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A. Where will the trial take place?

The trial will take place at the court where the prosecuting authorities filed the final charges. As a rule, this will be the court with local jurisdiction where the criminal offence was committed. Trials are public with a few exceptions.

Depending on the nature of the penalty, the decision will be taken by a single judge, a lay judges' court or a jury court. Lay persons also sit in lay judges' courts or jury courts.

B. Can the charges be modified? If so, what is my right to information in this regard?

Once charges have been filed against you, it is no longer possible to restrict access to the files. From this point on, at the latest, you have access to the entire file made available to the court. The court will make preparations for the trial.

You may request evidence that will help you prepare for the trial, if you wish. In particular, you can ask to question witnesses. In your request for evidence, you must indicate which facts you wish to prove by means of the evidence in question. You may also be asked to state the reason why you believe that the evidence you have requested is appropriate.

If you are accused of a further offence during the trial, the prosecuting authorities may extend the charges against you and the trial may be extended to include the new charges, unless they carry a harsher sentence than the original charges.

In its decision the court is only bound by the facts described in the bill of indictment and not by any legal assessment given by the prosecuting authorities. The court may qualify the offence with which you have been charged differently from the classification given by the prosecuting authorities in the bill of indictment.

C. What are my rights during the court appearances?

As throughout the entire criminal proceedings, you also have the right to remain silent during the trial. You do not have to comment on the charges brought against you.

If you admit to the charges during the trial, this will also have a mitigating effect when the sentence is determined. However, an admission of guilt will not change the course of the trial. You will not be punished if you do not tell the truth.

Lay judges' courts and jury courts may not conduct proceedings in your absence. Furthermore, you must also always be represented by defence counsel in such proceedings. There are no provisions for trial by video-conference.

If you do not sufficiently understand German, the services of an interpreter must be engaged for the trial. The interpreter will interpret the main events during the trial into a language that you understand.

During the trial, you also have the right to submit requests, especially requests for evidence.

In a trial before a lay judges' court or before a jury court, you must be represented by defence counsel, whereas,

for other types of proceedings, the appointment of defence counsel is optional.

You may change your defence counsel of choice at any time. However, this must not unreasonably prolong the proceedings.

i. Am I required to be present in the court? What are the conditions for me to be absent during the court case?

You are not under any obligation to remain in Austria for the whole of the investigation. If you wish, you can also ask your lawyer to ensure your rights are protected during the investigation.

In principle, you will need to come to Austria for any questioning. During the investigation, a video link can only be used if the Austrian prosecuting authorities make a request to that effect, you agree to this procedure and your country provides for the questioning of accused persons via video link. However, the accused cannot be questioned by telephone.

ii. What are my rights to an interpreter and translated documents?

If you do not sufficiently understand German, the services of an interpreter must be engaged for the trial. The interpreter will interpret the main events during the trial into a language that you understand.

iii. Do I have the right to a lawyer?

In a trial before a lay judges' court or before a jury court, you must be represented by defence counsel, whereas, for other types of proceedings, the appointment of defence counsel is optional.

You may change your defence counsel of choice at any time. However, this must not unreasonably prolong the proceedings.

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