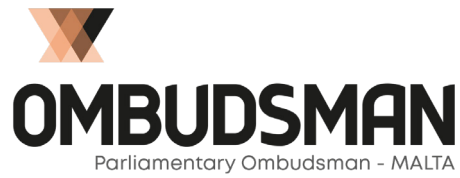




# **Own Initiative Investigation** into possible systemic maladministration within the Corradino Correctional Facility

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## **Own Initiative Investigation into possible systemic maladministration within the Corradino Correctional Facility**

### ***Preliminary***

1. Following persistent reports in the media, particularly in 2021, alleging violation of basic human rights of prison inmates and non-observance of prison regulations, and after the NGO *Moviment Graffiti* wrote to the Ombudsman alleging substantially the same pattern of maladministration in regard to what was going on inside the Corradino Correctional Facility and submitted a report based on information that had been passed on to it, the then Ombudsman, Mr Anthony Mifsud, directed the holding of an own initiative investigation pursuant to his powers under sub-article (2) of Article 13 of the Ombudsman Act (Cap. 385).

2. For this purpose, by order under his hand dated 4<sup>th</sup> November 2021, the Ombudsman delegated the task, in terms of Article 27(1) of the said Act and of Rule 8 of the Commissioners for Administrative Investigations (Functions) Rules 2012, to a three person commission – hereinafter ‘the Commission’ – composed of the Commissioner for Education within the Office of the Parliamentary Ombudsman, the Head of the Investigations Unit within the same Office (Dr Monica Borg Galea) and a Senior Investigating Officer (Dr Brian Said). The Commission was tasked with investigating what, in light of the mounting allegations in the media and evidence submitted by the NGO aforementioned, appeared to be “*systemic maladministration*” within the Corradino Correctional Facility in the months leading up to November 2021.

3. Notice of this own initiative investigation was served upon the then Permanent Secretary at the Ministry responsible for the Prisons, as required by Article 18(1) of the Ombudsman Act, on the 5<sup>th</sup> of November 2021.

### ***The investigation in focus***

4. It is pertinent at this stage to point out the factual and legal parameters of the investigation conducted. An investigation under the Ombudsman Act is not meant to replace other investigations (e.g. internal disciplinary, or under the Inquires Act (Cap. 273)) or other avenues of redress that may or could have been resorted to by individuals or, indeed, by the State authorities themselves (such as civil and/or constitutional redress, or criminal prosecutions). Such an investigation is clearly limited in scope by sub-articles (1) and (2) of Article 22 of the Ombudsman Act. The purpose of such an investigation is to ascertain whether any decision, recommendation, act or omission by the respondent entity – in this case the Corradino Correctional Facility – or by any person acting for, on behalf or in the name

of such an entity – (a) appears to be contrary to law; or (b) is unreasonable, unjust, oppressive, or improperly discriminatory, or is in accordance with a law or a practice that is or may be unreasonable, unjust, oppressive or improperly discriminatory; or (c) is based wholly or partly on a mistake of law or fact; or (d) is wrong. In such situations there would be an act of maladministration for the purposes of Cap. 385. There would, likewise, be an act of maladministration – see Art. 22(2) of Cap. 385 – when in the making of a decision or recommendation, or in the doing or omission of an act, a discretionary power is exercised for an improper purpose or on irrelevant grounds, or on the taking into account of irrelevant considerations, or when, in the case of a decision made in the exercise of any discretionary power, reasons should have been given for the decision but were not.

5. In other words – and this is important in the context of the investigation conducted – even if a decision, recommendation, act or omission is in accordance with a law or a long-standing and hallowed practice, if that law or practice is or may be unreasonable, unjust, oppressive or improperly discriminatory, there would still be an act of maladministration for the purposes of Cap. 385. It also follows that the Ombudsman is not necessarily bound to concur with the findings of boards, tribunals or, indeed, courts since the Ombudsman’s function is to look beyond mere compliance with any statutory provision and to enquire into the justice of that statutory provision. On a more conceptual level one can say that Article 22(1) and (2), like Article 469A of the Code of Organisation and Civil Procedure, entails an “*equitable*” or “*rule of law*” approach to all decisions, recommendations, acts or omissions which are the subject of an investigation.

6. The Commission received the evidence of many individuals, including inmates and former inmates of the Corradino Correctional Facility (CCF), CCF officials (both uniformed and otherwise) and third parties summoned as witnesses in terms of Article 19 of Cap. 385. For the taking of the evidence of the last four witnesses, the current Ombudsman was also present. The members of the Commission also visited the Prisons, mainly in connection with the taking of evidence by inmates when this became possible after the relaxation of Covid-19 quarantine rules. Account was also duly taken of the Report of the 9<sup>th</sup> December 2021, prepared by a Board of Inquiry made up of Prof Anton Grech, Dr Ġorġ Grech and Dr Janice Formosa Pace, which delved into the procedures followed by the CCF for assessing the mental health of inmates. Other reports, including those published by the Council of Europe, were taken into account, as well as the *procès-verbaux* drawn up by different magistrates into deaths of inmates occurring at the CCF (or inmates who were held in other places but were deemed at law to be under the care and custody of the CCF). Seven of these reports were obtained after following the procedure established in the Criminal Code depending on whether the *procès-verbal* was with the Attorney General or in the possession of a court.

7. As the allegations in the media and in the report filed by the NGO (see para. 1, above) centred on specific incidents and, even more specifically, on the behaviour of the Director of

Prisons Col. Alexander Dalli, the Commission decided to focus on the period between July 2018 – when Col. Dalli was appointed to the post – to December 2021 when he relinquished his post and was replaced by Mr Robert Brincau. That said, it should however be pointed out that the many instances of maladministration encountered by the Commission clearly have their roots outside the period in question. As will be explained, these instances of maladministration were exacerbated and taken to new heights by the attitude of the aforementioned Director of Prisons towards prisoners in general and certain prisoners in particular, by the endemic drugs-in-prison problem, and, albeit to a lesser extent, by the challenges posed by the Covid-19 pandemic.

8. The Corradino Correctional Facility is, to use the expression popularised by the sociologist Erving Goffman, a “*total institution*”. It is, therefore, essentially a closed social system in which life is organised by strict norms, rules and schedules, and what happens inside the institution is, to a greater or lesser extent, determined by a single authority whose will is carried out by staff who enforce the rules<sup>1</sup>.

Apart from prisons, total institutions include, with modifications to the internal operating structure, nursing homes for the elderly, closed psychiatric facilities, boarding schools and cloistered monasteries and convents. A prison setting, however, and particularly a closed prison setting, accentuates to a high degree the characteristic features of “*total institutions*”, notably the lack of barriers that typically separate key features of ordinary life such as home, leisure and work; the loss of individualisation and autonomy; and the privileges system that provides rewards (privileges) for good behaviour (and corresponding loss thereof and of remission of sentence in case of bad behaviour).

9. In any total institution, inmates are to a greater or lesser extent, vulnerable. The concept of vulnerability within total institutions has in recent years been taken on board by international institutions, including the European Court of Human Rights (ECtHR). In this regard it has been the ECtHR’s constant approach, both with regard to Article 3 (prohibition of degrading treatment) and Article 8 (the protection of the physical and moral integrity aspects of respect for private life), that the State has both a negative and a positive obligation to protect persons who are in a vulnerable position by virtue of being within the control of the authorities. Treatment is considered “*degrading*” when it humiliates or debases an individual, showing a lack of respect for, or diminishing his or her human dignity, or when that treatment arouses feelings of fear, anguish or inferiority capable of breaking a person’s will. In the context of prisons, the use of physical force which has not been made strictly necessary by the inmate’s conduct diminishes human dignity, and any interference with human dignity strikes at the very essence of the European Convention on Human Rights (see *passim Bouyid*

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<sup>1</sup> Cole, Nicki Lisa, Ph.D “What is a Total Institution?”, Thought Co, June 25, 2004, [thoughtco.com/total-institution-3026718](https://www.thoughtco.com/total-institution-3026718).

v. *Belgium* ECtHR [GC] 28.9.2015). As Article 1 of the Charter of Fundamental Rights of the European Union states: *“Human dignity is inviolable. It must be respected and protected.”*

10. On the other hand, it is trite knowledge that discipline within a prison is not only important but essential, both with regard to daily routine “house” matters as well as in connection with issues of prison breaking to prevent the introduction and/or keeping within the prison confines of prohibited items. But even in this context, human dignity and the right of prisoners to be treated accordingly and with fairness, is of paramount importance. Regulation 74(1) of the Prisons Regulations provides in clear terms as follows: *“Discipline and order shall be maintained with firmness, but with no more restrictions than is required, in the interest of safe custody, ordered community life and the treatment objectives of the prison.”* It is important to note also that breach of prison discipline does not automatically entail immediate confinement in an isolation cell – this is clear from the wording of Regulation 76.

Regulation 71(5) underlines the need for proper, correct and exemplary behaviour by prison officers (including the Director of Prisons) by providing that *“no prison officer shall act deliberately in a manner calculated to provoke a prisoner.”* In like vein, but with an overarching reference to duties, Regulation 96(1) and (2) provides:

*“(1) Prison officers shall at all times so conduct themselves and perform their duties as to command the respect of the prisoners and the trust of the community.*

*(2) Prison officers shall treat prisoners with justice and humanity, complying firmly and consistently with all regulations, directions and orders relating to the prison and ensuring their complete observance.”*

Finally, Regulations 85 and 86 prohibit in clear terms certain punishments:

*“85. Collective punishments, corporal punishments, punishment by placing in a dark, darkened or unventilated cell or in a cell which is not within hearing range of human sound or in which the prisoner is exposed to unreasonable degrees of temperature, noise or light and all other forms of cruel, inhuman or degrading punishment or treatment shall be prohibited.*

*86(1) Prison officers shall not inflict any punishment, **or resort to any mode of treatment similar to a punishment**, on or in respect of any prisoner except with the authority of the Director or, as the case may be, of the [Appeals] Tribunal.*

*(2) The Director and the Tribunal shall not inflict any punishment, **or resort to any mode of treatment similar to a punishment**, on or in respect of any prisoner except*

*after regular proceeding for a disciplinary offence and adjudication in accordance with these regulations.” (emphasis added by the Commission)*

11. Regulation 86(1) highlights the powers of the Director of Prisons. By the Devolution of Certain Ministerial Powers Act, 2020 (Act XXI of 2020) certain very important powers were transferred from the Minister responsible for the Prisons to the Director of Prisons. These powers refer to the designation of a person as “destitute prisoner” (Regulation 4(7)); the release of information from the personal records of a prisoner (Regulation 7(4)); the approval of the system of privileges (Regulation 13(1)); the granting of non-urgent prison leave (Regulation 61(2)(a)); and the cancellation, in whole or in part, and restoration of remission (Regulation 83(2)(a) and (b)). These regulations, while distancing – and rightly so – the Minister responsible for the Prisons from the micromanagement of the institution, create a situation of where power is concentrated into the hands of one person without proper and adequate supervision and accountability. Moreover, these changes in the running of the CCF were brought into effect at a time where it must have been obvious to one and all that, to adopt and adapt Shakespeare, “*something was rotten in the state of Denmark.*”

### **Overview of the evidence**

12. The Commission applied with rigour the generally accepted canons for the assessment of evidence to determine which evidence could be relied upon (as being credible and substantially accurate) and which was to be discarded. Wherever possible, attempts were made to find corroborating evidence, whether direct or circumstantial. In this report, only that evidence which the three members of the Commission unanimously considered to be credible and reliable will be cited *in extenso*.

13. The report filed by the NGO Moviment Graffiti (see paras. 1 and 7, above) was based upon evidence it received mainly from inmates, former inmates, and members of their families. However, these individuals were not identified by name and/or surname since, when contacting the NGO, they all requested the said NGO not to be identified for fear of retaliation by the prison authorities. That premised, however, it can be stated from the outset that from the evidence received and witness testimony directly heard by the Commission, all the allegations made in that report have been proved to be substantially correct. The Commission itself, in directly receiving the witness testimony of prison and ex-prison inmates, as well as that of most (but not all) other witnesses undertook to guarantee confidentiality to ensure the widest possible co-operation of those coming forward with information, as well as to keep in line with the spirit of investigations under Cap. 385 (see Articles 18(2) and 21 thereof). Most witnesses will therefore be referred to using a coded system.

14. From the bulk of the evidence, three focal points of maladministration could be identified. The first focal point refers to an endemic dysfunctionality in the management of the Prisons.



