

**Home>Your rights>Defendants (criminal proceedings)**

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**Slovak**

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**Defendants (criminal proceedings)**

Slovakia

These 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.

**Summary of the criminal process**

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

**The pre-trial process consists of the following stages:**

Prior to criminal prosecution;  
Investigation (preparatory proceedings).

**The trial process consists of the following stages:**

Preliminary review and examination of the indictment;  
Main trial;  
Appeal;  
Appeal to the Supreme Court;  
Reopening of the case and other legal options;  
Execution process that is carrying out the sentence.

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

**1 – Getting legal advice****2 – My rights during the investigation process**

Launching of an investigation and bringing charges  
Questioning of the defendant  
Detention and arrest (including the European Arrest Warrant)  
Being taken into custody and release  
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**3 – My rights during the trial****4 – My rights after the trial****5 – Road traffic offences**

Last update: 18/03/2019

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**1 - Getting legal advice**

Getting independent legal advice is very important when you are involved in some way with the criminal process. The factsheets tell you when and in what circumstances you are entitled to be represented by a lawyer. They also tell you what a lawyer will do for you. This general factsheet tells you how to find a lawyer and how the costs of the lawyer will be met if you cannot afford to pay.

**What is the right of defence?**

[The Constitution of the Slovak Republic](#), [The European Convention for the Protection of Human Rights and Fundamental Freedoms](#), as well as [The Code of Criminal Procedure](#) grant the right of defence to every person against whom criminal proceedings have been brought; this means either the right to self-defence or the right to be defended by a lawyer.

Only lawyers on the [Slovak Bar Association's](#) list of attorneys can act as legal counsel. An attorney must have a law degree.

A lawyer is obliged to provide professional legal advice to you. He or she is entitled to file motions, inquiries, and appeals, to collect and submit evidence, and to read the case file. He or she can personally take part in the investigation process and be present during the trial where you have the right to receive advice from legal counsel. If you are in custody, you have the right to have a private conversation with your lawyer.

**Finding a lawyer**

If charges have been brought against you, you have the right to choose your lawyer by authorising him or her in writing to defend you. If you do not know who to authorise, you can look at the website of the Slovak Bar Association and review its [list of lawyers](#).

Every person has the right to legal advice and can ask any lawyer for such advice. If you are not successful in authorising a lawyer to defend you, you can ask the Slovak Bar Association for assistance. The association will offer a lawyer who is then obliged to provide you with legal advice. You can contact the Slovak Bar Association [here](#).

#### **When is legal advice mandatory?**

There are some cases when you are required to have a lawyer. According to The Code of Criminal Procedure, you are required to obtain legal advice, if for example:

You are in custody,

You are serving a sentence of imprisonment or you are in a health-care facility undergoing monitoring,

You are deprived of your own legal capacity or your legal capacity has been restricted,

You are younger than 18 years old,

You are prosecuted for a particularly serious crime, and other circumstances.

If, in the above cases, you are not yet represented by a lawyer, you must be represented within a certain period of time set by the court. If you still fail to choose a lawyer, the court will appoint a lawyer for you. Should the court appoint the lawyer and then you authorise a different lawyer, the court will withdraw the lawyer.

If you are in custody, you have the right to contact your lawyer by telephone or mail.

#### **Paying for a lawyer**

During the criminal justice process, the lawyer provides legal advice to you for a fee. The lawyer is also entitled to reimbursement for certain cash expenses, such as travel, telephone calls, photocopying the case file, and other legitimate expenses.

The actual fee can be agreed upon with your lawyer. If you fail to reach an agreement with your lawyer, the lawyer is entitled to the so-called official fee which is defined by the Decree of the Ministry of Justice of the Slovak Republic on [Lawyers' Fees and Compensation](#).

If you are able to prove that you cannot afford to pay the lawyer's fee, you are entitled to free legal service. You may ask the court to appoint a lawyer for your case and the lawyer will be paid by the state.

If a lawyer was appointed for you by the court but the court has not awarded you the right of free legal advice, the lawyer's fee will be paid by the state.

However, if you are found guilty in the trial, the state is authorised to recover from you the amount it paid on your behalf.

#### **Related links**

[European Convention](#)

[Act on Attorneys](#)

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## **2 - My rights during the investigation**

### **Purpose of a criminal investigation**

Investigation (the 'pre-trial' or 'preparatory procedure') is the stage of criminal proceedings which starts with the launching of the criminal prosecution and ends with the filing of an indictment with the court or with a different decision. The investigation is conducted by the police. Slovakia distinguishes between an "investigation" and a "summary investigation".

If the police, or the prosecutor's office, have information about an alleged crime, they must launch an investigation. The task of these authorities is to gather and secure evidence and, based on that evidence, to assess whether a person has committed a crime or not and whether the suspicion that a person has committed a crime can be reasonably proven so that the prosecutor can file an indictment with the court.

