

## Defendants (criminal proceedings)

### Slovenia

During the trial, the court will decide whether you are guilty of the criminal offence you are charged with. The trial ends with a judgement.

#### **Where will the trial be held?**

At first-instance level, [local courts](#) try minor criminal offences punishable by imprisonment of up to three years or a fine. They do this in a summary procedure. Other serious criminal offences are tried at first instance by [district courts](#) in an ordinary procedure. In local courts, issues such as guilt, and the type and level of punishment are decided by a single judge. In district courts, decisions are made by a court panel. The panel consists of one judge and two lay judges. The trial is open to the public. The court may order that the public be excluded. This may be necessary for the sake of confidentiality, public order and morals, the private or family lives of the parties in the procedure, or if a public trial could damage the interest of fairness.

Trials by video conference are not allowed.

#### **Can the charges be changed during the trial?**

The prosecutor may change the charges during the trial orally or in writing if evidence shows that the facts set out in the original charge have changed. If the changes are so great that you must prepare your defence, the court may postpone the trial.

If, during the trial, you commit a new criminal offence or if another criminal offence is detected, the prosecutor may extend the charges (orally or in writing) to include this new criminal offence. The court may adjourn the trial, or decide, after an interrogation, that this criminal offence will be tried separately.

No objection is permissible against changed or expanded charges.

#### **Can I plead guilty to criminal offences?**

When the prosecutor reads the charges, you can plead guilty to some or all of the offences. You can also do this in your defence and throughout the trial.

Even if your admission of guilt is very clear and complete, the court must take other evidence as well.

#### **What are my rights during the trial?**

If the trial is being held in the district court, you must attend the hearing. It can be held without you if you have already been heard, if your counsel is present, if your presence is not essential, and you have been correctly summoned.

In a summary procedure, the judge can conduct the hearing in your absence if your presence is not essential, if you have been correctly summoned, and if you have been heard before.

If these conditions are not met, you fail to appear at a hearing and do not excuse yourself to the court, you may be brought to court by force. If the court thinks you are avoiding hearings, it can order that you are detained in order to ensure your presence. You can be detained for a maximum of one month or until the judgment has been given.

You can use your own language at court hearings. The court interprets your statements into the official language of the court. A sworn court interpreter must interpret what other participants are saying into a language you understand, as well as translate all written documents. Regardless of the outcome of the criminal procedure, the interpreter's fees are paid for by the state.

Your counsel may be present at the hearing.

Before you are heard, the court must tell you about your rights.

#### **What are my rights in relation to evidence against me?**

The court must find the truth about an alleged crime. It can therefore decide to use other evidence that none of the parties has produced. The prosecutor must present evidence that you committed a crime. You can defend yourself and prove your innocence but you are not obliged to do so. You are entitled to comment on and ask questions about every item of evidence.

The court will take evidence you have presented if it is important for your defence. You must say why this is the case. You can also propose witnesses who will testify in your favour, and present any other evidence you think will justify your statements and contribute to your acquittal.

All evidence is admissible that has not been acquired by a violation of human rights as set out in the [Constitution](#) of the Republic of Slovenia; this means, among others things, that you can hire a private detective to collect evidence for you.

#### **Will information about my criminal record be taken into account?**

Information about any final convictions against you contained in your criminal record can influence the type and level of punishment; they are considered to be aggravating circumstances. Previous convictions in other Member States may also be taken into consideration. The court compares the criminal offences in terms of their similarity, whether they were committed with the same motives, and how much time has passed since a previous conviction or sentence. Whether you are granted conditional release also depends on whether you reoffend. Under certain conditions, the court can merge the sentence imposed in the past with the new sentence into a single sentence.

#### **What happens at the end of the trial?**

As a rule, the trial ends with the court immediately giving its judgement. The judgement can exceptionally be postponed for a maximum of three days. The court also decides on detention, which can be ordered, extended or lifted.

The court will convict you if it is convinced that you are guilty of the crime.

The court will acquit you if the offence you are charged with is not a criminal offence; if there are circumstances that exclude guilt or make it inappropriate to punish you; if it has not been proven that you have committed a criminal offence; or if the offence is of minor importance.

The court may also pass a judgement rejecting the charge; this happens if certain procedural obstacles exist, for instance because the prosecutor withdrew the charges, or you have already been convicted of the same offence, or because the prosecution against you has lapsed etc.

#### **What types of sentence can the court pass if I am convicted?**

If you are convicted, the court can pass a punishment of imprisonment or a fine. The court can also impose a fine or a disqualification from driving as a secondary sentence. In minor offences, the court can pass sanctions such as a suspended sentence, supervised suspended sentence and judicial admonition.

Imprisonment should not be shorter than 15 days and not longer than 30 years. For certain serious crimes against humanity and in case you have been convicted of two or more serious crimes, a punishment of life imprisonment can be imposed.

A financial fine is determined in daily amounts.

The duration of imprisonment and the number of daily fine amounts are determined within predefined ranges depending on the seriousness of the crime and your guilt. The level of the daily amounts depends on your income.

If you have committed a crime as a motor vehicle driver, the court can also prohibit you from driving a particular type or category of motor vehicle. This ban may last from six months to two years.

If a suspended sentence is passed, the court determines the punishment, but the punishment will not actually be imposed if you do not commit another criminal offence in the probationary period or if you fulfil the conditions set out in the judgement.

**What is the role of the victim during the trial?**

The injured person or victim of a criminal offence can be present throughout the trial on their own or with a lawyer. They can produce evidence, question all persons heard, and give remarks and clarifications regarding the evidence produced.

**Related links**

[List of courts](#)

[Criminal Procedure Act](#)

[Constitution of the Republic of Slovenia](#)

[Criminal Code-1](#)

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