



EUROPEAN COURT OF HUMAN RIGHTS
COUR EUROPÉENNE DES DROITS DE L'HOMME

Legal summary

September 2026

Degiorgio v. Malta (dec.) - 26602/25 and 26731/25

Decision 1.9.2026 [Section IV]

Article 6

Article 6-1

Fair hearing

Article 6-3

Rights of defence

Article 6-3-b

Adequate time

Preparation of defence

Fairness of proceedings concerning the wilful homicide of a journalist in which the applicants were sentenced to forty years' imprisonment following a plea bargain: *inadmissible*

Article 6-3-c

Legal assistance of own choosing

Applicants' representation by legal aid lawyers in proceedings concerning the wilful homicide of a journalist in which they were sentenced to forty years' imprisonment following a plea bargain: *inadmissible*

Facts – The case concerns the criminal proceedings against the applicants (brothers) for the wilful homicide of the journalist Daphne Caruana Galizia. The applicants were sentenced to forty years' imprisonment after reaching a plea bargain agreement and pleading guilty to all the charges against them. The applicants were represented by legal aid lawyers appointed by the Criminal Court despite the applicants' objections in this respect. The appointment was made before the start of the applicants' trial and their guilty plea as the lawyer initially representing them had renounced his mandate and they had faced difficulties in finding a lawyer of choice to take on their case.

The applicants' appeal, challenging the interlocutory decision of the Criminal Court ordering the jury to proceed and that they be represented by legal aid lawyers, as well as that court's judgment, considering that they had been convicted based on an admission which had not been given voluntarily, was rejected by the Court of Criminal Appeal.

Prior to their guilty plea and the above appeal, the applicants also initiated constitutional redress proceedings in which they complained that during their criminal proceedings they had not been given the possibility to appoint a legal representative of their own choosing; that the legal aid lawyers had been imposed on them; and that the latter had not been given sufficient time to examine the evidence already presented. These proceedings were also unsuccessful both at first instance and on appeal.

Law – Article 6 §§ 1 and 3:

(1) *Preliminary remarks* – At the outset the Court noted that the applicants had not challenged before it the voluntariness of their guilty plea as they had done at the domestic level. However, their complaints before the Court mirrored those that had been brought before the constitutional jurisdictions. The latter proceedings had been lodged prior to the applicants' decision to plead guilty and the subsequent appeal. Consequently, those complaints had been made in isolation, outside the context of the proceedings as a whole. Notwithstanding, complaints under Article 6 § 3 were examined conjointly with Article 6 § 1. Accordingly, in making their assessment, the constitutional jurisdictions had examined the complaints in the light of the evolving situation and the overall fairness of the proceedings, which by then had come to an end.

The Court's primary concern under Article 6 § 1 was to evaluate the overall fairness of the criminal proceedings. In making its assessment, it would look at the proceedings as a whole, having regard to the rights of the defence but also to the interests of the public and the victims that crime was properly prosecuted and, where necessary, to the rights of witnesses. In that connection, it could not be ignored that the applicants had reached a plea bargain agreement and pleaded guilty to all the charges (with the consequences which that might entail), an element which was of relevance to the assessment of certain complaints more than others, as illustrated in the Court's assessment of the two complaints in the present case.

(2) *Assistance of their own choosing* – The guilty plea filed by the applicants had no bearing, *a priori*, on the assessment of their complaint that they had not been given adequate time and opportunity to find a lawyer of choice, and that the appointment of the legal aid lawyers had not been according to law.

The domestic courts had established that the appointment of the legal aid lawyers had conformed with the domestic law. The applicants had admitted, both at the domestic level and before this Court, that they had been unable to find a lawyer accepting to take on the case. It followed that the appointment of legal aid lawyers by the Criminal Court under the relevant domestic legal provision and the subsequent findings of the domestic courts in that respect had not been arbitrary nor unreasonable.

As to whether that appointment had conformed to the Convention standards, as noted by the constitutional jurisdictions, the Criminal Court's decision to appoint legal aid lawyers in the circumstances of the case had been appropriate and based on relevant and sufficient reasons. The applicants had had twelve days to find a lawyer and had been in touch with several lawyers who had refused to take their case. No evidence had been submitted as to the reasons for such refusals. Since it had been uncertain whether the applicants would find a lawyer of choice, it had been reasonable for the Criminal Court to disregard their objections. In those circumstances, the Court accepted that the interests of the celerity of the case – which concerned the wilful homicide of a journalist – and that of third parties, had constituted relevant and sufficient grounds in the interests of justice for overriding the applicants' wishes.

Moreover, the applicants had not requested the replacement of the lawyers, and the impugned decision had been subject to the scrutiny of the Criminal Court and subsequently by the constitutional jurisdictions.

Nonetheless, the Court pointed out that, even if the relevant and sufficient reasons had been lacking, the applicants themselves had not explained or even attempted to argue how the decision to appoint legal aid lawyers had affected the fairness of their proceedings. Indeed, the constitutional proceedings whereby the applicants had raised this Convention complaint had been initiated even before the trial had started. In those circumstances, it was unnecessary for the Court to make any considerations regarding their guilty plea.

