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Defendants (criminal proceedings)

These factsheets explain what happens when a person is suspected or accused of a crime which is dealt with by a trial in court. 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.

Summary of the criminal process

The Romanian criminal process consists of three stages: the criminal investigation, the trial, the enforcement of decisions.

The investigation is the first stage of the criminal process. Its purpose is to gather conclusive evidence and it is carried out by the prosecutor and by the criminal investigation bodies, judicial police or special investigation bodies. Following a criminal investigation and depending on its findings, a decision will be taken not to proceed with prosecution or to prosecute by indictment issued by the prosecutor;

The trial is the second stage of the criminal process. This only occurs when, following a criminal investigation, the prosecutor decides to prosecute. The trial is public. The court (the judge) directly conducts all actions necessary for this stage of the trial, and is in direct contact with the evidence. All the evidence can be discussed by the parties, prosecutor, court and lawyer. At the end of the trial, the judge pronounces the judgement;

The enforcement of the judgement is the third and last stage of the criminal process. This stage is reached after trial, when the court issues a final judgement of conviction. It includes the entire procedure of implementation of the final judgement (issuing the arrest and detention warrant with a view to executing the punishment of imprisonment, issuing the order to execute the punishment of imprisonment, issuing the order prohibiting the defendant from leaving the country, etc.).

More information regarding the stages of the process and 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.

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

Initiating the criminal investigation and questioning the accused

Restriction of movement and deprivation of liberty

Taking of evidence by the prosecution and the defence

Access to evidence taken during the investigation and prosecution of the case

3 – My rights during the trial

4 – My rights after the trial

5 – Road traffic and other minor offences

Related links

[Public Ministry](#)

[Ministry of Justice](#)

[Information about Romanian criminal legislation \(in English\)](#)

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