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Defendants (criminal proceedings)

Repubblica ceca

Under the Constitution of the Czech Republic punishment may be imposed on you only in accordance with the law and in the manner laid down by the relevant laws. These laws are the Criminal Code, the Act on Juvenile Justice, and the Criminal Procedure Code, which establish the rules for criminal proceedings, including specific conditions for exercising and enforcing your rights. These factsheets explain what happens when a person is suspected or accused of a crime. For information on minor offences like road traffic offences, which are usually dealt with by a fixed penalty 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 following is a summary of the normal stages in the criminal process.

1. Preparatory process

The preparatory process is the first stage of the criminal process. It has two parts:

The procedures of the authorities responsible for the criminal process prior to the start of a criminal prosecution, known as the examination stage; and the investigation stage, the part of the criminal prosecution from its start to the filing of a charge or its termination in a different manner (see)

http://158.167.220.151:8180/ejusticeportal/beta/169/IT/defendants_criminal_proceedings?

[CZECH_REPUBLIC&action=printContentPdfMS&clang=en&member=1&cdbPdf=1#Podstránka_2](#)

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2. Preliminary discussion of the charge

During the preliminary discussion the court will examine whether the case was properly clarified in the preparatory process and whether the charge provides a proper basis for further proceedings. It also decides whether the court has jurisdiction to decide the case.

3. The trial itself

This is the most important part of the criminal process. Evidence is examined and a decision in the case is made. During this stage of the criminal process the defendant(s) and any witnesses and the injured party or parties are questioned in court. The trial is public, oral and is conducted in Czech. If you do not speak Czech, you have the right to an interpreter.

4. Appeal proceedings

The defendant, his family, lawyer, public prosecutor or the injured party have the right to appeal within 8 days. If an appeal is lodged, the court of appeal reviews the decision of the court of first instance

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 and before the case goes to court](#)

Examination

Investigation

Custody

Decision in the preparatory process, a charge

Abbreviated preparatory process

[3 – My rights during the trial](#)

Court trial

Sentences; rights of the victim

[4 – My rights after the court makes its decision](#)

[5 – Traffic and other minor offences](#)

Related links

[Czech Ministry of Justice](#)

[Czech Ministry of Interior](#)

[Czech Bar Association](#)

[Information on Human Rights](#)

[Legal information for all](#)

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