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Do I have the right to appeal the court's decision?

A person who is found guilty of a charge may appeal against the conviction in all cases, or against the sentence handed down in respect of their conviction, unless that sentence is established by law. An appeal may never result in a more severe sentence. The accused may also appeal against the guilty verdict on grounds of insanity. In certain cases, the court may also order a retrial of the case.

B. What other recourse options do I have?

Following a conviction, you may request a presidential pardon. This is a very powerful discretionary tool, regulated by Article 93 of the Constitution of Malta, and is vested in the executive branch of the State, specifically the President of Malta. A presidential pardon authorises the President, through Cabinet, to assume the power ordinarily bestowed upon the judicial organ of the State.

Generally, a pardon may halt the effects of a criminal conviction, for instance by ordering the immediate release of a prisoner serving a prison sentence. The President may also, in accordance with Article 93 of the Constitution, substitute the punishment with a less severe one or otherwise take action pursuant to a change in the law whereby the relative punishment has been reduced.

C. What are the consequences if I am convicted?

The consequences of a criminal conviction include a fine or a period of imprisonment, the loss of a clean criminal record, and damage to the person's reputation.

i. The criminal record

Every conviction handed down by the Courts of criminal jurisdiction is registered in the criminal record of the person found guilty except where:

1. the conviction is for a contravention;
2. the convicted person found guilty of a crime was under the age of eighteen years when the crime occurred;
3. the convicted person is granted a pardon by the President of Malta in respect of that conviction;
4. an order is issued under the Probation Act;
5. the person is found guilty for an offence punishable by a fine of not more than €200 which has been paid, where that person does not have a previous conviction.

No conviction will be recorded after the expiry of the period established in the Second Schedule of the [Conduct Certificates Ordinance \(Chap. 77\)](#) from when the conviction was handed down.

The benefit of not having the conviction recorded, as stated above, is not granted to repeat offenders for the crime of theft, fraud or sale or trafficking of medicines in breach of the provisions of the Dangerous Drugs Ordinance or the Medical and Kindred Professions Ordinance, or to persons convicted for the crimes listed in Schedule Three of the Ordinance (such as crimes against the security of the Government), perjury and false oath or any other crime that breaches public trust.

v. Execution of sentence, transfer of prisoners, probation and alternative sanctions

Besides convictions of imprisonment and/or fines, there are also other alternative sanctions. These are probation, suspended sentence and community service orders.

A foreign person who has been sentenced to imprisonment in Malta may, under certain circumstances, serve their sentence in their country of residence, pursuant to both the [European Convention on the Transfer of Sentenced Persons \(ETS No 112\)](#) and [Council Framework Decision 2008/909/JHA](#), depending on the case.

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