#### **When is an investigation conducted and by whom?**

A summary investigation is carried out in case of minor offences, such as criminal acts of negligence and those intentional criminal acts for which a person can be sentenced to up to 5 years in prison.

The summary investigation is carried out by an authorised police officer and/or by an investigator from the Police Corps; in specific cases it can be carried out by a member of the Military Police, Railway Police, or similar organisations.

An investigation is carried out in cases of:

Offences that are intentional criminal acts for which a person can be sentenced to more than 5 years in prison,

Exceptionally serious offences that are criminal acts for which a person can be sentenced to more than 10 years in prison.

The investigation is carried out by an investigator from the Police Corps. Such an investigation can also be conducted in the case of minor offences or if you are in custody, in prison, or if the prosecutor has issued a ruling to do so.

The prosecutor supervises compliance with the investigation process.

For more information, click on the links below:

[Launching of an investigation and bringing charges \(1\)](#)

[Questioning of the defendant \(2\)](#)

[Detention and arrest \(including the European Arrest Warrant\) \(3\)](#)

[Being taken into custody and release \(4\)](#)

[Course of the investigation \(5\)](#)

[Completion of the investigation \(6\)](#)

[Launching of an investigation and bringing charges \(1\)](#)

#### **How is an investigation launched?**

A police officer who believes that a criminal offence has been committed will make a decision to launch a criminal prosecution.

#### **When am I entitled to my rights as a defendant?**

If the police officer, based on the investigation, concludes that you have committed a crime, charges will be brought against you, and you must be informed that a criminal prosecution has been launched. The charges must contain:

- a description of the crime;
- the crime scene and the time when the crime was committed;
- evidence showing that the crime was committed by you;
- an instruction that you have the right to file an objection to the charge.

**Can the charges be changed during the investigation process?**

If the investigation shows that you have committed another crime in addition to the one that you have been charged with, a police officer can bring new charges against you. You can file an objection and an entirely new investigation must be conducted in relation to this alleged crime.

If it is found during the investigation that the deed can be classified as a different criminal offence the police officer will only inform you in writing. You cannot file an objection to this.

The prosecutor can file an indictment against you only for conduct which was described in the police officer's charges. However, the prosecutor can also decide that your deed will be assessed as a different criminal offence than the one in the police charges. You must be informed about this before the case is brought to court. You have the right to ask for an additional investigation.

**Can I be charged with an offence for which I have already been convicted in another Member State?**

If in the past you were lawfully sentenced by the Slovak authorities for a certain deed or you were released and/or the criminal prosecution against you was closed by another final ruling, you cannot be prosecuted again for the same deed. This does not apply if such lawful, final ruling has been revoked, for instance by reopening of the process.

If you were prosecuted for a misdemeanour in an administrative process, you may be prosecuted for the same deed in a criminal process.

This principle applies only to a criminal proceeding held before the authorities of one state. It means that if you were convicted in another Member State of a certain criminal offence, you may not be prosecuted for the same deed again by the Slovak authorities.


**What are my rights as a defendant?**

Your rights are described in the individual factsheets. There is a general rule that the police officer, prosecutor and court have the duty to inform you about your rights and must enable you to exercise these rights. They must respect your person and your fundamental rights and freedoms.

**Can I file an objection against the charges which have been brought against me?**

Yes, an objection can be filed within 3 days from the date when you receive notification from the police officer who brought the charges against you.

**When can I choose my lawyer?**

After the charges have been brought against you, you may  choose your lawyer. If you do not do so in the case of a mandatory defence, the court will appoint one for you. You have the right to choose your lawyer even if charges have not been brought against you but you have been detained, for example, while committing a crime.

Nobody can force you to testify. Refusing to testify cannot be used as evidence against you. The authorities will take into consideration all your statements, in your favour or against you.

**Questioning of the defendant (2)**


**Must I appear before the investigator?**

If you were summoned for questioning (or another procedure) in a proper and timely manner, you must appear before the investigator or have good reason for not doing so. Otherwise, the investigator can fine you up to €1 650 or have you brought in by the police. The police officer can do so only if you have been notified with a summons.

You do not have to be present at other investigative procedures.

Unlike for witnesses, questioning of an accused who resides outside the Slovak Republic cannot be done via a video link.

**Must I give testimony?**

Testifying is your right, not your duty. You can refuse to testify, or you can challenge only those facts which you find appropriate, or be a witness only with your  lawyer present. Your lawyer can give you legal advice but cannot tell you how to answer questions.

Nobody can force you to testify. Refusing to testify cannot be used as evidence against you. The authorities will take into consideration all your statements, whether in your favour or against you.

**What are my rights during the questioning?**

The investigator must advise you of your rights, inform you about the deed you are being charged with and what kind of criminal offence it is. You must be given enough time to prepare your defence.

You have the right to challenge all the charges which are alleged against you and the evidence which supports them. You can describe all the circumstances and present your own evidence. The investigator and/or your lawyer can ask clarifying questions but they must not be "leading questions". During the questioning, you have the right to look at your notes.

