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### Defendants (criminal proceedings)

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 rights of those suspected or accused are essentially set out in the Code of the Portuguese Criminal Process.

#### Summary of the criminal process

The following is a summary of the normal stages in a criminal process:

The **investigation** establishes whether a crime has been committed and identifies who by, and ends with a decision to prosecute or to close the investigation;

The **"instruction" or inquiry** stage is optional, depending on the charge, the defendant, or the plaintiff or civil party in the criminal process. It ends with a decision by the Examining Magistrate whether or not to commit the suspect to trial;

The **trial** comprises the court hearing.

Details about all of these stages in the 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.

#### 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](#)

General rights

Time limits

Searches, medical examinations and evidence

[3 – My rights during the trial](#)

[4 – My rights after the trial](#)

[5 – Road traffic and other minor offences](#)

#### Related links

[Ministry of Justice](#)

[Portuguese Bar Association](#)

[Association of Portuguese Judges](#)

[Portuguese Magistrates' Association](#)

[Portuguese Justice Portal](#)

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