



International Convention for the Protection of All Persons from Enforced Disappearance

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Summary record (partial)* of the 523rd meeting

Held at the Palais Wilson, Geneva, on Monday, 24 March 2025, at 3 p.m.

Chair: Mr. de Frouville

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* No summary record was prepared for the rest of the meeting.

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The meeting was called to order at 3 p.m.

Consideration of reports of States Parties under article 29 (1) and additional information under article 29 (4) of the Convention *(continued)*

Initial report of Malta (CED/C/MLT/1; CED/C/MLT/Q/1; CED/C/MLT/RQ/1)

1. *At the invitation of the Chair, the delegation of Malta joined the meeting.*
2. **A representative of Malta** said that Malta had viewed enforced disappearance as a crime against humanity even before it had ratified the Convention and, since gaining its independence in 1964, had classified enforced disappearance as an inhumane act.
3. Malta, which had been among the first 60 countries to ratify the Rome Statute of the International Criminal Court, had made significant contributions to the progressive development of international criminal law. For example, during its presidency of the Council of the European Union in 2017, Malta had actively sought to consolidate the text of the Rome Statute while facilitating cooperation between the States Parties to the Statute and the International Criminal Court. In addition to the international human rights instruments listed in her country's initial report (CED/C/MLT/1, para. 16), Malta had recently ratified the Ljubljana-The Hague Convention on International Cooperation in the Investigation and Prosecution of the Crime of Genocide, Crimes against Humanity, War Crimes and Other International Crimes.
4. The importance of personal liberty – no one could be detained in unlawful conditions – was underscored in both the Constitution and the European Convention Act, under which the Convention for the Protection of Human Rights and Fundamental Freedoms (European Convention on Human Rights) had been made an integral part of Maltese law. Detainees were to be brought promptly before a judicial authority and tried or released.
5. International crimes, including enforced disappearance, had been incorporated into national law pursuant to the International Criminal Court Act. Moreover, her country had ratified several international instruments intended to prevent the crime of enforced disappearance and protect human rights; judgments handed down by the European Court of Human Rights had been made enforceable in the national legal system. Malta had, in addition, recognized the competence of a number of United Nations human rights treaty bodies to receive and consider communications from or on behalf of individuals subject to its jurisdiction and gave regular consideration to making the declarations provided for in articles 31 and 32 of the Convention relating to the Committee's competence to receive and consider individual and inter-State communications, respectively.
6. Combating trafficking in persons remained a priority. The National Strategy and Action Plan on Combating Trafficking in Human Beings in Malta (2024–2030), which outlined the Government's vision of ensuring that the rights of all individuals were protected and that the perpetrators of trafficking in persons were brought to justice, envisaged the adoption of measures to address the root causes of trafficking, including demand-side causes, and the new methods used by traffickers. Prevention, protection, prosecution and partnership were the four pillars of the Strategy and Plan. One of the partnerships that increased the effectiveness of efforts to combat trafficking in persons was that formed between the Vulnerable Victims Unit and the Financial Crime Investigations Department of the Malta Police Force. Two criminal cases combining charges of both trafficking in persons and money-laundering had been pursued in 2024.
7. Human rights violations were addressed by the Civil Court, First Hall, sitting in its constitutional jurisdiction. Appeals were considered by the Constitutional Court, which could take measures to protect people in urgent situations of risk. An individual could be presumed dead only after a continuous absence of at least 10 years. As State officials did not enjoy immunity from prosecution, any such official implicated in a case of enforced disappearance, including the President, could be prosecuted. Her country had, as shown in its initial report, incorporated into its legal framework the principles articulated in *Velásquez-Rodríguez v. Honduras*, a case in which the Inter-American Court of Human Rights had held that States had positive obligations to investigate and hold to account persons responsible for human rights violations, that enforced disappearance constituted a continuous infringement of

individual rights and that victims should have access to effective remedies. Official registers of persons deprived of their liberty were updated as necessary.

8. The establishment of a national human rights institution was another priority. The Human Rights and Equality Commission Bill, which would provide for the establishment of such an institution when it was made law and whose passage had been halted due to the dissolution of Parliament following the proclamation of the 2022 general elections, was being revised to bring it into line with newly adopted European Union directives establishing minimum standards for equality bodies and the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles).

