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French

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**Defendants (criminal proceedings)**

## Luxembourg

These information sheets explain what happens when someone is suspected or accused of an offence which is dealt with by means of a hearing before a court. For information on minor offences such as breaches of the Highway Code which are normally punishable by a fixed penalty such as a fine, see information sheet 5. If you are the victim of a crime, you will find full information about your rights here.

**Summary of criminal proceedings**

Below is a summary of the normal stages in criminal proceedings

The proceedings start with an offence being reported, a complaint being filed by a victim or a report of a crime or offence being made by the police a preliminary investigation is ordered by the State Public Prosecutor

the police question suspects and may hold them for up to a maximum of 24 hours

if the State Public Prosecutor appoints an investigating judge, he decides whether to charge you, i.e. whether to officially accuse you of having committed an offence and then question you

the judge may have you arrested by the police and imprisoned: you have the right to ask the district Judges' Council Chamber for your provisional release the investigating judge investigates the incriminating and exculpatory aspects of the case

once he has finished, the investigating judge hands the file to the Prosecutor who recommends that you are either discharged (case closed without further action) or sent for trial before a court. You have the right to appeal against being committed for trial

you appear at the court hearings charged with criminal offences

a judgement acquits you or finds you guilty

you have the right to appeal and to be re-tried by the Court of Appeal

You will find details of all these stages in the proceedings and about your rights in the information sheets. This information cannot take the place of consulting a lawyer and is only intended for guidance purposes.

**The role of the European Commission**

Please note that the European Commission does not play any part in criminal proceedings within Member States and is unable to help you if you wish to make a complaint. These information sheets tell you how you can complain and to whom.

**Click on the links below to find the information you need.**

**1 – Consulting a lawyer****2 – My rights during the enquiries**

Questioning/preliminary investigation by the police

Arrest (including European arrest warrant)

Questioning by the investigating judge and being remanded in custody

Hearing by the Judges' Council Chamber to decide whether to release you

Investigation of the case by the State Public Prosecutor / investigating judge and defence rights

Procedure for closing the investigations and committal for trial

**3 – My rights during the trial****4 – My rights after the trial****5 – Breaches of the highway code and other minor offences**

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