Most people living, interacting and working within the CCF had no idea of what their proper functions were, of the limits of acceptable and unacceptable behaviour, and of the proper rules and procedures to be followed for the application of the Prisons Regulations, and of how to seek redress when those regulations were breached or not applied to the detriment of an inmate. One of the first witnesses heard during the investigation was Col. Dalli's successor, Mr Robert Brincau. He was asked to provide copies of several S.O.P.s ostensibly regulating various procedures, as well as copies of the several "special registers" that, under both the Prisons Act and the Prisons Regulations, must be kept for a detailed trail of occurrences to be kept. Mr Brincau could provide only a couple of documents which, with some stretch of the imagination, qualify as S.O.P.s or registers.

15. This dysfunctionality was confirmed by the report compiled by Prof. Anton Grech, Dr Ġorġ Grech and Dr Janice Formosa Pace (see para. 6, above) and submitted to the appropriate ministry on the 9<sup>th</sup> of December 2021. Although that inquiry was limited to issues connected with the mental health of inmates, the findings are emblematic of the dysfunctionality that the Commission noted in virtually all aspects of the running of the CCF for the period under examination. In its report that Board of Inquiry, for instance, observed the following:

*"Ġie nnutat li d-deċiżjonijiet relatati mal-allokkazzjoni tad-detenu huma meħuda mid-Direttur u c-Central Hall."*

*"Barra minn hekk, it-tim mediku mhux involut bl-ebda mod fl-allokkazzjoni/klassifikazzjoni tal-priġunieri tul iż-żmien li huma jagħmlu fil-ħabs. Aktar u aktar, it-tim mediku mhuwiex involut fl-ebda mid-deċiżjonijiet fejn jidhlu deċiżjonijiet relatati ma' sanzjonijiet fuq imġieba ħazina u m'hemm l-ebda xenarju li jippremjja mġieba tajba ġewwa l-ħabs."*

The haphazard allocation of prisoners to divisions and cells, about which many inmates and even some prison officials lamented in their depositions before the Commission, was the subject of specific recommendations by the aforementioned Board of Inquiry:

*"Rakkomandazzjoni nru 2: Saret referenza għal tliet ikmammar singoli u d-dormitorju użat għal priġunieri ġodda. L-ambjent jinħtieġ jiġi mtejjeb b'tali mod li ma jħallix impatt negattiv fuq il-priġunieri, aktar u aktar fuq dawk ikkunsidrati vulnerabbli."*

*Rakkomandazzjoni nru 3: Filwaqt li qed jiġi rikonoxxut li l-ispazji huma limitati u l-populazzjoni qegħda dejjem tikber, m'għandhomx jippermettu li priġunieri ġodda u dawk li qed iservu sanzjoni jkunu miżmuma fl-istess post."*

*Rakkomandazzjoni nru 4: Proċess ta' induzzjoni kif suppost u t-twaqqif ta' taqsima proprja fejn jiġu milqugħa l-priġunieri ġodda. Din tgħin billi ssir assessjar aħjar u iżjed"*

*ikkurat [sic.] tal-prigunieri li jmur lill'hinn mill-assessjar mediku, imma assessjar li kif inhu xieraq li jwassal għal klassifikazzjoni u allokkazzjoni aħjar tal-prigunieri. Jekk it-taqsima tal-induction iddum biex titwaqqaf, il-prigunieri kollha għandhom jgħaddu minn proċess ta' induzzjoni irrispettivament jekk humiex allokkati f'taqsima ta' induzzjoni.*

*Rakkomandazzjoni nru. 6: Klassifikazzjoni aħjar tal-prigunieri u sistema t'allokkazzjoni adegwata tal-prigunieri fid-Divizjonijiet hija meħtieġa. Il-kriterji għall-klassifikazzjoni u l-allokkazzjoni għandhom ikunu miktuba b'mod ċar u għandhom ikunu tali li jaqblu mar-Regoli tal-#absijiet Ewropej.*

*Rakkomandazzjoni nru. 7: Żamma ċara tad-data li ssegwi l-movimenti kollha tal-prigunieri f'kull post u kull ħin tal-ġurnata u tal-lejl.*

*Rakkomandazzjoni nru. 8: L-allokkazzjoni tal-prigunieri f'divizjoni b'mod aktar ristrett u sigur msejsa fuq l-assessjar tar-riskji fattwali. Filwaqt li l-prigunieri għandhom jiġu nfmurmati l-ħin kollu, huma għandhom ikollhom id-dritt li jappellaw lil Kummissjoni Indipendenti li tassigura li d-drittijiet tal-prigunieri jiġu mħarsa."*

Arbitrariness and dysfunctionality provide for the perfect symbiotic relationship in a total institution. This situation was addressed by the Board of Inquiry within the context of internal disciplinary proceeding:

*"Fid-dawl ta' teħid ta' miżuri dixxiplinari għal kull Divizjoni hemm 3 Spetturi responsabbli mid-dixxiplina u deċiżjonijiet relatati ma' dixxiplina. Kien innutat li dawn l-Ispetturi mhumix responsabbli mill-affarijiet l-oħra li jiġru fid-Divizjoni tagħhom; dan isir bl-iskop li jkun hemm iktar oġġettività. Madanakollu, poteri mogħtija lill-Ispetturi jistgħu jagħtu lok għal xenarji li jwasslu għal potenzjalment użu ħażin tal-poteri u sussegwentement għall-abbużi tal-kastigi. Fid-dawl tad-deċiżjonijiet relatati ma' kemm prigunier idum jinżamm maqful, id-deċiżjonijiet jaqgħu fil-poteri tal-Uffiċjali Korrettivi f'konsultazzjoni mad-Direttur jew il-Kap tal-Amministrazzjoni u Operazzjoni. Ta' min jissottolinea li dawn il-prattici/proċeduri dixxiplinari ma joħroġux mir-Regolamenti tal-#abs.*

*Dan jagħti lok għal sitwazzjonijiet spjaċevoli mhux mixtieqa: 1) fejn per eżempju l-Bord tad-Dixxiplina jagħti kastig ta' 5 t'ijiem maqful imma l-prigunier ikun diġà għamel 10 t'ijiem ta' kastig qabel ma jkun iltaqa' l-Bord u 2) kastig doppju (double jeopardy) – jinfetaħ każ bil-pulizija jekk ikun jinħtieġ, madanakollu l-prigunier ikun diġà serva numru ta' ġranet maqful. Huwa biss id-Direttur li jista' fid-diskrezzjoni tiegħu, jinfliġgi kastig bħal segregazzjoni f'ċella bħala rizultat ta' ksur tar-regoli dixxiplinari u din tista' tiġi esegwita wara li jkun iltaqa' l-Bord tad-Dixxiplina.*

*Min-naħa l-oħra, jeżisti overlap legali bejn x'jaqa' taħt il-kompetenza tat-Tribunal tal-Appell (Kapitlu 260: Att dwar il-Ħabs) u l-Bord tar-Remissjoni (Kapitlu 516: Restorative Justice Act) dwar dak li għandu x'jaqsam ir-remissjoni. Il-Liġi tistipula li t-Tribunal tal-Appell u l-Bord tar-Remissjonijiet huma t-tnejn involuti fil-qtugħ tal-kazijiet fejn jinvolvi kazijiet fejn ma tingħatax jew tintilef ir-remissjoni. Fid-dawl ta' granet ta' remissjoni mitlufa, l-priġunieri għandhom id-dritt li jappellaw kontra l-impożizzjoni tal-kastig (azzjoni dixxiplinari ta' segregazzjoni solitari għal aktar minn 6 t' ijiem u telf ta' aktar minn 28 ġurnata ta' remissjoni) fi żmien 5 t' ijiem mill-impożizzjoni. Skont il-qafas legali, id-Direttur tal-Ħabs irid jinforma bil-miktub lit-Tribunal tal-Appell dwar kazijiet li jiġu appellati mill-priġunieri. Ir-remissjoni tiġi ikkalkulata awtomatikament mad-dħul fil-Facilità Korrettiva ta' Kordin sakemm l-Imħallef/Maġistrat li qed jagħti s-sentenza ma jstipulax li l-priġunier m'għandux jibbenifika mir-remissjoni. Aktar minn hekk, il-Bord tar-Remissjonijiet jintervjeni biss meta granet tar-remissjoni jkunu ntilfu. Il-Bord tar-Remissjonijiet jirrakkomanda jekk kastig għandux jibqa' jew le, jew għandux jitnaqqas*

***Kif stipulat fl-Att dwar il-Ħabs, id-Direttur tal-Ħabs fl-aħħar mill-aħħar jiddeċiedi kemm granet mir-remissjoni jintilfu. Fid-dawl ta' dan, iż-żamma tar-rekords fir-reġistru tiġi aġġornata dwar l-eqreb ġurnata tal-ħelsien. Din l-Inkjestta ssib li CPT (2016) kienet irrakkomandat li jiġu emendati r-Regolamenti tal-Ħabs 7 biex "it-telf ta' remissjoni taqa' taħt il-kompetenza ta' imħallef indipendenti" (CPT, 2016, p. 40, para. 84) kif inhum issa r-regolamenti għadhom jippermettu li d-Direttur tal-Ħabs għandu l-poter li jimponi telf sa 120 ġurnata ta' remissjoni.*** (emphasis added by the Commission)

...

*Kien innutat li ma kienu jeżistu l-ebda SOPs qabel ma daħlet it-tmexxija l-ġdida. Fid-dawl ta' dan, qed jitfasslu l-SOPs neċessarji li ħa jkunu lesti fil-futur qarib. Ma' dan tinħass il-ħtieġa ta' Half-Way House li topera bħala ħabs miftuħ. Dan il-Bord ta' Inkjestta jqis din bħala inizjattiva tajba u li tgħin fl-integrazzjoni tal-priġunieri fis-soċjetà."*

From some of the last witnesses heard by the Commission it would appear that these S.O.P.s are still works in progress.

16. The second focal point is the degrading treatment to which some prisoners were deliberately subjected to, in clear violation of both the Prisons Regulations and possibly also of the Criminal Code (Art. 138 thereof). A third focal point is the use of intimidation as a means to achieve certain goals. These two focal points are, for obvious reasons, closely related and there is an element of overlap between the two. It should be pointed out that the "goals" referred to above are not necessarily unlawful or illegal goals. On the contrary, they include the perfectly legitimate goal of ensuring discipline and preventing the

importation, use and/or retention of unlawful objects within the Prisons confines, and prison security in general. **But the prevailing attitude was that any means could be used to justify these ends, an attitude which undermines the concept of the Rule of Law and invariably leads to abuse and gross violations of human dignity.** That notwithstanding, it is uncanny how some prisoners – generally those heavily dependent on substance abuse – found the combination of intimidation and treatment on the verge of, or even beyond, what is normally acceptable as congenial. One prisoner – witness A9 – with a long history of recidivism and drug abuse, and who, according to his own evidence, will continue to serve time until 2028 – heaped praise upon the then Director, Col. Dalli, for weaning him off drugs, for introducing security and discipline and the use of the body scanners to detect drugs. This prisoner blamed all the dysfunctionality on “*other officers*” who “*took advantage*” of the Director. In this prisoner’s own words:

*“A9: ... Lis-Sur Dalli taf x’għamlulu? Kellu erbgħa min-nies jiġru ma’ saqajh, uffiċjali u rikbuh ...*

*Commission: X’għamlu? Rikbuh?*

*A9: Rikbuh. Li jagħmlu huma jmorru huma [jgħidulu] għax tfajna lil [A9] fis-6, ta, dak mhux nies, reġa’ għamilha. Is-Sur Dalli joqgħod fuqhom u baqgħu sejrin biha din u llum qegħdin agħar, qegħdin agħar illum ... u jien jekk trid li ngħidlek quddiemhom l-uffiċjali li jagħmlu dawn l-affarijiet, għajtulhom hawnhekk.*

*Commission: Tista’ tgħidilna minn huma dawn l-uffiċjali li rikbu lis-Sur Dalli?*

*A9: Mhux għax ma ngħidlekx nixtieq ngħidilhom ġo wiċċhom imma jien.*

*Commission: Le, aħna ma nagħmlux konfronti meta nieħdu x-xhieda ...*

*A9: Le? Mela nagħzel li ma nitkellimx”.*

17. This gem of an exchange is being reproduced not because prisoner A9 was a particularly reliable witness overall, but because the dysfunctionality within the prison confines that he alludes to is corroborated by several witnesses. One such witness is prisoner A11, who, when examined by the Commission, was serving a long term of imprisonment. This witness was particularly eloquent and precise, and the Commission considered him to be totally reliable, in his overall description of the prison system as viewed from the inside, as well as in his description of specific incidents. He describes the prison administration as “*fabbrica tal-ħażen*”, stating that Col. Dalli had positive plans for the CCF but that he was thwarted by other CCF officials. This witness expressed his views on the causes of the suicides that had occurred in prison in no uncertain terms:

*“Sistema ħarxa, brutali, inumana, arroganti u kult, sistema ta’ kult ...”*

*“Kult f’rigward ta’ xi ħadd li jmexxi b’id tal-ħadid, li ma jifhimx is-sistema soċjali, in-nuqqas ta’ tagħlim, ta’ edukazzjoni li għandhom bżonn il-kriminali ...”*

*“Tant kienet brutali li aħna konna nirrikorru għand psychologists, social workers ...”*

According to this witness *“hawnhekk imutu n-nies fis-silenzju ... għax ħadd minnhom ma jmur jgħid il-verità”*. The witness insisted that he had pertinent information about the suicide of Seejay Cardona (which occurred on 11th December 2018) and that he had requested to speak to a gazetted police officer so that he could provide information directly to the police as he did not trust giving the information to prison officials. Witness A11 states that as soon as he informed the Police Inspector who turned up that he wanted to prefer information in connection with that suicide, the Inspector told him that he first wanted to check some issues and that he would revert back. However, when the Inspector came back he told him: *“Iddaħħalnix fiha ... għax għandi każ ieħor ma’ dak il-mejjet”*. The witness claims that the Inspector had been instructed by prison officials not to take further action as prison officers and the police officers stationed at the local (Paola) Police Station were on very good terms. It should be noted that the lock-up at the said station was in 1993, and is still to-date, designated as a prison (see S.L.260.02). In the words of A11:

*“Għax ħadd minnhom ma jmur jgħid il-verità. Aħna kollha giddibin meta nitkellmu, aħna kollha giddibin, ħadd ma jemminna u l-ħuta minn rasha tinten għax jekk ta’ fuq jew ta’ fuqu u terġa ta’ fuqu u ta’ fuqu tan-naħa taċ-ċentru jekk itih il-ħabel, jekk itih ir-riħ u jaqbel miegħu u jgħattih u jaqbez għalih, hu suppost qed jagħtih eżempju, fl-aħħar mill-aħħar hu jrid jirrispondi. Hemm aħna, min ħa jerfa r-responsabbilità. Ħadd ma jerfa’ r-responsabbilità, 14-il mewta ċari kristall, waħda minnhom jekk irrid naqla terrimot ġod-Depot, ikollu jirriżenja Spettur tal-Pulizija ... Spettur tal-Pulizija, ġibtu hawn biex nagħti x-xhieda tiegħi, mar ftiehem magħhom, mar ikellem lill-awtorità.*

...

*Għax meta tagħmel rapport, nagħmlu hawn ikollok argument ma’ gwardjan jew ma’, għax hawnhekk isiru affarijiet, jaggedik jew jipprovokak ma tagħmilx rapport? Jien nagħmel rapport. Aqta’ x’jagħmlu? Iċemplu l-Għassa ta’ Raħal Ġdid, jieklu u jixorbu flimkien hawn ismgħani dal-pajjiż bir-rispett kollu lejn kulħadd, dal-pajjiż lanqas moralità ma fadal, lanqas tista’ tgħid li baqa’ rispett ħadd lejn ħadd. Kulħadd moħħu fl-aħmar u fil-blu u kulħadd moħħu fit-tpattija u kemm jien aħjar, u l-għira u t-timbri u stigma hekk hawn. Jien għajjejt dejjaqni dal-pajjiż, nixtieqni jitfgħuni l-Alaska ġo dak is-silġ, bis-serjeta’ qed ngħidlek.”*

The Police Inspector in question, who was identified and testified before the Commission (witness C1), while not denying the encounter with A11 and that the latter wanted to provide information about the suicide, denied that he had received instructions from prison officials, stating that, if anything, he would have sought instructions from his superiors in

the Police Force, but in any case could not remember why there was no follow-up by him of this encounter.

18. In connection with the suicide mentioned in the foregoing paragraph, the Commission requested a copy of the *procès-verbal* from the *titulaire* inquiring magistrate, but the request was turned down. It was later obtained from the Attorney General and it is now clear that prisoner A11 was never heard by the magistrate notwithstanding that the Police were aware that an inmate had some information about another inmate's death by suicide that he wanted to pass on to the competent authority. It is also pertinent to note, as was indicated by Moviment Graffiti in the report referred to in para. 1 (above), that according to a report published jointly in 2020 (and updated in 2021) by the Council of Europe and the University of Lausanne as part of the COE's Annual Penal Statistics, Malta had during 2019 the highest percentage of deaths inside penal institutions both in terms of general mortality rate and in terms of suicide rate (followed closely behind by Iceland). While correlation is not causation, these figures do not appear to have attracted sufficient attention by the authorities responsible for the CCF at the time they were first published.

19. Witness A11 gives a strikingly clear – and, in light of other evidence and in the view of the Commission, credible – picture of the atmosphere of intimidation during the period under examination. He confirms that Col. Dalli used to carry a firearm and that sometimes he would show the weapon by opening his jacket in front of inmates. He adds, however, that he might have been doing so because of fear induced by the responsibility of his position. He states that in the many years that he had been in prison before the arrival of Col. Dalli he had never seen a Director of Prisons carrying a firearm:

*“... Qatt ma rajna arma hawn ġew u qatt ma kien hawn bżonn ... U meta ġie dan iktar u iktar għax dan bil-body language tiegħu, esperjenza li għandu fil-militar, kulhadd qagħad kwiet. Qabel kienu jsiru hunger strikes u mhux ġlied tal-massa imma taħt dan qatt, allura x'tambihom l-armi? Inkella biex jagħmel is-searches ramhom kollha bit-tarek, bil-lembubi ...”.*

*“... dan għamel show ... l-Ispecial Response Team bit-tarek u bil-lembubi u jagħtu hekk, jagħmilhom hekk f'row biex jimpressjonana”.*

*“... Jintimidak, intom tibzġhu minn xi ħadd? Le Sir! Intom tibzġhu minn xi ħadd? Le Sir! Lesti intom? Iva Sir!”.*

*“Kieku kien hawn rewwixta kieku għandu mitejn raġun, imma min kien qiegħed kwiet għalfejn qed toqgħod tħabbatli u tibbulijani”.*

...

*“Bullying ... konna ġejna f’estremità li tgħidlu bonġu Sir u jagħmillek rapport li offendejtu ta u jiġi emnut hu mhux int u rappreżentanza m’għandna xejn hawn”.*

*“Wasalna f’sitwazzjoni ... li tagħtas waqt il-fall-in u jaqflek ħames t’ijiem”.*

20. One incident which occurred during the period under examination and which was widely reported in the media was when a large group of irregular immigrants were arraigned *en masse* in court and some were immediately sent as sentenced prisoners to the CCF. Several witnesses described the way, totally in breach of all admission regulations, in which they were inducted into the CCF. Witness A11 describes what little he saw within the context of rampant racism:

*“A11: Hawn razzizmu sfrenat min-naħa tal-uffiċjali, tismagħhom jitekellmu, anki biċ-ċajt, però dak xorta razzizmu, għalija dak mhux ċajt. Jien jaħdmu tnejn minnhom ... [ta’ kulur] [fil-post fejn naħdem jien], inħobbhom qishom ħuti u jekk ikollhom bżonn xi ħaġa l-ewwel wieħed li ngħinjom. Hemm ieħor fid-diviżjoni ma jkollux biex jixtri t-tabakk, jien borża tabakk inħalli l-aħħar ftit fiha qatt ma nużah, ngħidlu ħa, dejjem intih milli nista’ ... imma huma [il-gwardjani] jiddieħku bihom ... u hawnhekk saru l-oxxenitajiet fuqhom. Fi żmien Dalli meta qamet ir-rewwixta ta’ Ħal Far, ġabhom hawn fil-prison ground, tefgħahom għarkubtejhom immanetjati wara, kellhom uffiċjal ma’ kull wieħed, kesksilhom il-kelb ma’ wiċċhom u tahom ħasla pipe bl-ilma.*

Commission – *Din inti rajtha jew smajtha?*

*A11 – Iva, jiena rajt biċċa minnha u daħħluna niġru 'l ġewwa, rajt biċċa mit-tieqa u daħħluna niġru 'l ġewwa. Hawnhekk, Sur Imħallef, bir-rispett kollu, hawn ħadd qatt ma refa’ responsabbiltà, kulħadd jaħrab minnha r-responsabbiltà hawn.”*

21. The same witness comments on the dysfunctional aspects of the administration with the CCF in the following terms:

*“Hawnhekk qatt ma tingħata raġuni, hawnhekk l-eħfef risposta li dejjem smajt jiena, ma nistax intik informazzjoni u dak joħloq iktar dubji. Meta inti ma tingħatax raġuni iktar joħloqlok dubji, is-sistema tal-parole qegħda hekk ma tistax tkun iżjed negattiva, bla sens voldieri tapplika għall-parole inti, ma tgħaddix u ma jgħidlekx għalfejn għala. Mela jekk jiena zopp, m’għaddejtx għax jiena zopp, for example, ma nafx kif ħa nagħmel biex ma nibqax zopp jiena ħalli jiena ma nibqax zopp le ma jgħidlekx, ma tagħmilx sens. Jekk inti għandek nuqqasijiet li m’għaddejtx ħabba fihom jiena nippretendi li turina, tgħidli ara għandek dawn in-nuqqasijiet. Anke inti l-willingness tiegħek imbagħad tikber biex inti tirranghom, min ma jridx jirrangja ħajtu I am sorry mhux tista’ tagħmillu inċentivi,*

*tista' mhux tagħmillu, imma ma tistax tagħmel one fits for all, ma tistax. Oħra, programmi edukattivi, biex jidhku bin-nies bir-rispett kollu lejhom, jiena għamilt courses hawnhekk, Certificate of Attendance u oħra tal-aħħar course li għamilna course tal-Ingliż spicċajna nagħmlu l-miming, spicċajna nilgħabu logħba qisna qed nilgħabu quiz u anqas ċertifikat għadhom ma tawna, xhur għaddew ta, Certificate of Attendance, dik x'għodda hi? Inti tini xi haġa li ħa nsarraffa fil-ħajja tiegħi l quddiem."*

22. Even prisoners who had words of praise for Col. Dalli's "iron fist" – crediting him with eradicating drugs within the prison precincts – commented negatively on the dysfunctional aspects of prison administration. One such prisoner was witness A5, a long term prisoner who was at the CCF long before Col. Dalli's appointment. He commented on the lack of a proper system in the allocation of work to prisoners and on the educational level of prison wardens:

*"Commission: ... Taf b'xi problema fis-sistema?*

*A5 – Ħafna, ħafna m'hawnx struttura ta' xejn hawnhekk, f'dawn l-affarijiet m'hawnx struttura, hawnhekk tal-aħħar jiġi l-ewwel. Għada jaf jidhol wieħed minn barra u jibda jaħdem, hawn min ilu ħames snin u ma jaħdimx.*

*Commission: Għalkemm irid jaħdem?*

*A5 – Mhux hekk, ikun xeba' jitlob u zgur imma kif jintgħazlu n-nies dik ma nafx, m'hawnx struttura ta' xejn, m'hawnx struttura, ma nafx kif jintgħazlu n-nies hux għax ħelu, għax gustuż jew għax ikrah jew għax ħelu jew għax iswed jew għax abjad, dik ma nafx biha jien kif jintgħazlu però narhom isiru quddiem għajnejja dawn, jiġi wieħed illum, hawn min hu bis-sentenza u ma jaħdimx u hawn min hu arrestat u jaħdem li l-ewwel suppost jaħdmu dawk li huma issentenzjati għax l-arrestat inti, inti taf, jista' jieħu l-bail l-għada u jitlaq jiġifieri dawk hija kwistjoni tal-amministrazzjoni, jien fl-opinjoni tiegħi immexxiha ħażin u ma nafx min jista' jarha ifhimni."*

The same witness states that most of the officials, especially the younger ones, push their weight around just because they are in uniform, have no manners nor proper knowledge as to how to deal with prisoners, and would abuse their authority in the absence of the Director. The behaviour – or misbehaviour – of prison officers, especially the younger ones, their use of foul language, their haughty and arrogant manner and their lack of ability to communicate constructively with inmates was a recurring complaint with most witnesses.