9. **Ms. Lochbihler** (Country Rapporteur) said that she wished to know which parts of the Human Rights and Equality Commission Bill were under review and what the timeline for its submission to Il-Kamra Tad-Deputati (House of Representatives) was. She wished to know, too, why the State Party had not yet recognized the Committee's competence to receive and consider individual and inter-State communications. In addition, she wondered whether the Convention had been invoked by the State Party's courts or administrative authorities at any time since 12 January 2024, the date on which it had submitted its replies to the list of issues in relation to its initial report ([CED/C/MLT/RQ/1](#)), and why civil society organizations had not been consulted on the preparation of the report.

10. **Mr. Kanyongolo** (Country Rapporteur) said that he would welcome an indication as to whether the State Party planned to adopt a law under which the right of all persons to be protected from enforced disappearance would be explicitly made a right from which no derogation was possible, not even in states of emergency. He would also welcome information on any circumstances in which the President, acting in accordance with article 4 of the Emergency Powers Act, had made regulations for the public safety, health and defence of the State Party.

11. He wished to know whether abduction, illegal arrest, detention or confinement, and unlawful and forcible removal – the offences under which enforced disappearance was currently criminalized in the State Party – incorporated all the elements of the definition of enforced disappearance contained in article 2 of the Convention. In particular, he wondered whether the alleged perpetrator had to have acted with the authorization, support or acquiescence of the State, to have refused to acknowledge the deprivation of liberty or to have concealed the fate or whereabouts of the disappeared person, thereby placing the person outside the protection of the law. It would be helpful to learn, in addition, how the State Party planned to ensure that enforced disappearance constituted an autonomous offence in its criminal law.

12. According to the information provided by the State Party, the Malta Police Force did not have any data on cases related to enforced disappearance. It would therefore be interesting to know whether public agencies or institutions other than the police had any such data, what the obstacles to collecting such data were and whether such data would be collected in the future.

13. Bearing in mind the State Party's obligations under article 9 of the Convention, the delegation might specify the national laws under which persons suspected of committing acts of enforced disappearance outside Malta could be prosecuted when they were present in Malta but not subject to military law, when they were present in Malta but were neither citizens nor permanent residents of the country and when the acts of enforced disappearance committed did not constitute a crime against humanity. He would welcome information on how the State Party would ensure the impartiality of investigations into cases of suspected enforced disappearance, including the steps that it would take to prevent suspects in such cases from influencing the progress of investigations. It would be useful to learn whether public officials suspected of having committed acts of enforced disappearance who had not been dismissed, interdicted or suspended would be able to participate in the related investigations.

14. The Committee would be interested to know how the State Party would ensure that, in any cases of enforced disappearance that might occur, all complainants, witnesses, relatives of victims, defence counsels and participants in investigations were protected from ill-treatment and intimidation. He wondered what safeguards were in place to protect internal

whistle-blowers and witnesses who were members of a “disciplined force”, the Security Service or the foreign, consular or diplomatic service in cases of crimes against humanity in general and enforced disappearance in particular. He would be grateful to learn whether the Code of Ethics of Police Officers provided for the protection of police officers who reported acts of violence or inhumane or offensive treatment that they had witnessed to persons other than their superiors or the Professional Standards Office.

15. It would be helpful to know whether the State Party had concluded extradition agreements related to the crime of enforced disappearance with any other States Parties to the Convention since submitting its written replies and, if not, whether it planned to do so. He wondered whether Malta had cooperated with other States in relation to the crime of enforced disappearance, including by providing mutual legal assistance under the European Convention on Mutual Assistance in Criminal Matters or Directive 2014/41/EU of the European Parliament and of the Council of 3 April 2014 regarding the European Investigation Order in criminal matters. He would welcome an update on any action taken in response to the request for mutual legal assistance received concerning abduction mentioned in paragraph 26 of the State Party’s written replies. Details of any intercountry procedures for cooperation in the search for and the release of disappeared persons and, in case of death, the identification and preservation of their remains, including applicable time frames and protocols, would also be appreciated.

