

Defendants (criminal proceedings)

Slovenia

Can I appeal?

If you are not satisfied with the judgement, you can appeal against it. You must announce an appeal within eight days of the judgement being given, except where a sentence of imprisonment has been imposed. If you do not announce an appeal, you are deemed to have waived the right to it. Then, the court will within a maximum of 30 days to prepare a judgement with an explanation of the grounds, which must be personally served on you unless you have a counsel. You can appeal within 15 days of being served with the judgement. Your appeal must include a statement of grounds.

What happens if I appeal?

An appeal should be lodged at the court that issued the judgement. It will be dealt with by a higher court. An appeal lodged in time suspends enforcement of the judgement.

A judgement can be challenged due to:

a major violation of the provisions governing the criminal procedure;

a violation of criminal law;

a mistake in or an incomplete finding of the actual state of facts;

a decision on criminal sanctions, the confiscation of crime proceeds, the costs incurred in criminal procedure and property claims, and due to a decision on publishing the judgement in public media.

In an appeal, you must state the judgement you are appealing against; the reasons for challenging the judgement; a statement of grounds; the request to partly or fully reverse or change the judgement; and your signature.

If your appeal does not include all these elements, the court will ask you to add them.

You can state new facts and evidence in the appeal. However, you must also explain why you did not refer to them before.

What happens at the appeal hearing?

The court will dismiss appeals that are not lodged within the required time limit and are not permissible. The other party can respond to a permissible appeal within eight days. The appeal is then sent together with the file to a higher court, which will deal with it. Generally, the higher court will convene a session.

You will be invited to it.

In some cases, the higher court also conducts a trial at which it takes evidence. After the reporting judge presents his/her report, you can explain your appeal and present new facts and evidence. The prosecutor may withdraw or change the charges in your favour.

What can a court of second instance decide?

If it finds that the appeal is not justified, the higher court rejects the appeal with a judgement and confirms the first-instance judgement.

If an appeal is justified, the higher court grants the appeal by way of a ruling. It also reverses the judgement at the level of first instance and sends the case to the first-instance court for a new trial. When rehearing the case, the court of first instance uses the initial charge as the basis. You can present new facts and evidence at the new trial. An appeal is permissible against a new judgement.

In certain cases, the higher court can only change the judgement of a first-instance court by issuing a new judgement. You can appeal against this judgement to the Supreme Court of the Republic of Slovenia if the higher court passed or confirmed a jail sentence of 30 years or life imprisonment; if the higher court established different facts than the court of first instance; and if the higher court changed a judgement of acquittal into a judgement of conviction.

What happens when the second-instance court decides on the appeal?

A judgement becomes final when it can no longer be challenged with an appeal, or if no appeal is possible against it. At this point, the criminal procedure closes and the decision about the case becomes final.

A final judgement can only be challenged with extraordinary legal remedies, which are:

a reopening of the criminal procedure;

an extraordinary reduction of the punishment;

a request for the protection of legality.

Each extraordinary legal remedy is subject to different conditions regarding the persons entitled to lodge it; the grounds based on which it can be lodged; and the time limit within which it can be lodged.

If you feel that the final judgement violates the rights to which you are entitled under the Constitution, you can lodge a constitutional complaint with the Constitutional Court.

If it turns out within the appeal procedure that the first-instance court was wrong in its decision, you are entitled to compensation, provided all assumptions regarding liability for damages are fulfilled under general civil law.

You are entitled to compensation under a special compensation procedure if you were wrongfully convicted with a final judgement, and if you were deprived of liberty without justification through police custody or detention already in the first instance procedure.

Information about the conviction

When you are finally convicted of a criminal offence, the conviction will be noted in your [criminal record](#) kept by the Ministry of Justice. Your consent is not needed.

Under the previous [Criminal Code](#), access to criminal records is given to courts and criminal prosecution bodies, state bodies, legal entities and employers with a justified interest.

It is accessible to an individual person if he/she needs information from the criminal records for the sake of his/her own rights. The court can obtain information about your previous convictions any time during the trial. The current [Criminal Code-1](#) leaves the regulation of these issues to a sector-specific act, which has not yet been passed.

Will my conviction be deleted from the criminal record?

Statutory rehabilitation

When you are rehabilitated, the [Ministry of Justice](#) will, on its own motion, delete your conviction from the criminal record.

A conviction is deleted from the criminal record within a specific period after you have served your sentence. The condition is that you have not committed a new crime in this time. The deadlines for deleting a conviction depend on the level and type of sanction. Any penalty of imprisonment exceeding 15 years will not be deleted.

Judicial rehabilitation

The court that convicted you at first instance can decide, on your request, to delete the conviction from your criminal record. This can happen if one-half of the statutory period after which the conviction is deleted by law has passed and you have not committed another crime in this time. The court will also consider your personal circumstances and the nature of the crime committed.

A conviction can also be deleted through an [amnesty](#) or a [pardon](#).

I am from another Member State. Can I be sent back there after the trial?

If you are a national of another country, you can request the court to let you serve your sentence in your country. On the basis of an international treaty or reciprocity, the court asks your country to carry out your sentence. In specific circumstances even a criminal prosecution can be handed over to your country.

If I am convicted, can I be tried again for the same crime?

You cannot be convicted again for an offence for which criminal proceedings against you have been finally stopped, the charge has been finally dismissed, or you have been finally acquitted or convicted. This right is also safeguarded by the possibility to use extraordinary legal remedies. An extraordinary legal remedy cannot change a final judgement in a way that puts you in a worse position.

Related links

[Criminal Procedure Act](#)

[Criminal Code-1](#)

[Criminal Code](#)

[Amnesty Act](#)

[Pardon Act](#)

[Criminal records](#)

[Ministry of Justice](#)

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