23. Another witness – a prisoner who is well-educated, and very clear and eloquent in the description of his treatment upon admission to the CCF – was A1. This prisoner gave clear examples (which the Commission found to be corroborated by other evidence) of degrading treatment within the prison confines. His lengthy detention in what he, and others, refer to as the "single room", where he was kept locked up for 23 hours every day without anything to do (not even books were allowed) is a blatant example of the lack of respect to the human



dignity of prisoners by the higher echelons of the prison administration, including its then Director. This prisoner's treatment appears to have been also in breach of Regulation 68(1) of the Prisons Regulations, since this prisoner was at no time violent. Although the witness does not say that he was placed in the single room as a punishment, he stated that the Director of Prisons had clearly told him that he would not be released from the single room until he was found to be negative to drugs – in other words A1 was not sent to the single room until he "*settled in*" or until a place was found for him in one of the Divisions, but was sent there merely because he tested positive to drugs upon admission (this prisoner's admission occurred before the Covid emergency and therefore his "*isolation*" could not even be justified by some quarantine procedures). He was kept in this condition for 33 days, in blatant breach of the basic principles and treatment objectives spelled out in Regulation 3 of the Prisons Regulations as well as other provisions of these regulations governing the accommodation and living conditions of prisoners. When this prisoner was first sent to the said single room at the beginning of December he was given a blue T-shirt and shorts and slippers (karkur). His underwear was taken away and was never given back to him throughout his 33-day stay in the single room. Nor was he allowed to keep his socks, although when he complained with the officer on duty outside the room (cell) that he was feeling cold, he was offered an additional blanket. It was only following the intervention of the Prisons' Chaplain that he was given socks and a cardigan on Boxing Day.

24. According to A1, two days after his admission (as an unconvicted prisoner) he was summoned by the Director of Prisons who "*explained the rules*" to him. He was told in no uncertain terms that he would not be let out of the "*single room*" until his drug tests were negative. A1 protested against this, noting that he suffered from a particular physical condition which slowed down considerably the passage of drugs through his system. This explanation was ignored.

25. This prisoner corroborated several others as to the verbal (not physical) mistreatment and abuse of prisoners by prison officials, especially with taunts and jibes. He confirmed that only the Director (Col. Dalli) carried a firearm within the prison, and that when cells were routinely searched, the prison officers would be armed with pepper spray, taser guns and pellet guns.

26. Hereunder are some excerpts from the evidence of A1. It should be noted that the "*single room*" in which this witness was kept for 33 days was inspected without prior notice by the Commission. Whatever may have been said in any judgement delivered by a judicial authority, the Commission can confirm that the prisoner's description of the room is correct and that, in the Commission's view, the keeping of any person in that room for any period of time – even for just one day – was degrading treatment verging on the inhuman.

On the general atmosphere, the prisoner had this to say:

*“A1 – Mela jiena kif għedtlek ilni hawn ..., naħseb miniex it-tip ta’ persuna li nħobb is-sensazzjonalizzmu kif taqbad tgħid fis-sens illi tisma’ ħafna affarijiet però fil-verità imbagħad tkun trid tagħzel l-affarijiet u tgħaddihom mill-passatur, għaliex ħafna affarijiet sfortunatament jiġu ġigantiti u mħabba li jiġu ġigantiti titlef l-issue which is really at hand li fl-opinjoni tiegħi l-issue li hawn hawn ġew m’hijiex la l-Kurunell Dalli, l-kwistjoni hawn ġew hi li m’hawnx knowledge min-naħa ta’ min imexxi l-ħabs, m’hawnx knowledge realment. Mhux għax ma jridux, li m’għandhomx idea tad-drittijiet tal-bniedem x’inhuma u d-dinjità tal-bniedem u qed ngħidha b’mod ta’ prinċipju kif taqbad tgħid li mhux persuna partikulari li jkun irid jaħqar il-bniedem biex niftehmu, it’s not the mentality m’mhumiex nies, ħa nitkellem għalija, jien ngħid għalija m’humieħ nies li jaħqru lill-prigunieri b’mod volontarju, you know what I mean. Dan minn 300 uffċjal ħa ssib wieħed ħazin ‘l hawn u ‘l hemm bħalma ssibu kullimkien, bħalma ssibu f’kull organizzazzjoni però ma nistax ngħid li hawn sistema, li hekk kif taqbad tgħid li jridu jaħqru lill-prigunieri, hekk m’hawnx, però, d-drittijiet tal-bniedem m’għandhomx idea x’inhuma, bir-rispett kollu però m’għandhomx idea x’inhuma. Jiena nista’ nitkellem nerġa’ ngħid fuq l-esperjenza personali tiegħi li ili hawn ...”.*

In connection with the conditions of his confinement in the “single room”:

*“A1 – Illi jekk bniedem ikun at a ticking point li jagħmel xi ħaġa lilu nnifsu naħseb li jagħmilha, jiena għal grazzja t’Alla kont daqsxejn iżjed b’saħħti u ħa nispegalkhom mill-A saz-Z. Għamluli t-test tal-urine, ħaduni fid-Division li jgħidulha, Division number m’għandiex, is-single room jgħidulha li hija solitary imma jgħidilha single room. Ħaduni fis-single room, ħaduli ovjament, tawni T-shirt u shorts, u kien December biex inzommu in context tal-keħa, tawni a t-shirt and a pair of shorts t’hawnhekk għax ma ħallewniex ikolli affarijiet tiegħi personali, tifhimha wkoll, però t-shirt u shorts u daħluni f’din il-famuza single room.*

Commission – *U xi jkun hemm f’din is-single room ?*

*A1 – Issa din is-single room hija kamra it’s a bare room jiġifieri to be fair it’s not a run down room hemm it-tiles mal-art, saqqu mal-art lanqas saqqu it’s a brown piece of foam, just foam biċċa foam lanqas imħadda, biċċa foam and a blanket li hija minn dawn il-blankets, lanqas blanket għal taħtek it’s a fire retardant blanket biex niftehmu u li jkunu daqsxejn qishom canvas, m’għandekx sink, m’għandekx.*

Commission – *M’hemmx sink jew toilet?*

*A1 – Toilet a turkish toilet.*

Commission – *Bit-toqba hux hekk?*

A1 – *Bit-toqba fl-art. La ilma u la xejn, xejn xejn just ma jeżistix.*”

...

A1 – *U bla kalzetti, u ma ninsewx December was cold u għidtlu jiena qed inħoss il-bard, qalli ntik blanket oħra. Għidtlu mela jiena ħa noqgħod mal-art irrapjat ġol-blanket hekk.*

Commission – *Sigġu kien hemm?*

A1 – *Le xejn xejn xejn just saqqu wieħed lanqas imħadda u lanqas hu saqqu qed ngħidlek.*

Commission – *Foam?*

A1 – *Bicċa foam kannella kbira u tawni żewġ tazzi ilma u qalli dawn għal bil-lejl, issa filgħodu niġu nkellmuk. Għidtlu, jiena npejjep, nista’ inpejjep sigarett jekk jogħġbok? Qalli ħa ntik wieħed qalli daqshekk bħal speċi, ħa ntik wieħed inqabbadulek. Qabbadli sigarett u telaq u nsomma u ġiet l-għada filgħodu. L-għada filgħodu l-ewwel ma tkellimt kont tkellimt ma’ psychologist u kienet għamlitli an evaluation, quite a thorough evaluation jiġifieri l-ewwel kienet questionnaire over a 100 questions jgħidula xi ħaġa it’s a standard psychological evaluation, isaqsuk ħafna multiple questions imbagħad jirrepetuhom ukoll later in the test biex jaraw kemm int ukoll kostanti fir-risposti tiegħek u għamluli psychological evaluation qaltli ‘din biex naraw jekk intix prone biex twegġa lilek innifsek’ fejn forsi ma tafx jew forsi ma tridx tammetti insomma.”*

...

“A1 – *Hemm tlieta minn dawn iċ-ċelel, jien kont fl-ewwel waħda, fl-aħħar waħda to be fair, minn fejn tidhol jien kont l-aħħar waħda, din il-kamra li [fiha] tagħmel 23 hours a day trid tiekol mal-art, m’għandekx fejn tiekol, m’għandekx fejn taħsel idejk, m’għandekx toilet paper, skuži, biex tagħmel toilet trid toqgħod tgħid lill-uffiċjal tini naqra toilet paper, tini naqra hekk, xejn, m’għandekx x’tixrob, m’għandekx x’tiekol, to be fair you have to ask and they give you ħa nkunu ċari però m’għandekx jiġifieri la tista’ taħsel idejk, mal-art literally, on the floor 23 hours flok 24, u s-siegħa li toħroġ, toħroġ into a larger room li forsi kif għidtilkom fiha daqs hawn ġew u kien ikolli ovvjament f’dik is-siegħa kont incempel lil mamà u lil familja, niekol l-ikla ta’ filgħaxija, għax int tagħzilha l-ikla fi x’hin tiekol. Kont nagħżel dik is-siegħa ħalli almenu l-ikla ta’ filgħaxija niekolha bilqegħda għax hemm fejn toqgħod bil-qegħda u tieħu shower ovvjament tieħu ftit ħsieb lilek innifsek, il-bqija jiena magħluq ġo kamra għal 23 siegħa u jiena f’dawn il-kundizzjonijiet għamilt 32 jew 33 ġurnata.”*

As to his relation with the Director, A1 had this to say:

*“A1 – Hafna drabi jiena sal-aħħar ġurnata ta’ qabel ma telaq jiena kelli relazzjoni tajba miegħu, fis-sens kienet open, hu kien jgħidli x’jaħseb hu, u jien kont ngħidlu x’naħseb jien, bir-rispett dejjem, dejjem inbaxxi rasi għal dak li hu kien jordnali fis-sens illi dejjem kull regola li kien hawn hawn ġew osservajtha anke jekk ma naqbilx magħha imma who am I to, jiġifieri dejjem hekk kont però kont ngħidlu l-bniedem ma tistax tittrattah hekk Kulunell onestament kien jgħidli inkella ma jitgħallmux, ma jitgħallmux. He truly believed li jekk ma jagħmilx hekk ħa jitlef ir-riedni tal-post, li jekk ma jkunx hekk ħa, għax to be fair għandu raġun, inbaxxilu l-kappell, jien ma kontx hawn qabel, però isma l-ħabs kien invaż mid-droga, invaded bid-droga u to be fair il-problema tad-droga eradikha u nifhem kemm hija problema kbira ġol-ħabs id-droga għax speċjalment jien, alright użajt droga f’ħajti però qatt ma kelli, qatt ma użajt ċertu droga eżempju eċċ.”*

And in connection with the psychological abuse of prisoners:

*“A1 – Jiena swat, daqqiet jiena personalment kemm ili l-ħabs qatt ma rajt però jew sforz l-injoranza mhux f’kelma injoranza għax tista’ tiftiehem però sforz in-nuqqas t’għarfien sforz dik l-injoranza hawn ħafna ħafna swat.*

Commission – *Bil-kliem?*

*A1 – Bil-kliem però naħseb huwa frott tal-injoranza iżjed milli frott ta’ wanting to hurt someone, it is more not being delicate enough.*

Commission – *Psychological abuse?*

*A1 – Ehe hawn ħafna. Li ‘inti mnejn gej?’ U ‘inti biċċa mbarazz’, ‘mejjet bil-ġuħ’ dawn l-affarijiet hawn, però nerġa ngħid hawn bżonn li l-uffiċjali ma jitgħallmux biss kif jilbsu l-uniformi u kif jilbsu l-kappell għandhom bżonn jitgħallmu, jsirilhom training għax jien għalhekk ma nwaħħalx fihom, jiena għalhekk inwaħħal, dan bħal ħajja tiegħi nwaħħal f’min imexxi għax min imexxi, l-ewwel ħaġa jrid imexxi b’eżempju u apparti li jrid imexxi b’eżempju jrid juri x’inhu tajjeb u x’inhu ħażin.”*

27. Another prisoner who gave evidence and who endured a particularly traumatic experience upon admission as a sentenced prisoner and, later on, when he sought to further his studies, is witness A6. From his evidence – which the Commission underscores is entirely credible – as corroborated by snippets from the evidence given by Col. Dalli (Col. Dalli’s evidence was received by the Commission and the Ombudsman well after he had ceased to be Director Prisons) it is clear that the “*special treatment*” that A6 received was due to the then Director’s revulsion of the crime for which A6 was sentenced to a number of years in

prison, and also because the then Director (and some of his closer collaborators) considered A6 to be a sexual predator. The treatment to which A6 was subjected was in clear violation of both paragraph (a) and paragraph (b) of sub-regulation (1) of Regulation 3 of the Prisons Regulations. Instead of deprivation of liberty being the punishment in itself as established by the judicial authority, A6's regime was unnecessarily aggravated by considerations and prejudices which went beyond the remit of the Director and his senior officers, and which were therefore also both "*improper*" and "*irrelevant*" for the purposes of Article 22(2) of the Ombudsman Act.

