

131. L-Onor José Herrera u l-Onor Michael Falzon jipproponu:

Din il-Kamra:

TINNOTA li bl-Att numru III ta' 2002, senjament l-Artiklu 355AT, il-Parlament ipprovda għad-dritt lill-persuni arrestati li jikkonsultaw mal-Avukat ta' fiduċja tagħhom, u dan bil-mod kif spjegat fl-imsemmi Artiklu;

TINNOTA li l-Att indikat kien gie approvat unanimament minn din il-Kamra;

TINNOTA li skont l-artiklu 1(2) tal-Att indikat, il-liġi in kwistjoni kellha tidhol fis-seħh meta l-Ministru responsabbli jistabilixxi data permezz ta' Avviż Legali fil-Gazzetta tal-Gvern;

TINNOTA li sal-lum il-Ministru konċernat għadu ma ppublikax dan l-Avviż;

TQIS li trapass ta' aktar minn seba' (7) snin mhux wiehed raġonevoli u dan minhabba l-importanza tal-emenda in kwistjoni li tinċidi wkoll Kostituzzjonalment;

TQIS li illum il-materja saret waħda aktar urgenti u dan anke wara li ngħataw diversi sentenzi mill-Qorti Ewropea tad-Drittijiet tal-Bniedem, fosthom Salduz v. Turkija u Imbrosia v. Svizzera, li fil-prinċipju u bħala regola affermaw id-dritt imsemmi;

TOSSERVA li in segwitu ta' dawn is-sentenzi saru diversi referenzi Kostituzzjonali f'pajjiżna fejn l-akkużati qed jilmentaw mill-ksur tad-drittijiet fundamentali tagħhom minhabba li ma ngħatawx il-jedd li jikkonsultaw mal-Avukat ta' fiduċja tagħhom waqt l-interrogatorju;

TQIS li fid-dawl ta' dan kollu, in-nuqqas tal-liġi tagħna li tipprovdi għal dan id-dritt jistà qed iċaħħad lil ċittadini mid-drittijiet fundamentali tagħhom, li fuqhom qablet unanimament din il-Kamra, u li dan kollu jista' jkollu konsegwenzi drastici fil-proċeduri kriminali;

TINNOTA li l-Kummissarju tal-Pulizija nnifsu ddikjara pubblikament li l-istess Pulizija Eżekuttiva hija attrezzata biżżejjed u lesta għal tali emendi.

Għaldaqstant, din il-Kamra:

TIKKUNDANNA d-dewmien żejjed fid-dhul fis-seħh ta' dan l-Att;

TESIĠI li l-Ministru responsabbli jgħib fis-seħh l-Artiklu 355AT tal-Att III ta' 2002 u dan billi jippublika l-Avviż relattiv fil-Gazzetta tal-Gvern fi żmien 30 gurnata.

11.01.10

This House

Notes that with Act III of 2002, particularly article 355AT, Parliament provided for the right of persons arrested to consult with a lawyer of their choice, and this as fully explained in the relevant article.

Notes that the Act in Question has been unanimously approved by the House.

Notes that Article 1(2) of the Act mentioned, the law in question had to come into force when the Minister concerned establishes a date by means of a notice in the Government Gazette.

Notes that the Minister concerned in the matter has not yet published such notice.

Considers that a period of more than seven years is not reasonable and this because of the importance of the amendment in question, which has Constitutional implications.

Considers that today the matter has become urgent and this also after several judgements given by the European Courts of Human Rights, amongst which *Salduz v. Turkey* and *Imbrosia v. Switzerland*, that in principle and as a rule, affirmed the mentioned right.

Observes that following these judgements, a number of Constitutional references have been made in our country, in which, the accused are claiming that their fundamental human rights have been breached, and this because they have not been given the right to consult the lawyer of their choice, during the interrogation.

Considers that in the light of all this, the failure of our law to provide for this right, might be denying citizens the enjoyment of their fundamental human rights, about which, this House has unanimously agreed to. This can have drastic consequences in criminal proceedings.

Notes that the Commissioner of Police publicly declared that the Executive Police is fully equipped and ready for such amendments.

For this reason, this House:

Condemns the unreasonable delay that the Minister is taking to bring into affect this particular law.

Solicits the Minister concerned to implement article 355AT of Act III of 2002 and this by publishing the relative notice in the Government Gazette, within 30 days.

11.01.10