

3 - Rights during the trial

 Please note that the original language version of this page [\[pl\]](#) has been amended recently. The language version you are now viewing is currently being prepared by our translators.

Where will the trial be held?

The trial will be held in the court which has jurisdiction over the district where the crime was committed.

Which court will hear the case?

In principle the district court tries the case in the first instance. Felonies and serious misdemeanours are tried in the regional court.

Will the trial be in public?

Generally the trial will be open to the public. The judgement is always given in public in open court.

Who will decide the case?

The case will be decided by a professional judge. In some cases in the first instance, the court may also consist of lay judges, who have the same rights as the judge. Polish law does not provide for trial by jury.

Can the charges be changed during the trial?

Yes, they can. If the legal classification of the charge needs to be changed, the court will inform the parties present at the trial. The description of the offence remains unchanged.

If this happens, you may apply to the court for the case to be adjourned to give you additional time to prepare a new line of defence.

The court may try any new charges at the same session only if you agree. Otherwise, the prosecutor has to file another indictment.

What happens if I plead guilty to some or all of the charges during the trial?

If the guilty plea is accepted by the court, it is possible to limit the evidence heard by the court.

Do I have to be present at the trial? Can it be held without me?

In principle you must be present at all the court sessions throughout the trial. However after you have made your explanatory statements, the court may decide whether your presence is still required.

If I live in another Member State, can I participate by video link?

Only witnesses and expert witnesses may give evidence by video link. It may not be used to hear suspects and the accused.

Will I have interpretation if I don't understand what's happening?

You have the right have the services of an interpreter free of charge and to receive translation of all records, decisions and judgments.

Must I have a lawyer? Will a lawyer be allocated to me? Can I change my lawyer?

It is not mandatory to have the assistance of a professional lawyer

However if you are a minor, deaf, mute, blind, there are reasonable doubts as to your sanity, the trial is being held before a regional court and you are charged with a felony or you are in custody – the participation of a lawyer is mandatory. You must also be assisted by a defence lawyer if the court deems it necessary because of circumstances hampering the defence.

If you don't choose a lawyer, one will be appointed for you. You may ask that a lawyer be appointed for you if you can show that you cannot afford to pay the costs of the defence without affecting your ability to support yourself and your family.

Some activities in the criminal proceedings require an appropriately qualified lawyer (advocate) e.g. filing an appeal against a regional court judgment or cassation (extraordinary appeal).

Can I speak at the trial? Must I speak at the trial?

You have the right to make statements and express your opinion about every piece of evidence taken in your presence about every piece of evidence against you. However you may refuse to make any statement and remain silent. You may not be forced to incriminate yourself.

What are the consequences if I don't tell the truth during the trial?

There are no negative consequences if you give false statements.

You may not however incriminate others groundlessly.

Can I challenge the evidence which is produced against me?

You have the right to present your own evidence and challenge the evidence against you.

What kind of evidence can I produce on my behalf?

Information about the alleged offence may be collected within the framework of the evidentiary proceedings.

The Code provides for e.g. hearing witnesses, statements given by the accused, expert witnesses, confrontation of persons heard, visual inspection of the crime scene or people or objects, autopsy, crime scene reconstruction or other experiment, interviewing members of the local community examination of the accused, detainee, seizure of objects, search of premises, interception and recording of calls, etc.

Under what conditions can I introduce such evidence?

You have to file a motion in writing or orally that the evidence should be allowed and this must be included in the record of the trial or session (e.g. a motion to obtain a statement from a witness concerning the fact that you were in another town at the moment the crime was committed).

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

Yes, but in principle any private documents produced solely for the sake of the criminal trial by a private detective may not be used as evidence in court.

Can I ask witnesses to speak for me?

Yes, but if they conceal any information or do not tell the truth, the witness may be charged with an offence.

Can I or my lawyer ask questions of the other witnesses in the case? Can I or my lawyer challenge what they say?

Yes, witnesses may be questioned fully. You may challenge the evidence given by others by means of any admissible evidence and statements.

Will information about my criminal record be taken into account?

Yes, previous sentences will be considered as well as the legal nature of any previous convictions, when deciding on a penalty. Information which is recorded in the [National Criminal Register](#) and which concerns a final and valid judgment will be considered.

Will previous convictions in another Member State be taken into account?

Yes, courts and prosecutors' offices may ask for excerpts from the criminal registers of other Member States. This information will also be used to ensure that you are not sentenced for the same offence twice.

What happens at the end of the trial?

The parties deliver their final speeches. You and your lawyer will also be able to address the court. The accused speaks last.

After hearing those speeches the court retires to decide on its judgment.

What are the possible outcomes of the trial?

The possible outcomes are:

- Acquittal;
- Discontinuance of the proceedings – when further proceedings are not allowed for a legal reason e.g. a time bar, death of the accused etc.;
- Conviction;
- Conditional discontinuance of the proceedings – if the crime is not serious, there are no doubts about who committed it and you have no relevant previous convictions, the court can suspend the case and put you on probation. If this happens to you, the case can be reopened if you do not observe the law and respect public order.

Possible penalties

- Fine – from 10 to 540 daily units which can be from 10-2.000 zlotys depending on your personal and financial status;
- Restriction of liberty – from 1 to 12 months. During that period you must work in the community free of charge. You can be required to work between 20 and 40 hours per month;
- Deprivation of liberty – from 1 month to 15 years of imprisonment;
- The penalty of 25 years' imprisonment;
- Life sentence.

In addition to the basic penalties, the court may impose other penal measures:

- It can decide to deprive you of civic rights, ban you from occupying a specific post, practising a specific profession or pursuing specific types of business activity;
- Ban you from having contact with minors (e.g. upbringing, treatment, education, or taking care of them);
- Require you to refrain from being in specified places, from contacting specified persons, from leaving a specific place of residence without the court's permission;
- Ban you from attending a mass public event;
- Ban you from entering Casinos etc. and from gambling;
- Ban you from driving vehicles;
- Order forfeiture;
- Order you to make good the damage that you caused or to pay compensation to the victim;
- Order you to make a supplementary payment;
- Pecuniary performance;
- Order that your sentence be made public.

What is the role of the victim during the trial?

In the Polish criminal proceedings the victim is called the injured person.

The victim may file a motion requesting damages from the accused and they may participate in the trial.

If the victim chooses to participate in the trial, s/he becomes a subsidiary prosecutor and acts alongside the prosecutor. S/he may, among other things, commence the proceedings by filing an indictment. S/he may also file an appeal.

reflected in the translations. The European Commission accepts no responsibility or liability whatsoever with regard to any information or data contained or referred to in this document. Please refer to the legal notice to see copyright rules for the Member State responsible for this page.

Member States in charge of the management of national content pages are in the process of updating some of the content on this website in the light of the withdrawal of the United Kingdom from the European Union. If the site contains content that does not yet reflect the withdrawal of the United Kingdom, it is unintentional and will be addressed.

Last update: 15/02/2012