Your testimony will be recorded in the transcript and you have the right to read it (if you cannot read, the transcript must be read to you) and you have the right to request that the transcript be clarified and/or corrected. If your request is not granted, you need not sign the transcript.

**Can I lie?**

Unlike witnesses, you may lie. But when doing so you must not make a false accusation against another person because that is a crime.

**What happens if I plead guilty?**

Nobody can force you to plead guilty. However, pleading guilty can be considered a mitigating circumstance. You can plead guilty to the charges as a whole or to individual charges.

**Must I agree to a body search, provide samples of my DNA, fingerprints, etc?**

If it is necessary to find out whether there are traces (e.g. of blood) on your body or consequences of the crime (e.g. bruises), you must undergo a body search. A body search is conducted by a physician or by a person of the same sex. It is different from a personal search. If gathering of evidence requires it, a sample of your blood or any other biological material (e.g. saliva, hair, etc.) or fingerprints will be taken if this is not a threat to your health. Nobody can force you to undergo such procedures but if you refuse, you can be fined up to €1 650.

You can refuse to provide a sample of your voice and/or refuse to provide a sample of your handwriting.

If it is not possible to verify your identity you must undergo procedures to determine your identity such as taking fingerprints, photographs, etc.

**Do I have the right to an interpreter?**

If you do not understand the Slovak language you have the right to use your mother tongue before the authorities and you have the right to a free interpreter provided by the police or the court. You also have the right to be informed in your mother tongue about all the charges against you. You have the right to have the written documents in your case file translated; however, this applies only to those documents which you must understand in order to receive due process (the charges, the indictment, the judgement, and similar documents).

### **Detention and arrest (including the European Arrest Warrant) (3)**

#### **What is detention?**

Detention is a short-term restriction of the freedom of a suspected or accused person for the purpose of examining whether the conditions for custody have been met.

#### **When can I be detained and by whom?**

You can be detained by a police officer or by a prosecutor even if charges have not yet been brought against you. This may happen if you are suspected of committing a criminal offence and some of the reasons for custody have been met, e.g., you were caught while committing a crime or escaping.

You can be detained by another person (not only by a prosecutor or a police officer) if you were caught committing a crime and your identity must be determined or you must be prevented from escaping. The person who has detained you must hand you over to the police immediately.

If charges have already been brought against you, your freedom can be restricted by a police officer or a prosecutor only if reasons for custody are met and it has not yet been possible to obtain a decision on your custody. For example, if you were caught while escaping or, based on your answers during questioning, the police officer determines that the reasons for custody are met.

#### **What rights do I have as a detained person?**

The police officer who detained you and/or whom you were handed over to by another person, is obliged to inform you why you have been detained and then to question you. You have the same rights as a person undergoing questioning as a defendant. You have the right to choose your lawyer and use his or her legal advice and ask for your lawyer to be present during questioning.

The police officer then decides whether you will be released or not. If you are not released, charges must be brought against you (if that has not been done yet) and then you can be questioned again. Then the police officer hands the case file over to the prosecutor who will decide to release you or file a motion requesting custody.

#### **How long can I be detained?**

The police officer and/or the prosecutor has to hand you over to the court and file a motion requesting custody within 48 hours from the moment when you were detained or release you. The court will then issue a ruling on your custody or release you:

within 48 hours, if you are accused of committing a minor offence or a crime;

within 72 hours, if you are accused of committing an exceptionally serious crime.

If this is not done, you must be released.

#### **What is an arrest?**


The purpose of an arrest warrant is to determine your location, detain you and to ensure that you attend a hearing or another proceeding.

#### **Who is entitled to arrest me and when?**

The Police Corps, the Railway Police and similar bodies have the right to arrest you, if:

charges have been brought against you;

some of the reasons for custody are met;

it was not possible to summon you, produce you or  detain you;

based on the prosecutor's motion the court issued an arrest warrant.

#### **How long can I be held after being arrested?**

The police must bring you to the court which issued the arrest warrant within 24 hours. The court then decides whether you will be taken into custody or released:

within 48 hours, if you are accused of committing a minor offence or a crime;

within 72 hours, if you are accused of committing an exceptionally serious crime;

If this is not done, the court must release you.

#### **What is a European Arrest Warrant?**

If a [European Arrest Warrant](#) was issued by another Member State you can be arrested in Slovakia, and after being brought before a judge, extradited to the state which issued the warrant. You have the right to a lawyer and interpreter if you request them.

### **Being taken into custody and release (4)**

#### **What are the reasons for taking me into custody?**

You can be taken into custody, if:

charges have been brought against you;

the deed for which you are being prosecuted was committed;

it is a criminal offence;

there is a suspicion that the crime was committed by you.

