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My rights during trial

A) Where will the trial take place?

The main trial is generally held at a district court. In some cases, the trial can be held before the Special Criminal Court [*Špecializovaný trestný súd*] or a district court in the regional capital.

The trial is held before the court in whose jurisdiction the crime was committed.

Alternatively, the trial can be held before a court in whose jurisdiction the accused person lives, works or is habitually present, or before the court in whose jurisdiction the prosecutor filed the indictment.

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

If the prosecutor wishes to reclassify the act as a different crime than the police, he/she must advise you of this fact before the indictment is filed and ask you whether you wish to supplement the investigation.

If, after the main trial commences, it comes to light that you have committed another criminal offence, the court will return the case to the prosecutor for further pre-trial preparations and additional investigation if the prosecutor so requests.

If the court plans on convicting you of a crime under a more stringent provision of the law than the prosecution suggested, it can do so. However, the court must advise you of that possibility before declaring the evidence-taking stage complete.

The court will provide you with a time limit to prepare your defence and will postpone the main criminal trial by at least 5 business days if you so request.

C) What are my rights during the court appearances?

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

You have the right (not the duty) to be present at the trial. The court may hear the case 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 appeal proceedings.

ii) What is my right to an interpreter and translations?

You have the right to an interpreter if you do not speak the language in which the proceedings are conducted. If any important documents, records or decisions need to be translated, a translator will also join the proceedings.

iii) Do I have the right to a lawyer?

During the entire criminal process, you have the right to be represented by a defence lawyer of your choosing or one who has been assigned to you.

You must have a defence lawyer from the moment the charges are brought against you, or if you are placed in detention, serve a sentence or are under observation in a healthcare institution, if your legal capacity has been restricted, if the case involves an especially serious crime, if you are a juvenile or if proceedings are being conducted against you as a fugitive.

If you do not have a defence lawyer in cases where you must have one, you will be given timeframe within which to choose your lawyer. If you fail to do so within the time allowed, a defence lawyer must be assigned to you without delay.

If you lack sufficient means to pay for the defence lawyer and you apply for one to be assigned to you, the court must appoint an attorney as your defence lawyer even in cases where having a defence lawyer is not mandatory. You have to prove that you lack sufficient means.

iv) Which other procedural rights should I be aware of? (e.g. presentation of suspects in front of the court)

You have the right to plead 'guilty' or 'not guilty' when the trial commences. If you plead guilty, the court will only examine evidence needed to decide on the punishment and/or compensation for damage.

During the trial, the defendant, witnesses, and experts are questioned by the prosecutor. You or your defence lawyer can also ask questions. Your witnesses are questioned by your defence lawyer or you. You have the right to object to the manner of the questioning.

Once the court concludes the examination of evidence, you can make your final statement. After the prosecutor's final statement, the court can give the opportunity for the victim, your lawyer and other persons to speak. Your statement is always the last one to be heard. Your rights include the right to challenge the indictment, the evidence taken, and the offence you are charged with, offer mitigating circumstances, and question the sentence. The court may interrupt your final statement only if you make statements not related to your case. After the final statements, you also have the right to make a closing statement during which you must not be interrupted.

D) Possible sentences

Imprisonment – according to the seriousness of the crime, ranging up to life imprisonment. The death penalty is not possible. If you are sentenced to 2 or 3 years, the court can give you a suspended sentence with or without probation and it will set a period of between 1 and 5 years during which you must lead a law-abiding life. If you breach the court-imposed obligations and restrictions, you will have to serve your sentence in prison.

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 those conditions, you will have to serve your sentence in prison.

Community work – from 40 to 300 hours for a minor offence, but only with your prior consent. You must engage in community work in your free time with no compensation. If you fail to perform community work at the specified time and to the specified extent, the court will convert each 2 hours of unperformed community work into 1 day of imprisonment.

Fine; forfeiture of property; the punishment of forfeiture of items is imposed by the court for intentional criminal offences through which you have gained property or caused damage. A fine can range from EUR 160 to EUR 331 930. Property forfeiture applies to all assets which you acquired unlawfully. Forfeiture of items can be imposed if you used the item to commit the crime.

Disqualification – from 1 to 10 years – forbidding you from certain types of activity, such as the profession, job, function or other activity (such as driving a vehicle) in the course of which you committed the crime.

Residence ban – forbidding you from residing in a certain place, from 1 to 5 years.

Ban on participation in public events – from 1 to 10 years – forbidding you from participating in the sporting, cultural or other public events at which you committed the crime.

Loss of honorary titles and distinctions, whereby you lose distinctions and other honorary titles awarded according to special legislation.

Demotion or loss of your military or other rank.

Expulsion from the territory of the Slovak Republic. You can be punished by 1 to 15 years of expulsion, but not if you are a Slovak citizen, or a citizen of any other EU Member State, or a citizen of a State party to the Agreement on the European Economic Area, or if you have been granted asylum. This does not apply if you represent a threat to national security or law and order. You cannot be expelled 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.

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