Defendants (criminal proceedings)

Luxemburg

These factsheets explain what happens when someone is suspected or accused of an offence dealt with by a trial before a court.

For information on minor offences such as traffic offences normally punishable by a fixed penalty such as a fine, see fact sheet 5.

If you are a victim of crime, you will find full information about your rights here.

Summary of criminal proceedings

Below is a summary of the normal stages of criminal proceedings

The procedure starts with a denunciation of an offence, a complaint by a victim or a crime or offence by the police.

A preliminary investigation is ordered by the State Prosecutor.

the police questions the suspects and may detain them for a maximum period of 24 hours.

if the State Prosecutor appoints an investigating judge, he or she decides on your charge, that is to say, officially accused of having committed an offence, and then raises the question of whether or not you have committed an offence.

the judge can arrest you by the police and put you in prison: you have the right to ask for provisional release from the chamber of the district court

the investigating judge investigates the case for and against

when it has finished, the investigating judge hands over the file to the prosecutor, who proposes that there is no need to proceed (end of the prosecution without further action) or your referral to a court for trial. You have the right to bring an action against the referral

you will appear at the court hearing in criminal cases.

a judgment pays you or you condemn it

you have the right to appeal and to be re-judged by the Court of Appeal

You will find details of all these stages of the procedure and your rights in the factsheets. This information should not replace the consultation of a lawyer and should be used only for guidance.

The role of the European Commission

Please note that the European Commission has no role in criminal proceedings in the Member States and cannot assist you if you want to complain. These factsheets tell us how you can complain and to whom.

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

1 — Consultation of a lawyer

2 — My rights during the investigation

Iinterrogation/preliminary police investigation

Arrest (including European Arrest Warrant)

Questioning by the investigating judge and detention

Hearing of the Council's Chamber for deciding on release

Investigation of the case by the State Prosecutor/investigating magistrate and rights of defence

Procedure for the termination of the investigation and for referral to the Court of First Instance

3 — My rights during the trial

4 — My rights after trial

5 — Infringements of the Highway Code and other minor offences

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