16. **Ms. Villa Quintana** said that, since enforced disappearance was not currently a stand-alone crime under Maltese law, she wished to know how the State Party would go about prosecuting persons who committed it and whether the State Party was able to invoke the Convention directly in order to do so. An overview of the steps taken or envisaged by the State Party to fulfil its obligation to incorporate the Convention into national law would also be welcome.

17. **The Chair** said that he would be interested to learn why no civil society organizations had participated in the preparation of the State Party’s initial report and to know whether such organizations had been given the opportunity to comment on it after the fact. Statistical data on the number of persons in the State Party who might have been subjected to enforced disappearance as defined in the Convention would also be appreciated.

The meeting was suspended at 3.50 p.m. and resumed at 4.10 p.m.

18. **A representative of Malta** said that, while no cases of enforced disappearance had been recorded in Malta, the country had a robust legal framework that complied with international human rights standards and was designed to prevent enforced disappearance from occurring. Under article 54C (1) (i) of the Criminal Code, the enforced disappearance of persons, when committed as part of a widespread or systematic attack directed against any civilian population constituted a crime against humanity. Article 54C (2) (i) defined the enforced disappearance of persons as the arrest, detention or abduction of individuals by, or with the support, authorization or acquiescence of, the State or a political organization, followed by a refusal to acknowledge the deprivation of liberty or disclose the persons’ whereabouts.

19. The Malta Police Force operated under a framework of legal accountability and transparency and ensured that all cases of suspected disappearance were given the highest priority. Such cases – which, by law, any person could report – had to be investigated promptly, thoroughly and impartially by the competent authorities. A record of the suspected disappearance, including the last known location of the missing person, the time of their disappearance and details of any known associates, was immediately created in an official database. Detention records were verified in order to confirm that the person had not been unlawfully detained by a State entity. The Major Crime Department, the Vulnerable Victims Unit and other specialized units participated in complex cases. The Malta Police Force was obliged by law to investigate the possibility of State involvement where there were reasonable grounds to suspect it, even in the absence of a formal complaint. In such investigations, which were conducted in coordination with inquiring magistrates, use was made of techniques such as structured witness interviews with family members, colleagues and key informants and, where legally permissible, tracking of mobile devices, financial transactions and transportation data and reviewing of closed-circuit television footage,

mobile communications and other electronic records. In cases with a cross-border dimension, law enforcement bodies engaged with the International Criminal Police Organization (INTERPOL) and other international partners. Victims' families received support and protection from discrimination and had the right to participate in investigations.

20. All reports of disappearances were entered in a centralized system, which was used to track, investigate and monitor all such cases in Malta in line with international best practices and the Convention. Data were updated continuously to reflect new developments and were shared, where necessary, with INTERPOL, the European Union Agency for Law Enforcement Cooperation and other international law enforcement agencies. Yellow Notices were used to disseminate information about persons who were missing across jurisdictions.

21. Several internal mechanisms were in place to ensure that investigations were unbiased and to prevent the abuse of power. The Internal Audit and Internal Affairs Unit would respond to any complaints of police involvement in a disappearance by conducting an independent investigation outside the regular chain of command with a view to preventing the concealment of wrongdoing. Police officers had to follow due process in all instances of detention, including by taking arrested persons to the nearest police station and promptly recording all relevant details of detainees in a custody register, as specified under article 68 of the Police Act. Such registers were maintained in compliance with article 17 (3) of the Convention and regularly updated with the aim of preventing secret detention. The Malta Police Force conducted regular training on international standards relating to detention and due process that incorporated practical case studies and legal guidance with a view to equipping officers to recognize and respond effectively to risks associated with arbitrary detention. Such training emphasized that it was officers' duty to refuse to obey unlawful orders and to conduct impartial investigations in cases of missing persons and suspected enforced disappearance. Awareness-raising programmes and early warning systems had been put in place with the aim of identifying and mitigating irregular detention practices and other factors that could lead to the occurrence of such cases.

