

Josef Käser
Chief Executive Officer, Siemens AG
Werner-von-Siemens-Straße 1, 80333 Munich, Germany

Cc: Chief of FCPA Unit, Fraud Section, Criminal Division, US Department of Justice

3 May 2020

Re: Your legal and moral obligations to truth, justice and the people of Malta

Dear Mr Käser,

Siemens' business partner in Electrogas Malta, Yorgen Fenech, stands charged with commissioning the assassination of Daphne Caruana Galizia on 16 October 2017. Daphne uncovered a kickback scheme, surrounding the role of Siemens and SOCAR in Electrogas, that connects Fenech to public officials in Malta and Azerbaijan. As she set about exposing these links, Fenech set in motion the plot to assassinate her. On World Press Freedom Day, we ask you and your colleagues to unlock the doors to justice for her death and to the crimes she exposed.

We ask Siemens to publicly declare the extent of its knowledge of the Electrogas money laundering and kickback scheme. Until it does, Siemens will not be able to move forward from the scandal, and we will not be able to get full justice for Daphne.

We ask Siemens to take the contracts Electrogas has signed into arbitration, or sue to have them rescinded, on the basis that they were procured by the corruption that Daphne was assassinated for exposing. Until it does, the people of Malta will be unable to re-negotiate a fair and legitimate deal.

Siemens has made public and legally binding commitments, as part of a settlement for criminal action in the United States, to change the company's role from a negative to a positive one in the fight against corruption. As a party to the corrupt Electrogas deal, Siemens is failing in those commitments. It is, in fact, currently in flagrant violation of all of its own '[Collective Action](#)' commitments:

- 1) Siemens is not forming any alliance with politicians, business or civil society to combat kleptocracy in Malta, preferring to remain a silent partner in corruption;
- 2) Siemens created the opposite of a "level playing field" in Malta by partnering with business operators — Yorgen Fenech, Joseph and Mark Gasan, and Paul Apap Bologna — who have no energy expertise, invested negligible capital and who were possibly chosen for the influence they exert over decision-makers;
- 3) even if without meaning to, Siemens has exacerbated Malta's corrupt environment and made market conditions more unfair by assisting in the creation of a private monopoly borne out of corruption and with no legitimate economic rationale.

We ask you to show commitment to full, restorative justice by undoing the corruption in the deal that led to Daphne's assassination. The judicial proceedings in Malta, as well as the work of investigative journalists, will sooner or later show the complete extent of corruption at Electrogas.

We invite you to be on the right side of this cause for justice when the truth finally emerges.

Yours sincerely,

Peter, Matthew, Andrew, and Paul Caruana Galizia

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The Daphne Caruana Galizia Foundation is registered as a non-profit advocacy and civil rights organisation in Malta with enrolment number VO/1633 and foundation number LPF-280.