Or, if based on your behaviour and/or other facts there is concern that you will:

escape or hide, or there is a high likelihood that you would receive a significant sentence;

influence witnesses, experts, accomplices or others;

continue to be engaged in criminal activities.

#### **Who issues a decision on custody?**

The decision is taken by the court based on a custody motion filed by a prosecutor. You can appeal this decision to the original court within 3 days from the notification. A higher court will decide on your appeal.

#### **How long can I be held in custody?**

You can only be held in custody for a specified period. The overall length of custody during the investigation, including pre-trial custody, cannot exceed:

12 months – if you are prosecuted for a minor offence – of which the investigative custody cannot exceed 7 months and the pre-trial custody cannot exceed 5 months;

36 months – if you are prosecuted for committing a crime, where the investigative custody cannot exceed 19 months and the pre-trial custody cannot exceed 17 months;

48 months – if you are prosecuted for committing an exceptionally serious crime, where the investigative custody cannot exceed 25 months and the pre-trial custody cannot exceed 23 months;

60 months, if you are prosecuted for committing an exceptionally serious crime for which you can be sentenced to imprisonment for 25 years or more or for life.

The time period begins to run when your personal freedom has been restrained by your arrest or detention.

For example, if you are prosecuted for committing a crime, you can be held in investigative custody for no longer than 19 months. During this time, at the end of every 7-month-period, the prosecutor must file a motion requesting extension of custody, or the case must be brought to court, or you must be set free.

Once the 19 months have elapsed you must be released.

After the prosecutor brings your case to court, court custody begins and this must not exceed 17 months.

#### **Do I have the right to be released?**

If the reason for custody ceases to exist (for example, all the witnesses have testified and you cannot influence them), or if the time limits for holding you in custody have lapsed, you must be released.

#### **Can I ask to be released from custody?**

You have the right to ask the court (or the prosecutor) to release you at any time. If the prosecutor does not grant your request during the investigation, he or she must hand your request over to the court for a decision. You may file an appeal against the court's decision within 3 days.

If your request is not granted, you may file another request to be released in 30 days. You can also ask to be released earlier if you produce new reasons.

#### **Can I file a motion to court to have my custody modified?**

If it is custody preventing you from absconding or preventive custody, you have the right to ask the court to not be taken into custody, or to be released if:

your church or your work colleagues give a guarantee to court that they will oversee your behaviour;

you promise in writing that you will lead a law-abiding life and you will not engage in any criminal activity;

the court has appointed a probation and mediation officer for you who will monitor whether you are leading a law-abiding life and whether you are committing any crimes and you or another person deposits a financial sum (a bond) to the court and the court accepts it;

the amount and the conditions of the bond are set by the court; if you breach the conditions, the amount of the bond will be transferred to the state.

#### **Can I leave the country?**

If you are not held in custody you do not have to remain in the Slovak Republic during the remaining process. However, if you are summoned for questioning, you are obliged to appear before the investigator. It is also appropriate for you to inform the police in advance that you are leaving the country and to state the address where you can be contacted.

Failing to do so could be assessed as avoiding criminal prosecution which qualifies as a reason for ordering custody to prevent absconding.

If the court modified your custody it can issue a ruling banning travel.

#### **Who will be informed that you have been taken into custody?**

The court will inform your lawyer and a member of your family or another person who you have named. If you are a foreigner, the court will also inform the consular office of your home country.

#### **Can I contact a family member or a friend?**

Twice a month you have the right to make a 15-minute telephone call to 5 people, which must be agreed to by an officer who can be present during the call.

You have the right to a private call without limitations if your lawyer is present.

You have the right to receive and send letters without limitation. The authorities have the right of access to your correspondence and they can suspend it, if, for example, it could influence witnesses. The authorities do not have access to correspondence addressed to your lawyer.

#### **Can I see a doctor?**

You are entitled to health care but you do not have the right to choose the physician or the health-care facility.

#### **Course of the investigation (5)**

##### **Can I be present at the investigation?**

Your lawyer has the right to take part in the investigative process. If you do not have a lawyer, the investigator may permit you to take part in the investigative process and ask questions of witnesses.

##### **Can I be deported to my home country?**

Deportation is a punishment which a court may impose if it finds you guilty of committing a crime.

You can also be deported by the police department but only on the grounds listed in the [Act on Residence of Foreign Nationals](#). Criminal prosecution is not a reason for your deportation. However, if the court finds you guilty of a crime, you can be deported on administrative grounds by the police.

If you are an EU citizen or a citizen of the European Economic Area, you can be deported only if you are a threat to the security of the Slovak Republic, to public order, or to public health.

You can appeal against the decision of the police to deport you within 15 days of receiving the notification. You can bring the outcome of your appeal to a court for review.

##### **Can there be a personal search?**

If there is a suspicion that you possess an object (or substance) which is important for criminal proceedings (for example, as evidence), there can be a personal search if you do not hand over the object (substance) after you had been requested to do so. A personal search can also be conducted based on a court ruling or, during the investigation, on a request by a prosecutor.

