Defendants (criminal proceedings)

Eslovenia

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

Preliminary procedure

Pre-trial criminal procedure

In a pre-trial criminal procedure, on their own motion or following instructions of the state prosecutor, the police detect offenders, collect and protect traces and evidence, and collect information on a crime. The police will act if there are reasons to suspect that a crime has been committed.

Ordinary criminal procedure

An ordinary criminal procedure is conducted by the court. It can only start on the request of an eligible prosecutor (an eligible prosecutor is a state prosecutor, a private prosecutor, or an injured party acting as a prosecutor). There must be reasonable suspicion that a specific person has committed a crime.an Reasonable suspicion is present if the probability of a person committing a crime is higher than the probability of this person not committing it.

Investigation

The purpose of an investigation is to collect evidence. On the request of a prosecutor, an investigating judge questions the defendant and then issues a ruling based on which the investigation starts. You can appeal against this ruling. An investigation is compulsory for offences punishable by a prison sentence of over eight years.

Charges

In a charge, the prosecutor defines what the court will deal with at the trial. The charge sets out the defendant and the offence. You can lodge an objection against a charge.

Main procedure

Preparation for the trial

When the charge becomes final, the president of the panel fixes the time and venue where the trial will take place. He/she also ensures the presence of persons and items of evidence.

The trial and judgement

At the trial, the court decides whether the defendant is guilty of a crime. The prosecutor and the defendant are present. The trial ends with the proclamation of a judgement.

Regular legal remedies

The prosecutor and the defendant have the right to appeal against the judgement. An appeal must be announced within eight days of the proclamation of the judgement, except where a sentence of imprisonment has been imposed.

Enforcement of a judgement

When a judgement becomes final, it is enforced.

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
Police investigation
Police custody and bringing before an investigating judge for questioning
Detention or release
Initiating an investigation and investigative acts
Charges
Preparations for the trial
3 – My rights during the trial
4 – My rights after the trial
5 – Road traffic offences

Related links

Criminal Procedure Act
Criminal Code-1
Enforcement of Penal Sentences Act

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