28. Upon admission in mid-June, A6 was placed for five days in a cell in Division 6. This cell had a metal structure with a piece of foam on it which served as a bed, a concrete sink with cold running water, and a non-flushable stainless steel toilet bowl. In spite of the summer heat, he was not allowed any fan and not even toilet paper, ostensibly in line with "*doctor's order*". It was only when his personal psychiatrist (who he had been seeing while on bail and before sentencing, and who also gave evidence before the Commission) got to know of his situation and insisted that A6 be sent to a normal cell, that he was eventually transferred to share a single cell which had been fitted out for double occupancy with bunk beds.

29. For several days after his admission A6 requested to speak to the Director, but this was refused without any reason being given, in clear violation of Regulation 17 of the Prisons Regulation. A6 kept insisting on being given some work, as well as to continue his education at tertiary level. He was eventually assigned some tasks within the Division, but his attempts to continue his education were constantly being rebuffed by the Director. Whenever he raised the subject, upon chance encounters with the Director, the latter's stock replies were "*Nitkellmu meta nibgħat għalik jien*", or "*Inti tmur l-Università meta ngħidlek jien*". According to this witness, the officials within the CCF responsible for his long term care plan were unable to make any progress on the educational front precisely because of the adamant refusal of the Director to consider proposals. When this witness decided to take matters into his hands and contact a professor at the University of Malta, he intimated his intentions to the Head of Operations at CCF (Mr Randolph Spiteri) so that the latter would advise the Director accordingly. However, a meltdown occurred when an article appeared in a local newspaper in June 2020 carrying the professor's views on the primitive measures faced by prisoners at the CCF. The article was entitled 'Prison is not some Bermuda Triangle'. After this article appeared, A6 had regularly (that is in regular calls that he was allowed to make) communicated telephonically with the professor, expressing his agreement with the gist of the article and asking the professor to "*keep digging*". On the 21st of July after fall in, A6 was asked to pack up his things from the cell he was occupying and to proceed to another division. As he crossed the prison ground from one building to another he was confronted by the Director who, in the witness's own words was "*incensed*" about something. The Director was accompanied by a number of senior prison officials (only two could be identified with any degree of certainty by the Commission). After hurling abuse at A6, the Director ordered that

A6 be taken to his office where he continued hurling abuse and in effect suggesting that it was he, that is A6, who had instigated the article containing the professor's views. From the Director's office he was taken to a new division and the following day he was put in solitary confinement on orders of the Director for 15 days. He was never told what the specific charge was, was not allowed to appeal and not even to contact his lawyer. Senior officials in the Division simply told him *"Ħadd ma jrid ikellmek ... ma tista' iċċempel lil ħadd, dawk l-ordnijiet tad-Direttur, lanqas lill-avukat"*.

30. Of the two officials who were identified as having been present with the Director as A6 was crossing the prison grounds from one building to the other, one (witness B11) stated that the Director had not abused A6 verbally, but that he had indeed raised his voice and told him that it was futile for him to speak to people outside the CCF in order to go to University. Another (witness B10), a senior official, was clearly struggling with his conscience in order not to perjure himself to the full extent. In fact, he eventually opted to answer questions only to the extent that he was involved in something:

*"B10: Jista' jkun. Imma, ismagħni, issa ormai għadda ħafna żmien.*

*Commission: Imma incident bħal dak, parading b'dak il-prigunier partikolari?*

*B10: Imma l-kliem li ntqal żgur li ma nistax nifhem. Qal xi kliem ...*

*Commission: Jekk sarx il-parading, dik id-domanda?*

*B10: Le dan [il-prigunier] qasam.*

*Commission: Iva, kollox sew. Għalfejn kellu jkun hemm welcoming committee n-naħa l-oħra tal-ground?*

*B10: Le, le, le, jien m'għidtlu xejn ... Jien responsabbli għall-għemejjel tiegħi ... Jien li niftakar hu li kien qed jaqsam u ntqal xi kliem. Però ssaqsunix x'inhu għax ma nafx x'inhu ... Naħseb li d-Direttur għandu dritt jara t-trasferiment ta' prigunier."*

31. That retaliatory action in breach of Prisons Regulations was not an isolated occurrence can be gleaned from judicial documents. In the judgement of the First Hall of the Civil Court in its Constitutional Jurisdiction of the 3<sup>rd</sup> May 2022 in the names *M.M. et v. Id-Direttur tal-Facilità Korrettiva ta' Kordin*, confirmed (pursuant to an appeal by the plaintiffs over the question of the liquidated damages) by the Constitutional Court on the 18<sup>th</sup> July 2022, the court found a breach of Articles 3, 8 and 12 of the European Convention of Human Rights and of Articles 32(c) and 36 of the Constitution after that the prisoner's request to get married was refused by the Director, and correspondence addressed to him was also denied. In the words of the court:

*"Alexander Dalli ġie nkarigat bħala Direttur tal-Facilità minn nofs Ġunju 2018. Appena laħaq, fil-15 ta' Ġunju 2018 waħħal fil-kuritur tal-ħabs avviz li jaqra hekk:*

*‘Jekk il-vjolenza u l-kriminalità għandhom ikunu mrażżna, aħna l-uniċi nies li nistgħu nagħmluha. Il-prigunier ma jibzax mill-pulizija, mill-imħallef jew mill-ġurija. Għalhekk, huwa x-xogħol tagħna li ngħallmu l-biża’. Merħba fil-ħabs!’”*

...

*Minnufih wara l-preżentata tal-protest ġudizzjarju, Y.E inxtehet fid-diviżjoni numru 6 mingħajr ma ngħata l-ebda raġuni, meta suppost prigunier jintbagħat f’din id-diviżjoni wara li jsirlu rapport. Huwa u sejjer lejn diviżjoni 6 immanettjat id-direttur iltaqa’ wiċċ imb’wiċċ ma’ Y.E. u qallu biex jgħid lill-avukat tiegħu li kemm idum direttur ma kienx sejjer iħallih jiżzewweġ; u li minn diviżjoni 6 mhux sejjer joħroġ. Id-direttur, mistoqsi in kontro-eżami jekk qalx dan id-diskors, kien evasiv u qal li ma jiftakarx li qal dan id-diskors. Tefgħuh ġo ċella li skontu kienet bla toilet, bla sink, għarwien ħuta, bla sodda, bla saqqu u bla lizar. Ħallewh lejl hemmhekk. Skont id-direttur, skont parir ta’ psikjatra aħjar il-prigunier jithalla bla ħwejjeġ milli jkollu qalziet u jitgħallaq bih. Il-prassi fil-Facilità iżda hija li l-prigunier jingħata non-tearable clothes.*

...

*Ukoll minnufih wara l-preżentata tal-istess protest, M.M. ġiet ipprojbita milli tidhol fil-Facilità għal sitt xhur u ġew ukoll miżmuma l-ittri li kienet tibgħat lil Y.E. Lanqas setgħet taħsillu l-ħwejjeġ u tibgħatlu l-ikel. M.M. ħassitha għal darb’oħra umiljata u kellha tbiddel il-post tax-xogħol tagħha.*

*M.M dehret fuq il-programm televiżiv Xarabank tirrakkonta l-istorja tagħha u ta’ Y.E. u minnufih Y.E. reġa’ ġie ittrasferit għal diviżjoni numru 6 għal tlett ijiem mingħajr ma ngħata raġuni. Huwa ikkuntattja lill-avukat tiegħu. Għal darb’oħra, M.M. ġiet ipprojbita milli tidhol fil-Facilità. Mistoqsi, id-direttur għal darb’oħra b’mod evażiv wieġeb li ma jiftakarx jekk Y.E. intbagħatx f’diviżjoni numru 6 wara x-xandira televiżiva u li trasferimenti minn diviżjoni għall-oħra jsiru ‘on the spot’ minn uffiċjali oħrajn tal-ħabs.*

...

*Fil-każ preżenti, id-direttur f’parti mid-depożizzjoni tiegħu jisħaq li m’għandu l-ebda oġġezzjoni għaż-żwieġ iżda dan huwa soġġett għad-disponibilità tal-prison leave. Min-naħa l-oħra f’parti oħra tad-depożizzjoni tiegħu implicitament stqarr li kien qiegħed jopponi għaż-żwieġ minħabba li Y.E. kien hedded lill-ex-tfajla tiegħu u lill-familja tagħha; li M.M. kienet qegħda titlob lil Y.E. jinħeles mill-ħabs biex joqtolha; u li allura ż-żwieġ ma kellux isir. Il-Qorti hija moralment konvinta li d-direttur tabilhaqq ma riedx li ż-żwieġ iseħħ u li l-kundizzjonijiet li jieħu l-leave kienu biss skużi. Tant illi fir-risposta tiegħu għar-rikors promotur, id-direttur ma semmiex il-kwistjoni tal-prison leave. Il-konvinzjoni tal-Qorti hija msaħħa mhux biss mill-kuntradizzjonijiet tax-xhieda tad-direttur, imma wkoll*

miċ-ċirkostanza li l-Prison Leave Advisory Board kien irrakkomanda l-leave biex isir iż-żwieġ; id-direttur approvah; imbagħad meta iffamiljarizza ruħu mar-record tal-priġunier qaleb id-deċiżjoni tiegħu stess. Id-direttur arroga għalih innifsu funzjonijiet li ma kinux tiegħu. Jekk ħass tassew li kien hemm raġunijiet validi biex iż-żwieġ ma jsirx, kellu jopponi mal-awtoritajiet kompetenti meta nħarġu t-tnidijiet taż-żwieġ. ... Il-Qorti ssib ukoll illi r-ripensament tad-direttur għaxart ijiem qabel it-tieg meta kienu saru l-preparamenti kollha, juri minn tal-inqas insensittività kbira li tammonta wkoll għal trattament inuman u degradanti mhux biss għall-priġunier imma wkoll għas-sieħba tiegħu.

...

Jirriżulta iżda li wara l-preżentata tal-protest ġudizzjarju, kif ukoll wara x-xandira tal-programm televiżiv ġja msemmija, Y.E. ġie trasferit f'divizjoni 6, magħrufa bħala tal-kastig, darba minnhom mingħajr saqqu. Dan it-trasferiment ma sarx għal raġuni ġusta imma bi tpattija. Dan ukoll jikkostitwixxi trattament inuman u degradanti; kastig arbitrarju kontra persuna li diġà tinstab imċaħħda mil-libertà u fi stat ta' dipendenza totali fuq l-awtoritajiet tal-ħabs li, iva, għandhom iżommu d-dixxiplina imma mhux jabbużaw mis-setgħat tagħhom.

...

Artiklu 8 jiggarrantixxi espressament id-dritt għall-korrispondenza u l-Kummissjoni [Ewropeja tad-Drittijiet tal-Bniedem] saħqet li dan id-dritt kien japplika għall-priġunieri, soġġett għall-ħtigijiet ordinarji u raġonevoli tal-priġunerija.

Il-Qorti ma tara l-ebda ġustifikazzjoni għaž-żamma ta' ittri mingħand M.M. Huwa ovvju li dan sar bi tpattija mid-direttur Dalli talli sar protest ġudizzjarju kontra tiegħu u talli M.M. marret tilmenta dwar it-trattament tagħha u ta' Y.E. fuq program televiżiv. Kien għall-istess raġuni li M.M. giet projbita milli tidhol fil-Facilità għal sitt xhur sħaħ. Id-direttur jipprova jiġġustifika ż-żamma tagħha minħabba li irrekordjat konverżazzjoni mal-gwardjani tal-Facilità. Dan l-attentat iżda sar b'konsegwenza tal-projbizzjoni milli taċċedi fil-facilità – appuntu biex ikollha provi li l-projbizzjoni kienet bla raġuni – u mhux il-kawża tagħha. Għalhekk f'dan ir-rigward l-ilment tar-rikorrenti huwa ġustifikat.”

32. The *procès-verbal* drawn up to the inquiring magistrate (Mag. Dr Donatella M. Frendo Dimech) on the 10th September 2021 also shows the cavalier attitude to punishment for breaches, or perceived breaches, of Prisons Regulations. The investigation related to the *in genere* was triggered by the attempted suicide of a young female prisoner K.V., which attempted suicide occurred on the 16<sup>th</sup> June 2021 at the CCF. K.V. eventually died on the 4<sup>th</sup> of July 2021 at Mater Dei Hospital where she had been admitted after the attempted suicide.



