best regardsm



Timothy Alden

Leader

Partit Demokratiku

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KAMRA TAD-DEPUTATI



HOUSE OF REPRESENTATIVES

PARLAMENT TA' MALTA

Kap tal-Oppożizzjoni

Leader of the Opposition

8 ta' Jannar 2020

Dott. George Hyzler
Kummissarju għall-iStandards fil-Hajja Pubblika
11, Triq San Pawl,
Il-Belt Valletta VLT 1210

Għażiż Dott. Hyzler,

Qieghed niktiblek sabiex inressaq ilment dwar il-Prim Ministru Joseph Muscat.

Jirriżulta li l-Prim Ministru siefer għal vaganzi flimkien ma' martu u maż-żewġ uliedu f'Dubaj fl-Emirati Gharab Magħquda nhar il-Gimgha 27 ta' Diċembru 2019. Il-mezzi tax-xandir irrapurtaw li l-Prim Ministru flimkien mal-familja tiegħu hallew Malta fuq titjira tal-Emirates Airlines u li huma kellihom *first-class seats*. Minn dak li gie rrapurtat u li jista' jiġi verifikat ma' diversi sorsi, il-prezz ta' dawn il-biljetti tal-ajru jlaħhaq l-għoxrin elf Ewro (€20,000)¹.

Ilbierah it-Tlieta 7 ta' Jannar 2020 il-Prim Ministru gie mistoqsi mill-gurnalista ta' The Times of Malta min hallas għall-biljetti tal-ajru tiegħu lejn Dubaj. Għal din il-mistoqsija l-Prim Ministru wieġeb:

"It's none of your business! It's my personal... erm... private funds and nahseb ahjar tistaqsi għand min qegħdin l-arloggi!"²

Ilbierah ukoll, is-sit investigattiv theshiftnews.com irraporta li l-biljetti tal-ajru tal-Prim Ministru u tal-membri tal-familji tiegħu nxtraw mill-Gordon³.

Sallum la l-Prim Ministru u wisq anqas l-Uffiċċju tal-Prim Ministru ma taw l-ebda spjegazzjoni sodisfaċenti għal kif ġew imhallsa l-imsemmija biljetti tal-ajru kif ukoll il-vaganzi ta' tlett ijiem f'Dubaj.

Kif żgur taf il-kwistjoni dwar rigali li jiġu offruti lil Membri Parlamentari u lill-Prim Ministri, Ministri u Segretarji Parlamentari hija regolata mill-Kodiċi ta' Etika tal-Membri tal-Kamra tal-Deputati kif ukoll mill-Kodiċi għall-Ministri u s-Segretarji Parlamentari li jinsab fit-Tieni Skeda tal-Att dwar Standards fil-Hajja Pubblika (Kap. 570 tal-Liġijiet ta' Malta).

Il-Kodiċi ta' Etika tal-Membri tal-Kamra tal-Deputati jipprovdi:

5. (2) Membru tal-Kamra tad-Deputati -

[...]

(b) ma ghandux jaċċetta rigali minghand persuni, gruppi jew kumpaniji li kellhom xi interess dirett jew indirett f'leġiżlazzjoni li tkun quddiem il-Kamra tad-Deputati:

[...]

1 <https://timesofmalta.com/articles/view/joseph-muscat-and-family-head-to-dubai-on-holiday.759771> <https://timesofmalta.com/articles/view/muscat-spent-fifth-of-70-hour-dubai-holiday-in-transit.760656>

2 <https://timesofmalta.com/articles/view/watch-dubai-trip-none-of-your-business-muscat.761508>

3 <https://theshiftnews.com/2020/01/07/tickets-to-dubai-for-joseph-muscats-family-were-purchased-in-jordan/>

(d) li jkun għamel żjara barra minn Malta, li tkun giet imħallsa kollha kemm hi jew f'parti minnha minn xi persuna, grupp jew kumpanija li jkollha interess dirett f'leġiżlazzjoni li tkun quddiem il-Kamra, għandu jiddikjara dak il-fatt f'registru miżmum mill-iSpeaker għal dak l-għan uli jkun miftuħ għall-ispezzjoni tal-pubbliku:

II-Kodiċi għall-Ministri u s-Segretarji Parlamentari jipprovdi:

4.8 Il-Ministri m'għandhom jaċċettaw ebda rigali jew benefiċċji, salv kif provdut f'dan il-Kodiċi, li jistgħu jew jistgħu raġonevolment joħolqu impressjoni li qed jikkompromettu l-għudizzju tagħhom jew li jpoġġuhom taht xi obligazzjoni mhux xierqa.

