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Defendants (criminal proceedings)

Austria

These factsheets explain what happens when a person is suspected or accused of a crime which is dealt with by a trial in court. Under Austrian law you commit an offence only when you violate a specific legal provision in force at the time the act was committed. The right of prosecution is a right of the state. The prosecuting authorities, directing the criminal investigation department, as well as the courts must determine the facts and clear up all circumstances that are of importance when assessing the facts. In the following factsheets, you will learn about your rights as a defendant if criminal proceedings are brought against you in Austria. You have different rights during the different stages of the proceedings. The most important stages in the proceedings will be explained in summary form so that you can quickly access the information that you need.

#### Summary of the criminal process

In principle, the criminal process in Austria comprises three procedural stages:

preliminary proceedings

trial

appeal

Details on all of these stages in the criminal process and about your rights can be found in the factsheets. This information is not a substitute for legal advice and is intended to be for guidance only.

For information on 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](#).

#### 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 have a complaint. 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**

Investigation and taking of evidence

Arrest and pre-trial detention (including the European Arrest Warrant)

Criminal charges

Preparation for trial by the defence

**3 – My rights during the trial**

**4 – My rights after the trial**

**5 – Minor offences**

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