



RIGHT TO A FAIR TRIAL AND ACCESS TO JUSTICE

Every person in Malta is entitled to a **fair and public hearing**, within a **reasonable time**, by an **independent and impartial tribunal**, in deciding any civil rights and obligations or of any criminal charge. This is a fundamental human rights guarantee, and it is linked to the enjoyment of several other rights.

INDEPENDENCE AND IMPARTIALITY

Everyone shall be entitled to a fair and public hearing by a **competent, independent and impartial tribunal established by law**. Impartiality means that everyone should be treated the same, it involves two features:

- the judicial officers must exercise their functions without personal prejudice or preconceptions about the particular case before them;
- the tribunal acts in a manner that offers sufficient guarantees to exclude any doubt of impartiality.

THE RIGHT OF ACCESS TO A LAWYER

Suspected or accused persons are entitled to have access to a lawyer without undue delay. This means:

- They have the right to meet in private with their lawyer before & after they are questioned by the police or other authority;

- They have the right for their lawyer to be present and participate effectively when questioned;
- They have the right for their lawyer to attend investigative or evidence-gathering acts, such as: identity parades, confrontations, and reconstructions of the scene of the crime;
- They should have access to their lawyer without undue delay after being detained;
- They should have access to their lawyer before they appear before the criminal court.

THE RIGHT TO AN EFFECTIVE REMEDY

Every person whose rights and freedoms are violated has the right to an effective remedy before a court or tribunal. National law should guarantee:

- The right of access to a court or tribunal which can give binding decisions within a reasonable time, including the right to appeal any decision and the availability of judicial review of decisions;
- The right to legal certainty and the finality of judgements (i.e. decision is final and unchangeable);
- The payment of compensation or other reparatory actions.

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