[...]

8.4 Ebda Ministru m'għandu jaċċetta rigali, donazzjonijiet, ospitalità jew servizzi minghand xi hadd, li jistgħu jpoġġuh taht obligazzjoni lejn dik il-persuna jew persuni u dan għandu wkolljapplika għall-membri tal-familja immedjata tal-Ministru. F'każ ta'dubju għandu jiġi kkonsultat il-Prim Ministru.

Għaldaqstant filwaqt li qieghed inressaq dan kollu għall-konsiderazzjoni tiegħek, ġentilment nitlobok twettaq investigazzjoni dwar jekk il-Prim Ministru Joseph Muscat kisirx dak li jipprovdi l-Kodiċi ta' Etika ta' Membri tal-Kamra tad-Deputati u/jew tal-Kodiċi għall-Ministri u -Segretarji Parlamentari u tasal għal dawk il-konklużjonijiet u tagħmel dawk ir-rakkomandazzjonijiet li jidherlek li jkunu xierqa f'dan il-każ. Jiena nibqa' fi kwalunkwe hin u ċirkostanzi dispost li nipprovdik bl-informazzjoni u bl-ispezzjonijiet li tista' tkun meħtieġ.

Inselli għalik,

Adrian Delia
Kap tal-Oppożizzjoni



31 January 2020

Hon Dr Joseph Muscat, KUOM, MP

By email to joseph.muscat@gov.mt

Hon Dr Muscat

Case K/020: funding of trip to Dubai

I have received two complaints concerning your visit to Dubai with your family in late December 2019. The relevant correspondence is attached.

I am investigating such complaints in the context of a potential breach of the provisions of the Standards in Public Life Act (chapter 570 of the laws of Malta) that are listed hereunder.

You are requested to attend a meeting at this office on **Thursday 6 February 2020 at 10.30 am** to present your reactions to the complaints and to provide information about the nature, circumstances and funding of your visit to Dubai.

You may wish to note your rights and obligations under articles 18 and 19 of the Standards in Public Life Act.

The complaint will be examined in the light, inter alia, of the following provisions of the codes of ethics set out in the schedules to the Act:

Code of Ethics for Ministers and Parliamentary Secretaries

4.7 Ministers shall ensure that there is no conflict of interest between their public duties and personal interests.

4.8 Ministers shall not accept any gifts or benefits, except as provided in this Code, that may or may reasonably create an impression that they are compromising their judgement or place them under an inappropriate obligation.

5.7 Honesty – Ministers shall avoid entering into conflicts of interest between the public interest and their private interest and shall provide



complete and correct information to Parliament, to the Cabinet and the public in general.

8.4 No Minister shall accept gifts, donations, hospitality or services from anyone, that may place him under an obligation towards such person or persons and this shall also apply to immediate family members of the Minister. In case of doubt, the Prime Minister shall be consulted.

Code of Ethics for Members of the House of Representatives

- (2) *A member of the House of Representatives – [...]*
- (b) *shall not accept gifts from persons, groups or companies that had any direct or indirect intent in legislation before the House of Representatives; [...]*
 - (d) *who has made a visit outside Malta, financed in whole or in part by one person, group or company which has a direct interest in legislation before the House, shall declare the fact in a register purposely kept by the Speaker, and accessible to the public; [...].*

You are kindly requested to confirm that you have received this letter and that you will attend the meeting.

Yours sincerely

George Marius Hyzler
Commissioner for Standards in Public Life

11 ta' Frar 2020

Riferenza Tieghek : K/020

Kummissarju għall-iStandards fil-Ħajja Pubblika

Għaziż Dr Hyzler,

Nagħmel riferenza għall-laqgħa li kelli miegħek fl-uffiċċju tiegħek fil-Belt Valletta l-Ġimgħa 7 ta' Frar 2020 wara li fil-ġimgħat ta' qabel inti irċevejt żewġ talbiet biex tistharreg żjara barra mill-pajjiż li għamilt flimkien mal-familja tiegħi f'Diċembru 2019.

Kif ikkonfermajtlek bid-dettalji, din kienet żjara privata, fejn ma intużawx fondi pubbliċi, u l-ebda parti minnha ma tikser l-ebda parti tal-Kodiċi ta' Etika tal-Ministri u tas-Segretarji Parlamentari u tal-Kodiċi ta' Etika tal-Membri tal-Kamra tar-Rappreżentanti, għustament ikkwotati minnek.

Nirringrazzjak u nselli għalik.

Joseph Muscat