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Defendants (criminal proceedings)

Malta

These factsheets explain what happens when a person is suspected or accused of a crime which is dealt with by a trial in court. For information on minor road traffic offences, which are usually dealt with by a fixed penalty like a fine, go to Factsheet 5. If you are the victim of a crime, you can find full information about your rights here.

Summary of the criminal process

You will always be arraigned before the Court of Magistrates. If you are arraigned under arrest, the Court must first decide whether your continued detention is founded on a provision of law and then inform you that you may request bail. If you are not arraigned under arrest, you will be notified of the charges and of the date when you must appear in court for the first hearing.

There are three different types of trials depending on the seriousness of the charges brought against you:

Summary proceedings before the Court of Magistrates

Arraignment

Prosecution's case conducted by the Executive Police

Defence's case

Final Submissions

Judgement

Proceedings before the Court of Magistrates following the compilation of evidence

Arraignment

Prosecution's case conducted by the Executive Police and the Attorney General

Defence's case

Final Submissions

Judgement

Trial by jury

Preliminary pleas and pleas relating to the admissibility of evidence

Reading out of the bill of indictment

Address by the Prosecution

Prosecution's case conducted by the Attorney General

Defence's case

Reply by the Prosecution

Rejoinder by the Defence

Summing-up

Verdict

Sentence

Details about all of these stages in the process and about your rights can be found in the factsheets. This information is not a substitute for legal advice and is intended to be for guidance only.

Role of the European Commission

Please note that the European Commission has no role in criminal proceedings in Member States and cannot assist you if you have a complaint. Information is provided in these factsheets about how to complain and to whom.

Click on the links below to find the information that you need

[1 – Getting legal advice](#)

[2 – My rights during the investigation of a crime](#)

Investigation

Arrest

The first court hearing

Preparation of the case pre-trial

Preparation of the case by the defence

[3 – My rights during the trial](#)

[4 – My rights after the trial](#)

[5 – Road traffic offences](#)

Related links

[Criminal Code](#)

Last update: 04/05/2021

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