As an aside, the Commission points out that one of the court appointed experts in this inquiry noted the dysfunctionality of internal procedures which made auditing very difficult:

*“L-esponent, wara d-diversi komunikazzjonijiet li saru mal-uffiċjali tal-ħabs u l-evidenza miġbura minnu, jinnota li hemm nuqqasijiet fejn jidhlu proċeduri amministrattivi. Għalkemm jidher li x-xogħol qiegħed isir b’dedikazzjoni u b’attenzjoni, jidher li hemm nuqqas kbir fejn jidhlu proċeduri amministrattivi li jinkludi anke ż-żamma ta’ dokumentazzjoni essenzjali sabiex jiġi pruvat li ċertu xogħlijiet ikunu saru u kif ukoll id-dettalji amministrattivi u finanzjarji ta’ kif ikunu saru. Dawn in-nuqqasijiet, prima facie, juru nuqqasijiet u suspetti fil-proċeduri iżda, meta wieħed jinvestiga u jiġbor partijiet t’informazzjoni li jinsabu sparpaljati (mhux f’sistemi centralizzati), jinduna li x-xogħol ikun tassew sar.”*

The prisoner who attempted to kill herself, and later died in hospital, had been placed in a punishment cell in clear breach of the Prisons Regulations after that prison officials considered that she had escaped or attempted to escape while she had been at Mater Dei Hospital for treatment. In the words of the inquiring magistrate:

*“Mal-wasla ta’ K.V. fil-Facilità, din ittiegħdet mill-ewwel fil-Female Division mingħajr ma saret xi waqfa fl-MI Room kif kien għaqli li jsir tenut kont li K.V. kienet iffirmit biex titlaq minn Mater Dei against medical advice magħdud mal-fatt li tmintax (18) il-siegħa qabel K.V. ippruvat titqatta’ b’biċċa mera li kienet fiċ-ċella tagħha.*

*Id-deċiżjoni tal-uffiċjali tal-ħabs irriżulta li kienet waħda animata unikament mill-interest li K.V. tiġi ikkastigata tal-‘ħarba’. Fil-fatt fix-xhieda tagħha quddiem il-Perit Legali Cutajar nhar is-16 ta’ Ġunju, 2021, is-Senior Inspector A.B. għet dokumentata tgħid: ‘L-ordni kienet ingħatat minħabba li kienet ħarbet mis-sala tal-isptar fejn kienet sejra tinzamm mhux aktar minn tlett ijiem u dan skont kif kienet sejra għib ruħha’.*

*L-Inkwerenti temmen li r-rekluzjoni, ossia solitary confinement, ma għandha qatt tingħata bħala miżura preventiva.*

*Dan mhux l-iskop ta’ rekluzjoni li r-Regolamenti tal-ħabs, L.S.260.03, iqisuha bħala forma ta’ piena li tingħata biss wara sejbien ta’ ħtija fuq reat kontra d-dixxiplina.*

*Hu imperattiv li persuni b’tendenzi ta’ self-harm ma jmorrux f’rekluzjoni/fis-single room bħala miżura preventiva.*

*Persuni b’tendenzi simili għandhom jingħataw kura immedjata fi kmamar attrezzati b’dawk il-Facilitajiet baziċi, mgħammra b’cameras li jippermettu li jiġu sorveljati skond l-esiġenzi mediċi li jkunu jirrikjedu wara li jkunu għew soġġetti għall-evalwazzjoni medika.*

...

*Insibu fir-regolament 21:*

21. Kull prigunier għandu jkun provdut b'sodda separata u friex separat tajjeb għas-saħħa u li jzomm sħun, li għandu jinżamm fi stat tajjeb u jinbidel spiss biżżejjed biex tiġi żgurata l-indafa tiegħu skond l-ordnijiet tad-Direttur.

*Imbagħad ir-regolament 23 jesigi:*

(3) Kull ċella għandha tkun ipprovduta bi friskatur b'ilma korrenti u b'toilet. Jekk ma jkunx hemm apparat ta' flushing kull prigunier għandu jitħalla jkollu kwantità biżżejjed ta' ilma biex iżomm it-toilet nadif.

Hu ovvju li f'din iċ-ċella la hemm friex jew wisq anqas sodda, la hemm ilma korrenti u l-ilma l-priguniera trid tistaqsi għalih skond il-bżonn u mhux ikun hemm minn qabel kif jimplika dan ir-regolament. Ġie innotat ukoll li l-foam jintuża minn priguniera għal oħra mingħajr ma jinbidel. Dan kollu jissarraff'nuqqas serju ta' iġjene.

Għaldaqstant hu imperattiv li għandu jiġi assigurat dejjem li ċ-ċelel kollha, u senjatament ċella Nru. 23, jkunu mgħammra ai termini tar-regolamenti 21 u 23 tar-Regolamenti tal-Ħabs kif ukoll mar-rakkomandazzjonijiet tas-CPT ċitati aktar 'l fuq.

...

Kollox jindika li fil-15 ta' Ġunju 2021, fil-lejla ta' qabel is-sinistru, K.V. ġiet ordnata tagħmel rekluzjoni wara li fil-fehma tal-uffiċjali A.B. u C.D, u fin-nuqqas ta' proċeduri ta' dixxiplina, din 'ħarbet' meta kienet rikoverata f'sala Mater Dei.

Tajjeb li jingħad li jirrizulta li din l-hekk imsejja 'ħarba' [minn Mater Dei] kienet xprunata mill-kilba ta' K.V. biex issib sigarett. Din il-kilba tagħha għall-sigarett issoktat sas-sigħat bikrin tal-għodwa tas-16 ta' Ġunju 2021, meta matul il-lejl talbet lill-gwardjani E.F. u G.H. għall-sigarett, l-istess kif ġara mal-gwardjan P.I. f'tit qabel ma seħħ is-sinistru.

Fl-ebda mument ma nstab li K.V. kellha l-intenzjoni taħrab mill-inkarċerazzjoni tagħha, tant li qatt ma avviciinat il-perimetru tal-binja ta' Mater Dei w nstabet tistaħba f'sala oħra. Fil-Current Incident Report jinsab dan li ġej: 'Illum stess għal ħabta ta' l-10:45hrs priguniera b'isem ta' K.V. ħarbet mis-sala Medical Ward 5, fejn din imbagħad inqabdet f'tit tal-ħin wara ġewwa s-sala Orthopaedic 2 mill-istess gwardjana tal-Ħabs li kienet għassa magħha ... waqt li I.J. mar sat-toilet l-imsemmija priguniera qabdet u ħarbet lil K.L. u baqat sejra fis-sala Orthopaedic 2, fejn din ġiet arrestata f'tit tal-ħin wara minn l-

*istess KL. Waqt dan l-incident ħadd ma weġġa.' Minn din l-istess deskrizzjoni jidher ċar li K.V. marret ġo sala oħra u mhux qabdet it-triq għall-barra!*

*Madanakollu, jibqa' l-fatt li l-għemil tagħha seta' jagħti lok għall-reat kontra d-dixxiplina kif ravvizat bir-regolament 75(u) tar-Regolamenti tal-Ħabs moqri flimkien mal-Artiklu 3(3) tal-Att dwar il-Ħabs.*

*Il-provi jindikaw prima facie li kawża ta' dan l-għemil malli K.V. inġabet lura l-ħabs, ġie deciż mill-Maġġur C.D. w ikkonfermat minn Senior Inspector A.B., li K.V. kellha titqiegħed fis-single room, cioè f'rekluzjoni. Quddiem il-Perit Legali, A.B. dikjarat li 'L-ordni kienet ingħatat minħabba li kienet ħarbet mis-sala tal-isptar fejn kienet sejra tinzamm mhux aktar minn tlett ijiem u dan skont kif kienet sejra ġġib ruħha'*

*B'hekk jidher li l-uffiċjali C.D. u A.B. injoraw dawk ir-Regolamenti tal-Ħabs li jesigu li qabel persuna tingħata rekluzjoni, jew kwalunkwe piena oħra, għandha dejjem tkun soġġetta għall-proċess ta' dixxiplina, proċess li jiggarrantixxi li l-priġunier jinstema' u jagħti l-verżjoni tiegħu.*

*Prima facie jidher ukoll li qabel ma stennew l-eżitu tal-proċess ġudizzjarju, proċess li ngħata bidu mill-awtoritajiet tal-Ħabs stess meta l-ħarba ġiet irrappurtata mal-Pulizija Eżekuttiva, iddeċiedew li jagħmlu ħaqq minn K.V. mingħajr ma din il-priġuniera ngħatat biss l-opportunità li tagħti l-verżjoni tagħha u/jew tirrikorri u tipprevalixxi ruħha mid-drittijiet spettanti lilha anke bl-istess Regolamenti tal-Ħabs.*

*Aġir bħal dan hu wieħed li m'għandux jirrepeti ruħu u hu tassew kundannabbli.*

*Dan il-qafas leġislattiv nostran jagħmel enfasi kontinwa fuq il-fatt li, minkejja l-gravità tar-reat kontra d-dixxiplina konċernat, kwalunkwe miżura punittiva li potenzjalment tittieħed, għandha tkun dejjem soġġetta għall-inkoluminità tal-priġunier. Kif jixhdu l-istess regolamenti, din l-inkoluminità kellha tingħata d-debita prijorità fuq il-fatt li seta' ġie kommest reat kontra d-dixxiplina.*

*Irriżulta li kuntrarjament għal dak li jipprovdi r-regolament 68 tar-Regolamenti tal-Ħabs, kollox jindika li K.V. inżammet f'rekluzjoni/fis-single room meta ma kien hemm l-ebda neċessità attwali li timmilita favur tali zamma w mhux b'xi ordni tad-Direttur kif jirrikjedi dan ir-regolament:*

*68. (1) Id-Direttur jista' jordna li priġunier vjolenti jinżamm f'rekluzjoni temporanja f'ċella adatta, iżda priġunier ma għandux hekk jinżamm bħala piena, jew wara li ma jkunx baqa' vjolenti.*

(2) Jekk id-Direttur iżomm dik l-ordni fis-seħħ għal iżjed minn tmienja u erbgħin siegħa huwa għandu jikkonsulta lit-Tabib tal-Ħabs u għandu jgħarraf liċ-Chairman tal-Bord.

*Għaldaqstant jidher li K.V. inżammet fis-single room kontra d-dispożizzjonijiet tal-Liġi.*

33. As adverted earlier in this report, prior to Col. Dalli's appointment, there was a clear and extensive drugs problem within the confines of the CCF, a problem which was exacerbated by the fact that some prison officials were complicit in the admission of prohibited items (including mobiles). One witness, a non-uniformed prison official who had been working there for many years – witness C3 – gave a particularly accurate description of this problem, and of others, and how, while Dalli's approach curtailed the drugs problem, it generated other problems and abuses.

34. C3 explained that before Dalli's appointment some prisoners had political influence to the extent that they managed to orchestrate the transfer even of employees and officers:

*“Ara kellek issue oħra li sfortunatament f'Malta nsibuha f'oqsma differenti, partisan politics, li l-affarijiet jitbidlu f'partigjanizmu jiġifieri hemmhekk hekk kif toqrob elezzjoni kien ikun hot sa sitwazzjonijiet fejn l-inmates jagħtu transfers lill-ħaddiema ... lill-istaff, jiġifieri waħda mill-issues problematiċi li dan l-aħħar naqset immens, drastikament jiġifieri hija l-link li hemm bejn il-kriminalità u l-politika. Jiġifieri persuni fil-kriminalità bil-kuntatti politiċi tagħhom minn ġol-ħabs kienu jmexxu huma through political contacts ...”*

He also explained how the Director's powers created an imbalance which, fortunately, was now being redressed with the creation of the post of Commissioner for Inmates Welfare and Development:

*“It-top one problem fil-ħabs huwa l-poter. Il-liġijiet tal-ħabs fil-fehma tiegħi għandhom bżonn jiġu ħafna updated għaliex inti għandek id-Direttur li għandu l-piena potestà, jiġifieri anke jekk għandek drittijiet imma d-drittijiet nista' nneħħihomlok jiġifieri d-drittijiet qegħdin hemmhekk imma jekk huma dejjem subject għalih xi drittijiet huma dawn li fl-aħħar mill-aħħar huma l-factotum ta' kollox. Jiġifieri ma kienx hemm bilanċ għax issa bl-idea tal-Kummissarju hemm il-bilanċ ... Issa x'għara? Il-ħabs għamel bidla minn sitwazzjonijiet meta ġie Dalli fejn mill-uffiċjal li ma kellux il-backing, ma kellux il-backing l-uffiċjal, il-ħabs f'ċerti aspetti kien immexxi mill-priġunier. Jiġifieri jiddettaw huma min jieħu transfer, jiddettaw huma minn iġib il-mobile, il-ħlas tad-droga, inħallsek minn barra u dawn l-affarijiet kollha. Dalli waħda mill-affarijiet li għamel huwa swingja l-ħabs kompletament in-naħa l-oħra jiġifieri l-uffiċjala tahom il-backing kollu b'tali mod li kellek min abbuza minn dan il-backing. Jiġifieri fejn qabel by default kwazi priġunier*

*kellu r-riedni issa kważi by default jekk kont priġunier u għandek raġun by default l-uffiċjal għandu raġun ... Il-kastigi interni tal-ħabs huma kollox privileġġ, titef kollox, tiġi dipendenti kompletament mill-istruttura u kull ħaġa hija privileġġ li anqas huwa dritt per se, allura l-privileġġ inneħħihulek kif irrid jien, m'hemmx kriterji kif taqtagħha allura kemm tinqafel, kemm toqgħod il-barra, għax inti siegħa biss għandek dritt toqgħod barra miċ-ċella, il-bqija kollu privileġġ li toqgħod barra miċ-ċella. Allura dawn skont xi drabi on the whim tal-mument jiġu deċiżi li anqas hemm proporzjon f'dawn l-affarijiet."*

The witness also emphasized the need for clear internal guidelines:

*"Il-ħabs huwa realtà kumplessa. Jekk ma jkunx hemm bilanċi ta' poter u SOP's ċari fejn nies ikunu accountable, nistgħu ngħidu x'ngħidu, huma ħafna paroli li ma ħa jsolvu xejn. Inti ma tistax tgħidlu għandek id-drittijiet u jien għandi dritt inneħħihomlok, għax allura dawn ma' huma drittijiet xejn, inkunu qed nilgħabu bil-kliem. Dik hija l-issue."*

C3 also confirmed the evidence of many other witnesses to the effect that during the period under review the Prison Board of Visitors was largely ineffective to deal with the overall prisons' problems and with individual complaints. It only met once a month for two or three hours. He also described solitary confinement as a "disaster".