If you were detained, arrested or taken to custody, you can be searched (without a search warrant) in order to find out whether or not you are carrying a weapon or any other object which could be a threat to another person.

The search can also be conducted without a warrant if you were, for example caught while committing a crime.

##### **Can my home be searched?**

The authorities can search your domicile (your apartment, your house, or hotel room as well as other premises which are not intended for residence – for example, a business operation) in order to look for physical evidence, written evidence or a suspect.

##### **Who decides on the matter of a search?**

Your home can be searched only with a warrant issued by a court; other premises can be searched with a warrant issued by a prosecutor.

The police can enter your home without a search warrant when necessary to do so to protect life, the health of persons, the state, or if a person is in your home for whom an arrest warrant has been issued, or a person who has been seen committing a crime is in your home, or following a police pursuit.

##### **What are my rights during the search?**

The authorities must present a search warrant immediately at the beginning of the search.

The search can be conducted only if you do not voluntarily hand over the object or the person for which the police have a warrant.

You (or another member of the household or staff of the business premises) have the right to be present during the search. A person who is not involved in the matter must also be present.

Objects which have been surrendered or seized must be recorded in a search protocol. The police must give you a copy of the protocol and/or confirm in writing that the objects have been surrendered or seized.

**Must I agree to the search?**

Yes. If you do not voluntarily permit the police to conduct the search even after being requested to do so, the police may use force to overcome your resistance or to remove any obstacle you create.

**Can I object to how the search was conducted?**

You cannot file an objection against the search warrant issued by a court or a prosecutor.

If the police breach the law or violate your rights when conducting the search, you can raise an objection during the trial and ask the court not to take any evidence acquired in this way into consideration.

You can also ask for the procedure by the police to be scrutinised and/or file a complaint for damages.

**Can my car be searched?**

The police may stop your car and conduct a search for persons, weapons, narcotics and similar items.

**Am I entitled to review all the information gathered in evidence against me?**

Your lawyer, and under certain circumstances you, also have the right to be present when the evidence is secured.

During the entire criminal process, you have the right of access to your case file, to take notes and make copies. The case file includes the evidence secured during the investigation such as the transcript of the questioning of witnesses and defendants and details of their identity, expert opinions, and physical and documentary evidence.

You do not have the right of access to those parts of the file which include information on protected, undisclosed witnesses or agents.

**Will information be requested about my criminal record?**

When imposing a sentence, the court takes into consideration your person – whether you have led a law-abiding life in the past. The court also takes into consideration any information from your criminal record, in particular, any past convictions. Information from criminal registers can be exchanged between Member States.

**Completing the investigation (6)**

If the police officer considers that there is enough evidence for a final decision, he or she will bring the file to the prosecutor, suggesting that:

the case should go to court;

misdemeanour proceedings should be brought;

the prosecution should be stopped, if the offence had not been committed or it had not been committed by you;

the prosecution should be stopped by recommending probation;

conciliation should be approved;

plea bargaining should be offered (or similar extra-judicial proceedings).

**Do I have access to my case file?**

Once the investigation is completed, you and your lawyer have the right to read the file in full and become acquainted with the evidence. The police officer must inform you about this right at least 3 days in advance. He must provide you with adequate time to read the file.

Consequently, you may file a request for additional investigation. Such a request must be granted. After this request has been granted, you have the right to read the case file again when the additional investigation is completed.

**When must the investigation be completed?**

You have the right to have your case heard within a specified period of time.

The investigation should be completed within:

6 months in case of an exceptionally serious crime;

4 months in case of a crime;

2 months in case of a minor offence.

**What happens if these periods are not observed?**

You can file a complaint with the prosecutor requesting review of the procedure applied by the police and removal of delays in the investigation. The prosecutor must inform you about the results of such a review.

If you are in custody and the investigation is not completed in a certain period of time, you must be released.

**Will my case always reach a court trial?**

A court decides only if the prosecutor files an indictment or recommends the case for a plea bargain. In some cases the prosecutor can stop the criminal prosecution at his discretion.

**When is it possible to stop the criminal prosecution by ordering probation or granting conciliation?**

The prosecutor can close the case by ordering probation or granting conciliation, if:

you are prosecuted for a minor offence and you did not cause a death or commit corruption or you are not a public or foreign official;

you plead guilty;

you compensate for the damages you caused;

you agree with this procedure;

and, in case of conciliation, you agree to pay an amount of money for community purposes and the victim also agrees to this solution.

If conciliation is granted, the case is closed. In the event that probation is ordered, the prosecutor sets a period of time during which you must behave properly. After this time period has lapsed, the case will be closed.

**What conditions must I meet in order to plea bargain?**

The prosecutor may offer a plea bargain, if:

you agree to it;

you plead guilty to committing the crime;

you agree with the sentence (the sentence is reduced by 1/3).

The victim does not have to approve the plea bargain.