22. Under Act No. III of 2024, which provided for the amendment of article 355AJ of the Criminal Code, the maximum period of detention of 48 hours could be extended by a further 48 hours in cases where the offences under investigation carried a maximum prison sentence of 12 years or more. Such extensions were subject to approval by a magistrate, to whom a request to extend the period of detention had to be submitted within 36 hours of the initial arrest and who held a private sitting to hear submissions from both the investigating officer and the detained person before granting or refusing the request. Secret or unofficial detention was prohibited. Article 355AT of the Criminal Code provided that persons suspected or accused of an offence had the right to a lawyer, to have a third party informed of their deprivation of liberty and to communicate with third persons and, if applicable, consular authorities while deprived of their liberty. The letter of rights of the arrested person had been translated into more than 40 languages. Under articles 355AC and 534AC of the Criminal Code, detained persons who required an interpreter were provided with one without undue delay and before they were questioned.

23. Under the Code of Ethics of Police Officers, when exercising discretion, police officers were expected to consider the ultimate results and potential effects of their decisions while ensuring that they were aligned with policing codes, policies and procedures. This requirement extended to their actions in periods when they were off duty, during which they were still expected to assist individuals who were at risk, prevent or address public disturbances and protect people and public and private property. The Professional Standards Office played a crucial role in promoting integrity within the Malta Police Force and in addressing any instances of misconduct.

24. **A representative of Malta** said that, under article 355AT of the Criminal Code, persons who were the subject of European arrest warrants and extradition requests had the right of access to a lawyer in the requesting member State and in Malta during the extradition proceedings.

25. Under article 5 (1) (d) of the Criminal Code, the Government could prosecute any citizen or permanent resident of Malta who, in any place or on board any ship or vessel or on board any aircraft wherever it might be, had committed any of the crimes referred to in article

54A of the Code, which included enforced disappearance and other crimes against humanity that the International Criminal Court was competent to try. The Government abided by the principle of *aut dedere aut judicare* and was able, under article 5 (1) (h) of the Code, to prosecute persons whom it was unable to extradite. It could claim jurisdiction over any person who was accused of committing an offence of enforced disappearance outside Malta. Under article 54G, it could prosecute offences committed by any person who was subject to military law under articles 178–180 of the Malta Armed Forces Act.

26. Malta had succeeded to 23 extradition agreements upon gaining its independence from the United Kingdom and had signed a further four with Egypt, Libya, Tunisia and the United States of America. No new extradition agreements that included enforced disappearance as an extraditable offence had been concluded with other States Parties. Malta was also bound by the European Convention on Extradition, a multilateral treaty that included some non-European Parties.

27. The Government had neither sent nor received requests for mutual legal assistance in cases of suspected enforced disappearance. In 2023 and 2024, there had been a small number of incoming and outgoing requests for mutual legal assistance in cases of abduction and trafficking in persons.

28. **A representative of Malta** said that all places of deprivation of liberty in Malta were listed in legislation. State entities maintained their own records on the persons deprived of their liberty under their responsibility. Data on admissions to and releases from immigration detention were recorded in a database managed by the Ministry for Home Affairs, Security and Employment. As only the Malta Police Force had the power to admit persons to immigration detention and to issue the relevant detention orders, and the Commissioner of Police was the country's principal immigration officer, the Malta Police Force had access to the database. Migrants were admitted to the Mount Carmel Psychiatric Hospital for treatment in accordance with the Mental Health Act. All involuntary admissions had to be notified to and endorsed by the Office of the Commissioner for Mental Health – an entity separate from the Ministry of Health. By law, all persons deprived of their liberty were allowed contact with the outside world.

29. **A representative of Malta** said that, although Maltese law did not provide for a stand-alone offence of enforced disappearance, all elements of the conduct defined under article 2 of the Convention were punishable by law. In respect of arrest, detention or deprivation of liberty, any persons who were arrested or detained on any grounds had the right to be brought before a court and could, at any time, challenge the lawfulness of their detention. Under the Criminal Code, it was an offence for prison officers or guards to detain or imprison an individual without the required authorization, to subject persons in their custody to arbitrary acts, or to in any way mistreat such persons. The Criminal Code also provided that any public officer or servant who, without authority or necessity, detained any person under arrest in any place other than a place appointed as a public prison, would be committing an offence.

