Defendants (criminal proceedings)

Унгария

The following factsheets explain what happens when a person is suspected of or accused of a crime which is dealt with by a trial in court. For information on minor offences like 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.

The stages of the criminal process

The investigation: during this phase, the prosecutor explores all the evidence surrounding the crime and decides whether to file charges. As part of this, the prosecutor attempts to establish the identity of the person who committed the crime and to locate all the evidence.

The prosecution phase: during this phase, based on the evidence collected, the prosecutor decides whether further investigation is necessary, or he files charges. The prosecutor may also decide to terminate the case.

The court of first instance: the court carries out the procedure of taking evidence (it hears witnesses, conducts witness confrontations etc.), then decides whether the accused is guilty of the criminal acts. If yes, it decides on a punishment, or applies some other measure (a lighter sanction).

The appeal: both the defence and the prosecution may appeal the decision of the court of first instance. It is the appeal court that decides about the appeal: it may hear or change the first instance decision, or – where ordering a new procedure – may annul the first instance decision.

The court of third instance: If the accused is acquitted at the court of first instance but is sentenced at the appeal court, or vice versa, a further appeal is possible at the court of third instance.

Information about the above stages of the criminal procedure and about your rights can be found in the factsheets. This information is not a substitute for legal advice and is intended 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 would like to seek a legal remedy. 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

Taking of evidence

Coercive measures and other restrictions of rights

The introduction of documents

3 – My rights during the trial

4 – My rights after the trial

5 – Road traffic offences

Related links

Legal regulation search

The Criminal Procedures Law

The Police

The Prosecutors' Offices

The Courts

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