If you agree to the plea bargain, the prosecutor hands it over to the court for approval. If the court approves it, this replaces the judgement and you cannot appeal.

**Related links**

 [Ministry of the Interior](#)

- [Presidium of the Police Corps](#)
- [Office of the Prosecutor General](#)
- [Act on Probation and Mediation Officers](#)
- [The Corps of Prison and Court Guards](#)
- [Migration Information Centre](#)
- [Migration Office of the Ministry of the Interior](#)

Last update: 18/03/2019

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### 3 - My rights during the trial

If information gathered in evidence against you during the investigation provides grounds for your case to be brought to court, the prosecutor will file an indictment with the court, unless he or she decides otherwise.

#### Which court will hear my case?

The main trial is held at a district court. In complex cases (e.g. the defendants are high officials, or it is a case involving corruption, criminal or terrorist groups, etc.), the case will be heard by the [Specialized Criminal Court](#). For more details, click [here](#). Cases in Slovakia are decided by a single judge or a senate of 3 judges, depending on the gravity of the crime.

#### What is the preliminary hearing?

The court will review the indictment to see whether the evidence was gathered in accordance with law, whether you would agree with a plea bargain, and so forth. You can present more evidence and, if you are in custody, ask to be released. If serious flaws are ascertained by the court, the indictment will be returned to the prosecutor. Otherwise, the court will set the hearing date, close the criminal prosecution, approve conciliation, or order other steps.

#### Will the trial be in public?

Cases are heard in public. The public can be excluded from a hearing if their presence would be a threat to bank or telecommunication secrecy, public order, identity of an agent, or similar reasons. You and your lawyer cannot be excluded from a hearing. The judge can expel you from the hearing room, if you are disturbing court decorum. The judgement is always announced in public.

#### Can the charges be changed during the trial?

The prosecutor cannot change the charges against you after your case is in court. The court may only rule on the offence described in the indictment. Your deed can be determined to be a different criminal offence than the one originally decided by the prosecutor. If so, you must be informed about this and have at least 5 days available for the preparation of your defence.

#### What happens if I plead guilty?

You have the right to plead "guilty" or "not guilty". If you plead guilty, the court will only examine evidence needed to decide on punishment and/or compensation for damages.

#### What are my rights during the trial?

You have the right (not the duty) to be present at the trial. The court may hear the case-in-principle without your presence if you so agree, or if you refuse to be present, or on other grounds as defined by the law. The same applies to the process of appeals. You also have the right to an interpreter, to a lawyer, to give testimony or "not to testify"; you may also lie. If you are a foreign national, you do not have the right to give testimony or appear in the trial via a video link. This right is granted only to a witness and/or a defendant whose is threatened.

#### What are my rights in relation to evidence against me?

The investigation bodies must secure evidence and/or produce it at the court. You have the right to do the same. You may use the services of a private investigator. If the court releases you, you are entitled to reimbursement of the costs related to the private investigator. The court only examines evidence gathered in accordance with law.

During the trial, the defendant, witnesses, and experts are questioned by the prosecutor. You (or your attorney) can also ask questions. Your witnesses are questioned by you. You can raise objections about how the questioning is conducted such as the admissibility of the questions or their answers. You have the right to challenge all evidence such as evidence provided by witnesses, experts' opinions, physical and documentary evidence, and sound recordings.

#### Do I have a right to make a final statement?

Once the court ends the examination of evidence, you can make your final statement. After the prosecutor's final statement, the court gives the opportunity for the victim or your lawyer to speak. Your statement is the last one to be heard. You can challenge the indictment, the evidence, and the offence charged against you, offer mitigating circumstances, question the sentence, and so forth. The court may interrupt your final statement only if you make statements not related to your case. You also have the right to make a closing statement during which you must not be interrupted.

#### What are the possible outcomes of the trial?

The court will either find you "guilty" or "not guilty", or relieve you of the charges.

The court will free you of the charges set out in the indictment if:

the crime did not happen;

if it was not proven that the crime was committed by you;

if your conduct was not a criminal offence;

or if the case is time-barred.

If the court finds you guilty, it will decide on the sentence and/or the duty to compensate the injured party for damages.

The court may also decide to do otherwise, similar to the procedure applied by the prosecutor when closing an investigation.

#### What are possible sentences?

**Imprisonment – according to gravity of the crime but at most life imprisonment.** The death penalty cannot be applied. If you are sentenced to 2 and/or 3 years the court can order probation with a probation supervisor and it will set a period from 1 to 5 years during which you must lead a law-abiding life. If you break these terms, you must start serving your prison sentence.

**Home confinement – up to 1 year for a minor offence.** You are required to restrict your movements to your place of residence and lead a law-abiding life. Should you breach these conditions, you must start serving your prison sentence.

**Community work – from 40 to 300 hours for a minor offence,** only if you agree. You must engage in community work with no compensation.

