

Malta

How can I claim damages or other means of redress/satisfaction against an offender in a trial (criminal proceedings), and who should I address this claim to?

A claim for damages can be filed with the Civil Court (*Qorti Ċivili*)

At which point during the criminal proceedings should I should I present a claim?

You should present your claim with the submissions.

What can I ask for in the claim and how should I present it (indicate a total amount and/or specify the individual losses, lost profits and interests)?

You can present a claim for material damages together with supporting documents.

Is there a specific form for such claims?

There is no specific form.

What evidence do I need to present to support my claim?

Income, invoices, estimates and other relevant supporting documents.

Are there courts fees or other costs linked to my claim?

Yes, but these are minimal.

Can I get legal aid before and/or during the proceedings? Can I get it if I'm not living in the country where the proceedings take place?

Yes, you may receive legal aid.

When would the criminal court dismiss or refuse to adjudicate on my claim against the offender?

In the event of acquittal.

Can I appeal against such a decision or seek other means of redress/satisfaction?

Possibly through the intervention of a Prosecuting Officer.

If I am awarded damages by the court, how do I ensure the judgment is enforced against the offender and what help can I get to ensure this?

By issuing the prescribed and statutory writs of execution (for instance a Garnishee Order, Warrant of Seizure, etc.) a legal aid Lawyer should help to ensure this.

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