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allemand

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Defendants (criminal proceedings)

Allemagne

These factsheets explain what happens if you are suspected of committing a crime.

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For information on traffic offences which may be subject only to a fine, see factsheet 6.

If you are the victim of a crime, you can find full information about your rights here.

Criminal proceedings in brief

This section contains a brief outline of the steps involved in criminal proceedings.

Criminal proceedings are divided into three stages: Investigation, intermediate proceedings, and the main proceedings or trial (including appeals and enforcement).

Investigation (*Ermittlungsverfahren*): The prosecuting authorities (either the public prosecutor or the police) will start an investigation if they suspect you of a criminal offence. The aim of the investigation is to establish whether or not the suspicion against you is justified. In order to conduct their investigation they may take a variety of measures, including searching your home. When the investigation is complete, the public prosecutor will decide whether to discontinue the proceedings on lack of suspicion or whether to charge you.

Intermediate proceedings (*Zwischenverfahren*): In the intermediate proceedings a court assesses the charge and decides whether or not the prosecution should proceed. If the court believes that there is enough evidence to make a conviction likely, it will open the main proceedings.

Main proceedings *(Hauptverfahren*): In the main proceedings, the court prepares and conducts the trial. The court tests the charge at an oral hearing on the basis of the evidence available (eyewitnesses, documents, etc.). You will also be given the opportunity to tell the court your version of events and to comment on the allegations. If you are found to have committed the offence, you will be convicted. If not, you will be acquitted. You can appeal against a judgment within certain timelimits. In a full appeal (*Berufsverfahren*), the main proceedings are repeated before a higher court. In review proceedings (*Revisionsverfahren*), the judgment is checked only for legal defects.

There are variations on this. The main variations are summary proceedings (*Strafbefehlsverfahren*), discontinuation of proceedings (*Einstellung des Verfahrens*), and expedited proceedings (*beschleunigtes Verfahren*).

These factsheets contain details of the individual steps in criminal proceedings and of your rights. The information is for guidance only, and should not be considered a substitute for legal advice.

The European Commission's role

Please note that the European Commission has no role in criminal proceedings in Member States and cannot assist you if you have a complaint.

Please click the following links to find the information you need.

1 – Notes
2 – Getting legal advice
3 – My rights during the investigation
Questioning
Identification procedure/body search
Search/seizure/wiretapping
Arrest
Pretrial custody
The charge
4 - My rights in court
5 - My rights after the trial
6 - Traffic offences

Related links

Code of Criminal Procedure

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