**Fine, forfeiture of assets or items** for intentional criminal offences through which you have gained property or caused significant damage. A fine can be from €160 to €331 930. Asset forfeiture applies to all those assets which you acquired unlawfully. Forfeiture of items can be applied if you used the item to commit the crime.

**Disqualification - from 1 to 10 years** - a ban restricting your engagement in a certain type of activity, such as your profession or other activity such as driving a vehicle.

**Ban on your locale** – forbidding you to stay at a certain place, from 1 to 5 years.

**Expatriation** from the territory of the Slovak Republic. You can be punished by 1 to 15 years of expulsion, but only if you are not a Slovak citizen, or a citizen of any other EU member state, or a citizen of a signatory state to the Agreement on the European Economic Area, or if you have not been granted asylum. You cannot be expatriated to a country where your personal freedom or life would be under threat on the grounds of race, nationality, religion, political affiliation, or similar reasons. For more details, click [here](#).

#### **What are the rights of the victim during the trial?**

A victim can:

- request the court to award compensation for damages;
- present and produce evidence, and access the case file;
- be present at the trial (including any appeals);
- ask questions of the defendant(s), witnesses, experts;
- challenge the evidence;
- give a final statement;
- make an appeal, and so forth.

#### **Will information about my criminal record be taken into consideration?**

For more information, click [here](#).

#### **Related links**

[List of the Slovak courts](#)

Last update: 18/03/2019

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## **4 - My rights after the trial**

### **Can I appeal?**

You can appeal against the judgement of the court of first instance directly after the sentence has been announced or within 15 days from that date. If you were not present at the court, you must appeal within 15 days from receiving the decision in writing to the court which decided the case. Your appeal can be based on any grounds or new evidence. You may appeal against the judgement as a whole or only a part of it.

If the court of first instance made a ruling without issuing a judgement, you can file an appeal against such a decision within 3 days of the notification.

#### **What happens if I appeal?**

If you appeal, the judgement will not become effective until an appellate court issues a decision. If you appeal after you were convicted, you are still presumed innocent, and if you were, for example, sentenced to imprisonment without the possibility of probation or parole, you will not start serving your sentence in prison.

The court of first instance submits your appeal to other parties who have the right to challenge your appeal in writing, and then submits the file to a court of appeal (a regional court). The [Specialised Criminal Court](#) submits the appeal to the Supreme Court. The appeal court will examine the legality and correctness of the judgement and/or procedure being challenged.

#### **How long will it be before my appeal is heard?**

There is no time limit defined by law. The length of time depends on the facts or legal complexity. The appellate court must read your case file in full and study your appeal. You have the right to have your appeal heard in a reasonable period of time. If the appellate court does not act in a timely way, you may file a complaint with the appellate court, and/or to the Constitutional Court, or to the European Court for Human Rights in Strasbourg.

#### **What happens if I am in custody when I appeal?**

Being in custody does not have an effect on the appeals process. However, you cannot file a complaint against the decision of the appellate court regarding your custody.

#### **What happens at the appeal hearing?**

The appellate court will report on your case, give an opinion on the judgement you are challenging, the evidence and the proceedings of the court of first instance and investigative authorities. The appellate court does not re-examine evidence, except for any evidence which it considers necessary for its decision. For that reason you will not be heard again, nor will the court hear witnesses or examine the evidence. It will only examine the correctness of the procedure and the decision of the court of first instance.

#### **Do I have a right to make a final statement?**

You have a right to make a final motion in which you suggest how the appellate court should decide. Since it is not a final statement, you should not challenge the evidence, the deeds, or the legal assessment of the deeds of your case. In practice, however, you might have the opportunity to challenge these circumstances, if it brings new facts to the appeal file.

#### **What can the appeal court decide?**



The appeal court will dismiss your appeal if you filed it after the time limit for appeal, or if it considers the judgement of the court of first instance to be correct and lawful. The decision of the appeal court is valid, executable and final. If you were sentenced to imprisonment without the possibility of probation or parole, you must start serving your prison sentence.

The appellate court will overturn the judgement if the court of first instance breached your right to a defence, or if it did not fully determine whether the crime you were convicted of was committed by you;

If the judgement breached the [Penal Code](#), or imposed an inadequate or very mild punishment, the appeal court will:

return the case to the court of first instance to reopen the case and review its decision. The court of first instance will re-examine the evidence which the appellate court has ordered it to review and decide on the case again. You have the right to appeal this decision again.

issue its own ruling amending the judgement of the court of first instance and release you from the charges, impose a different punishment, or sentence you to a different period of time, etc. This decision is final. If you were found not guilty of the charges by the court of first instance, the appellate court cannot find you guilty. If the judgement of the court of first instance was not appealed by the prosecutor, the appellate court cannot aggravate the judgment.

#### **Can I appeal the decision of the appellate court?**

You cannot appeal the final decision of the appellate court.