35. This witness (C3) also confirmed an incident of gross abuse and racism which is described in more detail by witness B6. B6 – a social worker by profession had been temporarily assigned to the CCF in October 2018. She was summarily dismissed by Col. Dalli in December 2019.

B6 confirmed that Dalli had made a huge emphasis on eradicating the use of prohibited drugs in prison, and also confirmed that during the brief time she had worked at the CCF the number of prisoners who abused illegal substances had decreased. To achieve this there had been a clampdown on prisoner movement and circulation within the CCF with, among other things, the closure of the prison library and bakery:

*"Li kien hemm ħafna iktar restrizzjonijiet. Kif qed ngħidu, kien hemm żmien fejn il-bakery għalqet, ċertu opportunitajiet ta' xogħol within il-ħabs kienu waqqfu wkoll. Allura kellek ammont kbir ta' priġuniera fiċ-ċelel frustrati li m'għandhomx x'jagħmlu. Ġranet sħaħ, siegħat twal, fejn m'għandhomx fejn jinvestu l-enerġija. Allura dik kienet iġġib ħafna iktar depression, ħafna iktar toqol għax dak li jkun ħlief jewdhen fuq il-ħin għaddej, ma kienx hemm options, ċertu Education Programmes kienu waqqfu ukoll, biex jevitaw li jkunu fil-klassi. Kien hemm perjodu qasir però jiġifieri mbagħad, meta ġejt biex nitlaq, bil-mod il-mod kienu reġgħu bdew."*

This period the witness describes as a “*detoxification*” period which, to some extent and in spite of all the serious collateral damage, proved successful.

36. B6 said that at first she felt that the Director respected her opinion and would occasionally also seek her opinion where he had doubts about inmates who showed what could be withdrawal symptoms. However, when he started insisting that she was to reveal to him information about individual prisoners gleaned from individual sessions with them, she refused to comply, citing professional secrecy; she could only inform the officers within the Division to pay more attention to particular prisoners if it transpired in sessions that the prisoner in question was threatening to harm someone else, or to harm himself or herself. In time the Director’s attitude to her began to change – she surmises that this was because prisoners and prison officials respected her for just being herself, whereas Dalli was respected out of fear.

37. B6 also refers to the incident mentioned by A2 in connection with the admission to prison of a large number of irregular migrants at one go. Fifteen, out of a larger group, who were arraigned in court in connection with trouble at the Ħal Far Detention Centre, pleaded guilty and these arrived *en masse* at the CCF. In the words of witness:

*“Kien hemm numru minnhom mingħalija xi ħmistax-il persuna li mill-ewwel kienu ammettew u allura kienu weħlu sentenza ta’ xi sitt ġimgħat jekk minix sejra żball, imma mbagħad kien hemm oħrajn li baqgħu ma ammettewx. Jew li ammettew aktar tard along the way. Dakinhar li waslu kienu nżammu kollha fil-main grounds tal-ħabs, malli tasal, facing the wall, bil-klieb barking up their bodies like. Jien inzertajt kelli bżonn naqsam il-court yard għax kelli bżonn immur fl-administration block u l-offices tagħna kienu fil-main division like so stajt narhom. Jigifieri kienu wiċċhom mal-ħajt, jgħajtu magħhom ... Anke jekk ikunu ħa jħarsu lura. Issa ħafna minnhom, one ma kienux qiegħdin jifhmu l-lingwa, jigifieri kienu jidhru kollha dark, kellhom il-ġilda skura, ma kien hemm ħadd minnhom Malti, kollha kienu barranin. Però, ehe I mean jien għalija kienet xokkanti u umiljanti ta kif kienu qiegħdin jigu trattati. Is-soltu jidhlu u joħduhom l-administration block jigu recorded like u registered bħala li huma inmates, jieħdu d-dettalji tagħhom. Nista’ nifhem forsi li kien hemm ammont kbir u influuss kbir però jien għalija they were not being treated humanely. Iktar tard matul dik il-ġurnata, però ma rajtiex b’għajnejja però smajt l-uffiċjali jgħiduha li kienu neżżgħuhom u tawhom ħasla pajp.”*

38. On Thursday, 28 November, the office where B6 worked at the CCF was informed by the Records Office that 15 migrants were due to be released on Monday, 2nd December in the evening and that something needed to be done as otherwise they would be homeless. B6’s team contacted the Agency for the Welfare of Asylum Seekers (AWAS) since their status was that of asylum seekers and it was agreed that they would be housed at the Marsa Initial

Reception Centre (IRC). The Prisons Chaplain co-ordinated efforts to provide these prisoners with a package each containing some clothes and a Tal-Linja card:

*“Issa keep in mind li dawn in-nies mill-boat marru straight detention so m’għandhomx idea ta’ Malta. Ma tgħidx bħal min ġieli jkun ilu sentejn, tlieta Malta u bejn wieħed u ieħor ikun jaf il-Marsa fejn hu, jaf il-Belt fejn hu, so thanks to support minn Fr Hayden u nies oħrajn irnexxielna ngibulhom, għaqqadnilhom qisu package kull wieħed ta’ ftit ħwejjeg, basics u tana ukoll tal-linja card għalihom u nżilna fid-Division biex nispegawhom x’kien ser jiġri the following Monday. Monday kellna kollox ikkonfermat. Friday stess sakemm konna qiegħdin inkellmuhom, għadni niftakarha ċara, qiegħdin ngħidu Friday 29th, id-Direttur kien qiegħed idur ma’ xi avukata ma nafx eżatt x’kienet qiegħda tagħmel hemm, imma niżel f’Division 6 sakemm konna qiegħdin nitkellmu ma’ dawn il-ħmistax il-priġunier skjerati f’Division 6 ... U we agreed li dawn Monday ta’ wara meta jiġu biex jiġu released, id-Direttur stess meta Monday ikkonfermajtli li dawn isma ser jaċċettawhom lura l-IRC, għidtlu tgħid x’ngħamlu norganizzawhom transport? Qalli ‘u iva irranġa ma’ tat-transport’. U tani l-go ahead biex nirranġaw ma’ tat-transport, biex dawn at least mill-ħabs jaslu dritt l-IRC ... Strettament ma kienetx responsabbiltà tal-ħabs għax la skontaw is-sentenza, so it was a bit over and above. Però l-ftehim kien dak. Għamilt l-arranġamenti ma’ tal-vann, mat-transport stess tal-ħabs, bil-blessing tad-Direttur. Tuesday 3rd, December 2019 malli dħalt filgħodu, tal-gate, minn fejn jiċċekjaw, jgħamlulna s-search , u ngħidulhom li dħalna għax-xogħol, wieħed mill-uffiċjali qalli ok, daww il-bieraħ fit-triq bgħatnihom ta. Għidtlu ‘x’inhu?’. Qalli ‘mela’. Għidtlu allura speċi why the hassle biex norganizza t-transport u qgħadna nispegawhom. Qalli ‘fit-triq bgħatthom’.”*

As B6 was trying to cope with the enormity of what had happened the evening before in direct contradiction to what had been agreed upon, and was trying to sort out how to handle another release of migrants (including some minors) later that day:

*“Dak il-ħin id-Direttur Dalli stormed into our office, ġibed waħda bil-Malti kif iħobb jagħmel hu, ‘x’iz- -- qed tibki tagħmel’. Qalli ‘jien iddeċidejt li ħa nibgħatom barra fit-triq’. Qalli ‘dawn mhux waħedhom ġew mill-Afrika, taħseb li mhux se jsibu mod kif jaslu sal-Marsa waħedhom?’ Qalli ‘ma rridx minn dawn il-kummiedji għax filkaż nagħlaq kollox u nibgħatkom kollha l’hemm’. Qalli ‘x’ħa ngħamlu b’tal-lum?’. Għidtlu li m’għandniex fejn inpoġġuhom. ‘Ħa nibgħatuhom barra jiġifieri? Għidtlu ‘m’għandix fejn inpoġġihom’. Għidtlu li mhux ħa nsib post fejn ħa npoġġi għoxrin ruħ li ħierġin illum. U qisha baqgħet hemm. Waqfet hemm. Jien xorta kont għadni emotionally destroyed. Il-kollegi tiegħi ukoll għax għamilna Monday konna domna ħafna sakemm naraw li they are all sorted, spjegajnielhom x’ħa jiġri bla bla bla. Imbagħad qisek x’ħin tidhol u tara li dak kollu li ħdimt għalih sfaxxa u sar suf.”*

The following day she was summoned to the Director's office and was told to pack her stuff and go back to the Agency from where she had come.

It should be added that when Col. Dalli gave evidence, he denied everything in the following terse fashion:

*"AD - Nothing of my doing, kont nehel ta' hafna affarijiet jiena ta ma kontx inkun jiena. This is not my doing. I do not recall and it also goes against my principles. Jekk dawn ġew ha joħduhom, min jaf kemm ċempilt jiena, lil patrijiet biex ikun hemm nies li huma homeless Maltin u barranin biex imorru jorqdu. Dan ma jkun hemm xejn irrekordjat u registrat, ngħidlu għamilli pjaċir għandi dan ħiereg m'għandux fejn joqgħod u ġieli qbadt idejja għamilt hekk.*

Commission - *Inti dan ma kontx għidt lil xi ħadd mela dawn l-arranġamenti ha nisskrepjawhom*

AD - *Qed ngħidlek it goes against my principles.*

Commission - *Taf jekk dawn l-arranġamenti kinitx involuta din B6?*

AD - *No no.*

Commission - *Għaliex kienet tkeċċiet B6?*

AD - *Ma niftakarx.*

Commission - *Tiftakar li bgħatt għaliha l-uffiċċju inti, kien hemm senior officials oħrajn u kont irrimarkajt dwar xi Facebook message li kienet ippostjat?*

AD - *Naħseb li iva.*

Commission - *X'kienu iċ-ċirkostanzi?*

AD - *Ma niftakarx imma xi haġa kien hemm, ma niftakarx. Li keċċejtha naf, li kien hemm xi haġa naf imma x'kien ezatt wara sentejn ma nafx jekk bdiex diehla d-demenzja issa qed inqarreb lejn is-sittin sinċerament ma niftakarx."*

Between the evasiveness of the former Director's evidence (not only on this point but on most other issues) and the clarity and precision to detail of the evidence of B6 (corroborated in several parts by the evidence of other witnesses), the Commission accepts in *toto* the evidence of the latter as being totally correct and reliable.

## **Conclusions**

39. It is not the purpose of this report to reproduce all the evidence heard and collected by the Commission. The primary purpose, as already stated in paragraph 4, above, is to determine whether in the period under examination (July 2018 to December 2021) there were systemic acts of maladministration and, if in the affirmative, this Office has the option of making recommendations.