30. In Malta, only State actors had powers of arrest and detention. The law did not permit arrest, detention or deprivation of liberty by persons other than those who were specifically empowered for that purpose, except in the case of citizen's arrests under article 355W of the Criminal Code. According to that provision, for a citizen's arrest to be lawful, it must meet the criterion of necessity and the person under arrest must be turned over to the police without delay.

31. The Criminal Code provided for the offences of abduction and illegal arrest, detention or confinement, together with aggravating circumstances – for instance, if the abducted person was harmed. Cases of trafficking in persons and migrant smuggling were duly prosecuted, and the Malta Police Force would, in the course of its investigations, uncover the motive for the trafficking. If the police suspected that a State actor had committed, attempted to commit, or acquiesced or conspired to commit any of the aforementioned offences, it would take the steps necessary to bring a prosecution. Regulations, policies and standard operating procedures were in place to ensure that officials who had been charged with an offence were suspended from duty and thus not in a position to interfere with the investigation.

32. **A representative of Malta** said that Maltese laws were non-derogable, although Parliament had the power to change laws as it deemed fit. Any directives given by the President under the Emergency Powers Act must abide by the Constitution as the country's supreme law. All legislation enacted by Parliament and decisions taken by the authorities must respect international human rights law. Articles 34 and 36 of the Constitution provided for protections against arbitrary arrest and inhuman and degrading treatment or punishment, respectively. Article 66 afforded safeguards against the amendment of articles of the Constitution that protected human rights, including the requirement that any such amendment must be supported by a two-thirds majority in the House of Representatives.

33. As had been stated, the passage of the Human Rights and Equality Commission Bill, which, once signed into law, would provide for the establishment of an independent national human rights institution, had been halted due to the dissolution of Parliament and it had been necessary to start the process afresh. Efforts were ongoing to ensure that the bill complied in full with the Paris Principles and was aligned with the new European Union directives establishing minimum standards for equality bodies. While the Government had pledged before the Human Rights Council to establish the national human rights institution by the end of 2025, the delegation was unable to give an exact date for the enactment of the bill.

34. Malta did not have any civil society organizations actively working on the specific issue of enforced disappearance, since no cases of enforced disappearance had been recorded or reported in the country.

35. **Mr. Kanyongolo** said he understood that Malta exercised jurisdiction over persons alleged to have participated in crimes against humanity, including enforced disappearance, even if the offence was committed outside Malta. He would be grateful if the delegation could indicate which specific laws would provide the basis for the exercise of jurisdiction over cases of enforced disappearance that did not amount to a crime against humanity.

36. The Committee welcomed the information that public officials suspected of misconduct would be suspended and placed on forced leave. It would be grateful for confirmation as to whether such measures were imposed at the discretion of the head of department and were applied from the outset and for the duration of the investigation.

37. Furthermore, he would appreciate additional details regarding the extent to which the State Party's criminal laws addressed the constituent elements of enforced disappearance as defined in the Convention, especially those of refusal to acknowledge the deprivation of liberty, concealment of the fate or whereabouts of the disappeared person, and placement of the disappeared person outside the protection of the law. It would also be useful to know how the State Party would fulfil its obligation to investigate acts of enforced disappearance perpetrated by non-State actors. He would welcome clarification as to whether the right to protection from enforced disappearance was derogable and, if so, under what circumstances.

38. He would like to know whether the extradition treaties inherited by the State Party from the former colonial Power contained any provisions related to enforced disappearance and whether it was possible for a person to be extradited from Malta to a country where they could be forcibly disappeared.

39. Lastly, he wondered whether the State Party had mechanisms in place for the protection of whistle-blowers. Would legal protection be afforded to, for example, a police officer who had witnessed violence or cruel, inhuman or degrading treatment by a colleague and had reported it to someone other than their superior or the Professional Standards Office?

40. **Ms. Lochbihler** said that the reasons provided as to why the State Party had not consulted civil society during the preparation of its initial report were not satisfactory. She wished to point out that, even in the absence of organizations working specifically on the issue of enforced disappearance, Malta had human rights organizations and non-governmental organizations that were active in related areas, such as children's rights, the rights of migrants and refugees and the fight against trafficking.