Even though you can make an appeal to the Supreme Court or file a motion to reopen the case, the final decision of the appellate court is still valid and executable. If you were sentenced to imprisonment without the possibility of probation or parole, you must start serving your prison sentence.

You can appeal to the Supreme Court within 3 years from the date when you received the final decision in writing from the court of first instance. The appeal to the Supreme Court can be filed only on specific grounds defined by [law](#).

You may file a motion requesting reopening of the case if new evidence which was not known during the trial surfaced and this new evidence is so significant that it could have changed the final decision.

#### **Am I entitled to compensation for any reason?**

If you were found not guilty of the charges or the criminal prosecution against you was stopped, you have the right to receive compensation for losses you incurred because of the criminal process, specifically for actual costs (e.g., lawyer's fees), lost income (from loss of employment), and also for non-material damages (e.g., related to custody). You can exercise this right by filing a motion requesting preliminary review of your claim to a state authority. If the authority does not compensate you, you can bring a case to court. If you were found guilty, you will have to compensate for costs incurred in relation to the criminal process, particularly prison costs.

#### **I am from another Member State. Can I be sent back home after the trial?**

For more information, click [here](#).

#### **Will information about a judgement be added to my criminal records?**

If you were found not guilty or the case was closed, no information will be added to your criminal record. If you were found guilty, the information will be retained in your criminal record for 100 years starting on the date of your birth. It can be requested by different state authorities for the purpose of another criminal prosecution; it can also be accessed by authorities of another Member State.

You can receive information about your convictions only while you are serving the sentence: for example, for 5 years if you were disqualified from driving a motor vehicle for 5 years. However, if you were sentenced to imprisonment without the possibility of probation or parole, the information will be retained in your criminal record after your release.

#### **Related links**

[The Supreme Court](#)

[The Constitutional Court](#)

[The European Court of Human Rights](#)

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## **5 - Road traffic offences**

### **What is a misdemeanour?**

A misdemeanour is misconduct which:

breaches or threatens the interests of society;

is defined as a misdemeanour by the [Act on Misdemeanours](#);

is not any other minor offence or a crime.

It can be defined as less serious unlawful conduct than a criminal offence. It is handled in administrative proceedings.

You can, for example, cause a road traffic misdemeanour, if you:

drive your car without a driving licence;

drink and drive, or use drugs and drive;

drive your car above the speed limit;

leave the scene of a car accident;

cause a car accident, etc.

### **Who deals with misdemeanours?**

Misdemeanours are handled by various offices of state administration or self-governing bodies, in particular:

[city district offices](#);

the Police Corps, particularly, in the case of a road traffic misdemeanour (most often, it will be the [District Road Traffic Inspectorate](#));

[Railway Police](#);

[municipal offices](#);

[Customs authorities](#), etc.

**What is the procedure?**

The representative of the administrative body will first explain the misdemeanour, then it will commence misdemeanour proceedings by setting the date for an oral hearing where the matter will be heard and a decision made; either you will be found guilty of the misdemeanour or the process will be closed.

**What decision can the administrative body make?**

The administrative body will close the process if it determines that the offence was not committed or that it was not committed by you.

The administrative body may find you guilty of the offence but waive the fine, or, based on the gravity of the offence – it can impose one of the following sanctions:

a reprimand;

a fine up to €33 and for road traffic offences up to €1 300;

disqualification for up to 5 years (for example, from driving a motor vehicle);

seizure of an item, if the item was used for committing the offence, etc.

**Can I appeal the decision of the administrative body?**

Yes, you can file an appeal to the administrative body which issued the decision within 15 days of the date when you received the notification. The appeal will be dealt with by a higher level body which will examine the correctness and lawfulness of the decision issued by the lower level body.

If you also believe that the decision of the higher level body is incorrect you may file a complaint with a court which will examine the lawfulness of the decision made by the administrative body.

**Are such offences pursued against nationals of other Member States?**

Any person who commits an offence on the territory of the Slovak Republic bears responsibility for doing so.

**How are road traffic misdemeanours dealt with?**

Some misdemeanours (particularly road traffic misdemeanours, for example speeding or parking) will be handled directly at the site by issuing a fine statement, collecting a fine on the spot (up to €650), and/or with a verbal reprimand. The administrative body can apply this procedure only if the offence has been reliably ascertained and you are willing to pay the fine. You can appeal against such a decision. If you do not agree with the procedure, misdemeanour proceedings (see above) will be commenced.

If you agree with the fine but you cannot pay it on the spot (you do not have enough cash), the police officer or administrative body will issue a fine statement and instruct you about the next steps (typically, you must pay the fine within 15 days) and about what happens if you fail to pay the fine (your driving licence will be suspended).

**Is information about misdemeanours added to criminal records?**

The Road Traffic Police keep records on every driver. They include the driver's personal details and information about misdemeanours and criminal offences committed by breaching the road traffic rules. Information about misdemeanours is kept only if the fine exceeded €100 or the police issued a disqualification.

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