

3 - My rights during the trial

Where will the trial be held?

The case is normally heard by the local court in the area where the crime was committed. More severe cases (e.g. homicide) are heard by the county court. The court hearing is open to the public. The public can only be excluded from the hearing in exceptional cases (e.g. where one of the participants is a minor or to protect a witness). The decision in the case is usually made by one professional judge or one professional judge and two lay judges.

Can the charges be changed during the trial?

The charges can be changed during the course of the court hearing, though if new facts related to those set out in the indictment come to light. A criminal act that is completely independent of the act in the indictment cannot be added. In the event of changes, you or your defence counsel can move that the court hearing be postponed.

If you plead guilty to some or all of the charges during the course of the court hearing, this does not affect the course of the procedure, but might reduce the sentence that you receive.

What are my rights during the trial?

You must be present during the entire court hearing. It cannot be held in your absence unless you did not appear even though you were served with the process. If this is the case, the court hearing can be held in your absence but the case cannot be closed. The court will order that you be apprehended. If this is unsuccessful, the court will issue a warrant for your arrest.

Unless you have been allowed to post bail, you have to attend the court hearing, even if you live in another country.

You have the right to have an interpreter.

If defence is mandatory you must have a lawyer. If you do not choose a lawyer, one will be appointed for you.

At the court hearing you have the right to give testimony and make observations, but you are not obliged to do either.

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

You may challenge the evidence against you. You are entitled to present evidence in your own defence, and to make observations about the evidence against you. You and your defence counsel may put questions to all of the witnesses and may challenge their statements.

You and your defence counsel may submit evidence and may move that evidence should be acquired (e.g. obtaining expert opinions, hearing new witnesses). The court decides whether this should be allowed. If the court turns down the motion (e.g. the witness is not heard), you cannot file a separate appeal against this, but this decision can be challenged if you appeal against the final judgement of the court.

Can I use a private detective to obtain evidence for me?

You or your defence counsel may hire a private detective or investigator.

Will information about my criminal record be taken into account?

The decree must contain information about your earlier sentences. When deciding on the sentence the court takes these into account. Earlier sentences from other Member States will also be taken into account. However, the Hungarian authorities are not obliged to request information from foreign records. This might happen in cases where it turns out during the course of the procedure that a similar sentence had been imposed on you before.

What happens at the end of the trial?

At the end of the criminal procedure, the court may make three kinds of decisions: sentence you, acquit you (if your guilt cannot be established), or close the proceedings (e.g. crime is statute-barred or already assessed by another court).

If the court sentences you, it

- decides on a punishment (see below);
- puts you on probation or reprimands you (see below);
- or waives sentencing (in certain cases the Hungarian Criminal Code allows for this, e.g. in the case of certain offences, if the perpetrator voluntarily averts the danger he has caused).

What kind of punishments can be imposed?

The punishment is likely to be deprivation of liberty, community service, or a fine.

The Hungarian Criminal Code defines the minimum and maximum sentences for every crime for which a prison sentence can be imposed. The shortest possible prison sentence is 2 months, the longest is 20 years. The most serious crimes can be punished with life imprisonment. The court may replace a prison sentence not exceeding 2 years with probation. If the period of probation passes successfully, the sentence cannot be executed.

If you are sentenced to community service, you are obliged to perform the work defined in the court order without remuneration, for at least 1 day per week, on your weekly day of rest or in your free time. The minimum duration of community service is 42 hours, while the maximum is 300 hours.

The minimum fine is HUF 75,000, the maximum is HUF 108,000,000. Fines may also be suspended.

The court may also pass – simultaneously or separately – supplementary punishments, depending on the nature of the offence, such as:- ban you from driving a vehicle, from practising your profession, and may expel you from the country for a maximum period of ten years. It can also order that all or part of your assets be forfeited.

What other sanctions may the court apply?

As well as the punishments above, the court may impose other sanctions. If you are found guilty but are not sentenced to a punishment you can be reprimanded which is a kind of official warning, or put on probation, when the court postpones sentencing you for the period of the probation – which cannot be more than 3 years. If, during the period of probation, you commit a serious breach of law the court ends the period of probation and imposes a punishment on you.

What is the role of the victim during the trial?

The victim is entitled to be present at the trial and to view the documents affecting him. The victim may make motions and observations. If the investigation ends with no charge, or if the prosecutor drops the charge, the victim can act in certain cases as a supplementary complainant: that is, he can assume the role of a prosecutor and can resubmit the charge before the court.

Related links

[The Hungarian Criminal Procedures Law](#)

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