41. **Mr. Diop** said the fact that cases of enforced disappearance could be prosecuted under different offences did not exempt the State Party from its obligation under article 4 of the Convention to take the necessary measures to ensure that enforced disappearance constituted an offence under its criminal law. He therefore wished to know whether the State Party

planned to amend its criminal law or adopt a new law to establish an autonomous offence of enforced disappearance.

42. The Committee would be interested to know whether the Malta Police Force or any other authority maintained a register of all disappearances which, although not necessarily enforced, were suspected to be involuntary or connected with criminal activity.

43. **Ms. Villa Quintana** said that she would be grateful for more information on the State Party's legislative process. In particular, she would be curious to know whether and how persons who were not lawmakers could bring a bill before Parliament and whether the support of a particular political group would be needed to submit a bill to establish enforced disappearance as an autonomous offence.

44. Regarding the possibility of acts of enforced disappearance being committed by non-State actors, she wished to draw the delegation's attention to the Committee's statement on non-State actors in the context of the Convention ([CED/C/10](#)). It would be useful to know whether the Criminal Code defined the concepts of authorization, support and acquiescence of the State in relation to offences other than enforced disappearance, such as trafficking in persons. She wondered how the Criminal Code addressed the question of complicity and whether officials found to be complicit in trafficking in persons or migrant smuggling would be duly punished.

45. Lastly, noting that, under the International Criminal Court Act, enforced disappearance was characterized as a crime against humanity when committed as part of a widespread or systematic attack directed against a civilian population, she asked whether the delegation was aware of any future legal proceedings that might be brought in respect of specific cases of enforced disappearance as a crime against humanity.

46. **A representative of Malta** said that enforced disappearance was not established as a stand-alone offence although all the constituent elements of the act were established as separate offences in Maltese law. There were currently no plans to establish a specific offence of enforced disappearance. Any person who committed an act of enforced disappearance would be prosecuted under the offences corresponding to the constituent elements of the act.

47. Suspected acts of enforced disappearance committed by non-State actors would be investigated by the police, who would uncover any attempt to conceal the fate of the disappeared person. Any such attempts would be punishable under offences such as tampering with a crime scene, making false statements, lying under oath or hindering an investigation.

48. There were no records of any act of enforced disappearance having been committed by non-State actors and there was no reason to suppose that any State or non-State actor would commit such an act in Malta. Under the Criminal Code, proceedings could be brought against any person who committed an offence in Malta or in any place under its territorial jurisdiction.

49. **A representative of Malta** said that, to date, the President of Malta had never exercised the emergency powers provided for under article 4 of the Emergency Powers Act. Parliament was supreme and thus there was no guarantee that it would pass a law establishing the non-derogability of the right of every person to be protected from enforced disappearance in all circumstances, including states of emergency. Enforced disappearance was prohibited under the Constitution and a number of treaties to which Malta was a Party.

50. It was not possible to provide a timeline for the submission of the revised Human Rights and Equality Commission Bill to Parliament, which was solely responsible for deciding when bills should be discussed and enacted. The Government was always willing to consult with civil society organizations.

51. **A representative of Malta** said that none of the bilateral extradition agreements that Malta had concluded with other countries specifically addressed enforced disappearance. The double criminality requirement established in the Extradition Act would apply in the event that a person suspected of committing an act of enforced disappearance was wanted by another State, irrespective of whether it was a State member of the European Union. Enforced

disappearance was considered a criminal offence in Malta and would therefore be treated as an extraditable offence.

52. Under the Extradition Act, a distinction was made between the extradition of offenders to Commonwealth countries and the extradition of offenders to other foreign countries. For extradition to Commonwealth countries, a list of extraditable offences, known as scheduled offences, had been established. That list included abduction; procuring or trafficking in women or young persons for immoral purposes; illegal arrest, detention or confinement, or dealing in slaves; the unlawful removal of persons to a foreign country or confinement therein; and kidnapping, abandoning or exposing a child. Accused persons could be extradited for offences other than those in the list if the act or omission constituting the offence would constitute an offence under the laws of Malta.