Conclusion: inadmissible (manifestly ill-founded).

(3) *Adequate time for the preparation of their defence* – For the purposes of the assessment of this complaint the Court could not ignore the fact that the applicants had reached a plea bargain agreement and had pleaded guilty to all the charges. Although they had not reiterated before the Court their complaint that “they had been convicted based on an admission which had not been given voluntarily”, the Court examined whether their guilty plea, and consequent waiver of certain procedural rights, had conformed to the Convention standards.

The applicants had not challenged the content of their plea bargain before the domestic courts or this Court, nor had they claimed that it had been unfair. A written record of the agreement that had been reached between the parties had been drawn up and submitted jointly to the Criminal Court for consideration, thus making it possible to have the exact terms of the agreement set out for judicial review in a clear and incontrovertible manner.

The guilty pleas had undoubtedly been “unequivocal” and, as the applicants had been legally represented, they had almost certainly been made aware that there would be no examination of the merits of their cases if they pleaded guilty. Furthermore, as held by the Court of Criminal Appeal, the procedural safeguards applicable to guilty pleas had been fully respected, and the Criminal Court had gone even further by appointing medical experts to ascertain that the applicants’ admission had been made freely and was not motivated by any “involuntary elements”, and that they had fully understood the import of their actions.

The applicants’ factual allegations about the “Hobson’s choice” presented to them by their legal aid lawyers and the second applicant being “practically unconscious” on the day of the trial and hardly able to speak, had been unsubstantiated, vague in chronology, and did not entirely correspond to the trial record. That record had not been contested before the Court of Appeal, nor had any compelling evidence been submitted for the Court to consider that document to be unreliable. The Court thus proceeded on the assumption that the trial had been conducted in the manner described in the record and assessed by the Court of Criminal Appeal.

In addition, the applicants had been fully aware of all the facts and elements of the prosecution’s case against them, as well as the possible legal consequences both of the plea bargain and their admission, the latter having also been explained to them by the judge during the trial at the relevant time. In Malta, all the evidence was brought forward prior to the trial, within committal proceedings. In that phase, during which the applicants had been represented by their lawyer of choice, they had been presented with the facts and all the prosecution evidence and could thus already assess the likelihood of their being convicted. Indeed, at that stage and with their lawyer of choice, they had already envisaged a plea bargain agreement.

As to whether the guilty pleas had been made in a genuinely voluntary manner, the Court observed that both applicants had been fit to stand trial, and that the experts had testified to that on the same day, after examining the applicants. At no point, that day or thereafter, had the applicants challenged the experts’ conclusions. There was therefore

no reason to question their mental and physical state, or the validity of the pleas accepted by the domestic courts on that ground. Further, it had not been argued, and even less had it been established, that those statements had been made in breach of Article 3, which would render the proceedings as a whole unfair.

Even assuming that the time allotted for the preparation of the applicants' defence – a little more than forty days – might appear short, that could not be considered sufficient pressure to find that their guilty pleas had been tainted by constraint: two lawyers, rather than one, had been appointed to assist the applicants charged with the same facts and offences; the applicants had already been aware of all the evidence already presented at the committal stage, based on which they had already considered a plea bargain and a guilty plea; given the extent of the evidence, the trial had been likely to last several days, which would have given the lawyers more time to prepare the defence; and the domestic jurisdictions, particularly the Criminal Court, which had been familiar with the case set for trial, had considered that time to be sufficient.

Additionally, there had been no "flagrant disproportion" between the alternatives facing the applicants which could have been said to have rendered the pressure so compelling that the applicants had yielded to it. On the one hand, the applicants had been faced with a plea bargain of forty years imprisonment, and, on the other hand, if convicted, to a maximum sentence of life-imprisonment – which, given their age (60 and 58 years respectively at the time), was unlikely to amount in practice to a substantially longer prison sentence.

Nor was there any evidence of any other inducement, constraint or pressure being applied to them by their legal aid lawyers (or anyone else), as also found by the constitutional jurisdictions, who had had the advantage of hearing both the applicants and legal aid counsel.

Lastly, as the admissions had been subject to thorough assessment by both by the Court of Criminal Appeal and the constitutional jurisdictions, they had been accompanied by safeguards commensurate with their importance.

Accordingly, the Court concluded that the applicants' acceptance of the plea bargain and consequent guilty pleas, which had entailed the waiver of their rights to an ordinary examination of the case on the merits, had been a conscious and voluntary decision. Based on the circumstances of the case, that decision could not be said to have resulted from any duress; throughout the process and subsequent to their decision, the applicants had relevant and sufficient safeguards against a possible abuse of process; and the available case materials disclosed no indication that the waiver had ran counter to any major public interest.

Conclusion: inadmissible (manifestly ill-founded).

© Council of Europe/European Court of Human Rights
This summary by the Registry does not bind the Court.

To access legal summaries in English or French click [here](#).
For non-official translations into other languages click [here](#).