40. As has already been suggested, imprisonment and therefore the deprivation of liberty, is in and of itself the only punishment which follows upon an order of incarceration by a competent court pursuant to a finding that a person has committed a crime or a contravention deserving of a custodial sentence with immediate effect. **A person is sent to prison by way of punishment – he or she is not sent to prison to be further punished by being dehumanised.** As stated in paragraph (b) of Regulation 3(1) of the Prisons Regulations, the deprivation of liberty, by the keeping of a person in prison, is punishment in itself and the conditions of that deprivation of liberty are not to be aggravated except as may be required for justifiable segregation or for the maintenance of security, good order and discipline. In the case of unconvicted prisoners, these are deprived of their liberty by the need to secure the integrity of the criminal proceedings they may be undergoing. In both cases, that is of convicted and unconvicted prisoners, any aggravation of the state of deprivation of liberty can only be justified if (a) it is in accordance with law, (b) is necessary in a democratic society, and (c) is genuinely directed towards justifiable segregation or the maintenance of security, good order and discipline.

41. Of particular significance also for the purpose of this report, and in light of the rampant racism and lack of respect for human dignity that emerges from the evidence collected, is Regulation 3(2) of the aforementioned regulations:

*“(2) The rules contained in these regulations shall be applied impartially without discrimination on grounds of race, colour, sex, language, religion, political or other opinion, national or social birth, economical or other status.”*

42. What the evidence discloses for the period under examination is a total disregard of the Prisons Regulations on a systemic basis, with the ruling principle being *je suis le roi, je suis la loi*. The application in many instances of this principle was both the result of a dysfunctional administration with virtually no S.O.P.s, coupled with the attitude of several prison officials towards the inmates and the determination of the then Director of Prisons to stem the problem of prohibited drugs and other illegal items within the confines of the CCF at any cost. That determination morphed into an obsession. The attitude of many prison officials was in part due to ignorance of their proper duties and functions and in part dictated by a desire to emulate the “*tough attitude*” of the Director. While there is no doubt that during the period in question the CCF was made almost impermeable to drugs from the outside, the question to be asked is whether the end in this case justified the means used. **The Commission is of the view that in a state governed by the Rule of Law, the end can never justify means which are in breach of positive law and which violate human dignity.** In sum, therefore, the Commission finds that the report submitted to the Ombudsman’s Office by Moviment Graffiti (see para 1, above) was correct in substance and, in respect of a number of incidents, also in the details of those incidents. As to the number of deaths and/or suicides in prison during the period under examination, while correlation is not causation, the Commission is morally convinced that particularly vulnerable inmates must have been affected by the treatment

accorded to them upon admission to the CCF and by their treatment thereafter, leading to unfortunate situations. This is being said, of course, entirely without prejudice to any pending or future criminal proceedings, which proceedings are and would be within the exclusive remit of the competent court after examination of the evidence received by *that* court and in light of the material and intentional constituent elements of any offence which may be hypothesised by way of a criminal charge. **From the evidence heard and received by the Commission it is clear that in the period under examination there was systemic maladministration at the Corradino Correctional Facility under all the heads contemplated in Article 22(1) and (2) of Cap. 385, with the exception of the head contemplated in paragraph (c) of sub-article (1) of said Article 22.**

43. It is not the function of the Ombudsman's Office to determine who is to shoulder the political responsibility for the systemic maladministration at the CCF during the period in question. That determination is reserved for others.

### *Recommendations*

44. In light of the findings outlined above, the Commission and the Ombudsman endorse fully the recommendations made by the National Audit Office regarding the Correctional Services Agency, particularly those recommendations which, as indicated in the Follow-Up Report of that Office of November 2024, remain either partly implemented or not implemented at all. Those unimplemented or partly implemented recommendations of the NAO go to the very heart of one of the focal points identified by this report, namely the dysfunctional internal prison organisation. These recommendations made by the NAO include the need for the CSA to introduce a formal performance assessment procedure; the need to provide initial and ongoing training to all personnel in a formalised training programme; the need to increase work placements for prisoners; and, above all, the need to draft and finalise policies and procedures (SOPs).

45. The Commission and the Ombudsman also fully endorse all the recommendations made by the Board of Inquiry referred to in paragraph 15, above, of this report. These recommendations are being reproduced in Appendix A to this report in the way they appear at the end of that Board's report in summary version. Specifically in connection with these recommendations of said Board, the Commission and the Ombudsman wish to underscore those recommendations referring to the excessive powers of the Director of Prisons which could easily lead – and in the period covered by this investigation, did lead – to instances of abuse (such as in connection with loss of remission and the imposition of solitary confinement – both of which should fall within the remit of the judiciary and of a truly, and not only nominally, independent and impartial tribunal established by law). The Commission and the Ombudsman refer in particular to Recommendations 10 and 11 and the need that the CCF be subjected to more scrutiny. The Commission and the Ombudsman are of the view that what

today, in a modern democratic society governed by the Rule of Law, is termed the Fourth Estate, namely the press and the news media, should be given more facilities to inspect and examine places of confinement and detention. Many of the unpleasant situations which occurred in the period under examination could have been averted or at least attenuated had the press and the news media had the “right” to inspect the CCF. For this purpose the Commission and the Ombudsman strongly recommend that a policy or protocol be drafted by the Director of Prisons to allow, without any improper discrimination, such inspections by the press and the news media, with due regard to prison security and good order and respect for the privacy of inmates (whether convicted or unconvicted). In this context the Commission and the Ombudsman recommend that more use be made of subarticle (4) of Article 8 of the Prisons Act by the people mentioned in that provision, particularly by members of the judiciary. It is disappointing that most prison officials examined by the Commission had not the slightest inkling of this important provision; and when the Commission requested to examine the ‘Official Visitors’ Book’ referred to in Article 8(4), it was nowhere to be found.

46. The Commission and the Ombudsman also recommend that more attention should be paid to the psychological fitness of all prison officials to work in a total institution like the CCF with its complex realities and strains and stresses. **Particularly in the appointment of the Director of Prisons (who also occupies the post of CEO of the CSA) and of the more senior officials of the Prisons, a proper and thorough psychological evaluation should be undertaken.** Failure to do so would invariably result, as shown by the evidence received in the course of this investigation, not only to unfortunate incidents and systematic maladministration, but also to gross embarrassment to the political authority responsible for the Prisons.

47. Finally, a word about the Commissioner for Inmates Welfare and Development. This office was created on the 17th December 2021 pursuant to one of the recommendations (Recommendation 12 – see Appendix A) of the Board of Inquiry already mentioned. The need for such an office had already been mooted by the European Court of Human Rights in its judgement of the 19th October 2015 in the case of *Story and Others v Malta* (see para. 85 of that judgement) in the context of the need for a “*proper administrative or judicial remedy capable of ensuring the timely determination of ... [complaints about prison conditions], and where necessary, to prevent the continuation of the situation.*” The first incumbent was the current Director of the CCF, and the current Commissioner is Mr Steve Libreri. Since this post was set up, the relations between the Office of the Commissioner for Inmates Welfare and Development and the Office of the Ombudsman have been very cordial, and many complaints made by inmates to the Ombudsman have been rapidly solved by the said Commissioner without the need for a full-blown investigation by the Ombudsman’s Office. However, most CCF inmates still consider the Commissioner for Inmates Welfare and Development as merely an employee of the Ministry responsible for the Prisons, while viewing the Office of the Ombudsman as truly independent from the Executive branch of Government.

Joseph Zammit McKeon  
**Ombudsman**

Vincent A De Gaetano  
**Commissioner for Education**

Monica Borg Galea  
**Head of Investigations**

Brian Said  
**Senior Investigating Officer**

**Date:** 31st January 2025

## **Appendix A**

**(see para. 45, above)**

Rakkomandazzjoni nru 1: L-arrestati u s-sentenzjati għandhom ikunu miżmuma f'sezzjonijiet tal-ħabs differenti.

Rakkomandazzjoni nru 2: It-trasferiment frekwenti minn diviżjoni għall-oħra għandu jiġi mnaqqas kemm jista' jkun għaliex dan jista' joħloq stress insopportabbli bla bżonn.

Rakkomandazzjoni nru 3: Il-Bord jirrakkomanda li l-qfil f'izolament (solitary confinement) għandu jiġi biss esegwit b'ordni tal-Qorti. Għalhekk, ir-Regolamenti tal-Ħabs għandhom jiġu aġġornati kif jinħtieġ.

Rakkomandazzjoni nru. 4: Għandu jkun hemm bidla fl-attitudni li tersaq aktar lejn bilanċ ta' kontroll, sigurtà u kura.

Rakkomandazzjoni nru. 5: It-taħriġ tal-uffiċjali korrettivi kollha u mhux esklussivament ir-rekluti l-godda għandu jkun kontinwu u estensiv. Dan m'għandux biss jiffoka fuq is-sigurtà u fuq kif għandhom jagħtu l-ewwel għajjnuna, iżda għandu jiġi introdott taħriġ li jirrifletti l-aspetti psiko-soċjali tal-priġunieri. Dan għandu jassigura li l-uffiċjal korrettiv ikun iżjed konxju dwar il-qagħda soċjali tal-priġunier u l-bżonnijiet holistiċi tiegħu/tagħha.

Rakkomandazzjoni nru. 6: In-nisa għandhom ħafna inqas opportunitajiet mill-irġiel. Din għandha tiġi indirizzata u tingħata mhux biss prijorità iżda implimentazzjoni effettiva minnufih.

Rakkomandazzjoni nru 7: Diffikultajiet u divergenzi li għandhom x'jaqsmu ma' diskriminazzjoni ta' razza u etnika għandhom jiġu eradikati dan aktar u aktar meta l-popolazzjoni tal-ħabs hija predominata minn persuni barranin.

Rakkomandazzjoni nru. 8: Il-viżti tal-priġunieri mal-familjari m'għandhomx jiġu kompromessi. Meta wieħed iqis li l-popolazzjoni tal-priġunieri qegħda dejjem tiżdied, dan m'għandux jirrifletti fi tnaqqis mill-viżti mal-familji tal-priġunieri. Il-prassi viġenti ta' sistema ta' roster ma tiegħu in konsiderazzjoni dawk il-priġunieri li jkollhom it-tfal u li l-ħin tal-viżta allokat li lhom jistgħu jaħbtu f'ħinijiet li ma jkunux prattiċi.

Rakkomandazzjoni nru. 9: Saret referenza li qed jitfasslu SOPs. Dawn għandhom jitlestew minnufih. Barra minn hekk in-nuqqas ta' protokoll (minbarra dawk għas-servizzi tas-saħħa) jinħassu ferm. Kull taqsima jew servizz li jingħata fil-ħabs irid ikollu protokoll ċari.

Rakkomandazzjoni nru. 10: Għandhom jizdiedu miżuri legiſlattivi li bihom ikun hemm skrutinju fuq it-tmexxija tal-ħabs. Dan għandu jinkludi t-tiſiħ tal-Bord tal-Moniteragġ

eżistenti u li r-rakkomandazzjonijiet tiegħu jkunu mposti bil-Liġi b'dan illi għandhom jiġu implimentati mingħajr stħarriġ ulterjuri mill-amministrazzjoni tal-Ħabs.

Rakkomandazzjoni nru. 11: Illi għandhom jiġu introdotti bidliet leġislattivi sabiex il-qafas li fuqu mfassla t-tmexxija u l-organizzazzjoni tal-Ħabs tirrifletti sistemi indipendenti, imparzjali u trasparenti ta' *checks and balances* adegwati li jagħtu haġġa l-prinċipji naturali tal-ġustizzja u d-drittijiet fundamentali tal-bniedem.

Rakkomandazzjoni nru. 12: Għandu jkun hemm twaqqif ta' entità indipendenti u imparzjali li tħares il-kura u l-qagħda soċjali tal-primunieri bil-għan illi filwaqt li tibqa' tkun assigurata s-sigurtà fil-konfini tal-Ħabs, l-istess primunieri jkunu qed jgħixu f'ambjent dinjituż u li jingħataw l-aqwa kura possibbli, inkluż għajnuna psiko-soċjali, aċċess ugwali għal xogħol, edukazzjoni u taħriġ.

Rakkomandazzjoni nru. 13: Illi l-Gvern għandu responsabbiltà li jassigura li dak li wiegħed fil-Budget għas-sena 2022 għandu jitwettaq minnufih u dan b'enfasi partikolari għall-binja riabilitattiva, liema proġett isolvi diversi problemi kemm loġistiċi kif ukoll amministrattivi.

Rakkomandazzjoni nru. 14: In linea mar-rakkomandazzjoni preċedenti l-Aġenzija tas-Servizzi Korrettivi għandha tkun iktar miftuħa għall-ħidma id f'id u kollaborazzjoni shiħa mal-għaqdiet non-governattivi li jaħdmu fis-setturi korrettivi. Dan għandu jwassal sabiex jinħoloq bilanċ bejn iż-żamma tal-ogħla livell ta' sigurtà, filwaqt li tingħata dimensjoni ġdida lill-facilitajiet korrettivi bl-involvement dirett ta' esperti u professjonisti fi hdan dawn l-organizzazzjonijiet.