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# Defendants (criminal proceedings)

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Germany



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These factsheets explain what happens if you are suspected of committing a crime.

## Summary of the criminal proceedings

Below you will find a summary of the stages involved in criminal proceedings.

There are five different stages: investigation, intermediate proceedings, trial, appeal and enforcement proceedings.

- Investigation (*Ermittlungsverfahren*): the law-enforcement authorities (public prosecutor or police) will open an investigation against you if you are suspected of committing a criminal offence. The purpose of the investigation is to clarify whether or not the suspicions against you are justified. Various investigative measures may be taken to this end, such as searching your home. Once the investigations have concluded, the public prosecutor will decide whether to terminate the proceedings for lack of evidence or for other reasons, or whether to bring charges against you.
- Intermediate proceedings (*Zwischenverfahren*): during intermediate proceedings the court will consider the charges and decide whether to terminate or continue with the proceedings. If, on the basis of the evidence presented, the court believes that a conviction is likely, it will start the trial.
- Trial (*Hauptverfahren*): during this stage the court will prepare and conduct the trial. The charges will generally be considered at an oral hearing on the basis of the available evidence (witnesses, documents, etc.). You will also be given the opportunity to comment on the charges and give your version of events. If the charges are upheld, you will usually be sentenced. In juvenile criminal cases the court will often order other measures instead, which will mainly serve an educational purpose and do not have the legal consequences of a sentence. If the charges are not upheld, you will be acquitted.
- Appeal (*Rechtsmittelverfahren*): you can lodge an appeal against a conviction within certain time limits. If an appeal is brought on points of fact and law (*Berufungsverfahren*), a new trial will be held before a higher court and, where appropriate, new evidence will be taken. On the other hand, if an appeal is brought on points of law only (*Revisionsverfahren*), the judgment will be reviewed solely to establish whether it contains any errors in law. The judgment may not be enforced until it becomes final.
- Enforcement proceedings (*Vollstreckungsverfahren*): lastly, once the judgment has become final, the penalty that has been imposed is enforced during enforcement proceedings. At this stage, decisions may also be taken on matters including the early release of the offender (with the remainder of the sentence being suspended on probation).

There are variations on the above. The main variations are discontinuation of the proceedings (*Einstellung des Verfahrens*), summary penalty proceedings (*Strafbefehlsverfahren*) and expedited proceedings (*beschleunigtes Verfahren*). In the area of juvenile criminal law there are also simplified juvenile court proceedings.

Details on the stages in criminal proceedings and on your rights can be found on the following pages. This information is not a substitute for legal advice and is intended to be for guidance only.

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

[My rights during the investigation](#)

[My rights during trial](#)

[My rights after the trial](#)

## Related links

[Code of Criminal Procedure \(\*Strafprozessordnung\*\) \(English version\)](#)

[Youth Courts Act \(\*Jugendgerichtsgesetz\*\) \(English version\)](#)

[Criminal Code \(\*Strafgesetzbuch\*\) \(English version\)](#)

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