53. Malta was subject to the European Council Framework Decision of 13 June 2002 on the European arrest warrant and the surrender procedures between Member States, which established that trafficking in human beings, kidnapping, illegal restraint and hostage-taking were extraditable offences. Under article 8 of the Extradition Act, if the Government received an extradition request from a non-Commonwealth country, it would carry out a double criminality assessment to determine whether the act or omission constituting the offence for which extradition was being requested would constitute an offence under the laws of Malta. The Convention would be invoked to deal with any request for extradition relating to enforced disappearance.

54. **A representative of Malta** said that the Police Standards Office was responsible for ensuring the professionalism, accountability and ethical conduct of the police. Any police officer placed under investigation in connection with a complaint would be suspended. Whistle-blowers and witnesses benefited from comprehensive protective measures under articles 40–56 of the Police Act. Under the Act, any witnesses whose testimony was crucial to securing a conviction in a case relating to a serious offence could be placed in a witness protection programme to ensure their safety.

55. Witnesses who provided crucial information leading to the conviction of the perpetrator of a serious offence were entitled to relocation, a change of identity and financial assistance. Persons admitted into a witness protection programme could give testimony via secure channels, such as videoconference platforms, and their identity would be kept confidential. The Police Act ensured that protected witnesses could not be prosecuted for offences relating to the case in which they were testifying until that case had been resolved. It also provided for the possible mitigation of any punishment for which witnesses were liable. Agreements could be concluded with other countries to enable witnesses to be relocated to other jurisdictions if their safety was at risk.

56. **A representative of Malta** said that the discretion exercisable by the heads of department of State agencies in relation to offences committed by public officials applied not only in respect of the initiation of investigations or proceedings against officers but also in respect of the determination of whether an offence might have been committed. Civil servants suspected of committing an offence had the right to file an appeal with the Public Service Commission.

57. **Mr. Ravenna** said that he wished to know whether the executive branch, non-governmental organizations or private individuals could submit bills to the legislative branch for consideration and possible adoption.

58. **Ms. Villa Quintana** said that the double criminality rule provided for in the Extradition Act was applicable to extradition requests between two countries when a particular offence was established in the laws of both countries. If a country submitted an extradition request to Malta in connection with an act of enforced disappearance, the double criminality rule could not be applied as enforced disappearance was not established as an autonomous offence in Malta. In view of that situation, it would be interesting to know how a person suspected of committing an act of enforced disappearance could be extradited from Malta.

59. **Mr. Diop** said that it was still not clear whether a national register of disappeared persons had been established.

60. **The Chair** said that the drafters of the Convention had incorporated an article requiring States Parties to establish a separate offence of enforced disappearance because they had realized that offences such as abduction and false imprisonment were inadequate for the purposes of the Convention. The obligations set forth in the other articles of the Convention could not be properly enforced unless enforced disappearance had been established as a stand-alone offence. In that regard, it would be interesting to know whether the State Party might consider taking steps to establish enforced disappearance as a separate offence in its national law.

61. **A representative of Malta** said that, under the parliamentary democracy that prevailed in Malta, it was not possible for the executive branch to submit legislative proposals to the legislative branch. However, any parliamentarian could submit draft texts for Parliament to consider, including texts relating to the establishment of enforced disappearance as a separate offence.

62. Complicity, conspiracy, and aiding and abetting, authorizing or doing anything to assist offences such as human trafficking or migrant smuggling were offences under the Criminal Code. Where human trafficking was concerned, specific legal provisions established that it was an offence to facilitate, finance or organize trafficking or to make use of services or products knowingly obtained through trafficking.

63. **A representative of Malta** said that the principle of double criminality was widely recognized across international criminal law and was implemented at the national level in the majority of extradition cases. Under European law, States members of the European Union were required to specify additional offences in the form used to request a European arrest warrant so that the executing member State would be able to verify the double criminality of the act concerned.

64. Under European law, trafficking in human beings was considered to be an extraditable offence. However, the Government acknowledged that the offence could be interpreted in different ways outside the European Union and that such differences could give rise to challenges in implementing the principle of double criminality.

65. **A representative of Malta** said that the Government had established a system for dealing with persons reported as missing. When a person was registered as missing, an alert was raised that was automatically deactivated if their whereabouts were established. No cases of enforced disappearance had been reported in Malta.

The discussion covered in the summary record ended at 5.40 p.m.