

## Rights of defendants in criminal proceedings - Poland



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These factsheets explain what happens when a person is suspected of or accused of a crime which is dealt with by a trial in court. For information on minor offences like road traffic offences, which are usually dealt with by a fixed penalty like a fine, go to [Factsheet 5](#).

If you are the victim of a crime, you can find full information about your rights [here](#).

### Summary of the criminal process

The following is a summary of the regular stages in the criminal process

The criminal process in Poland is almost entirely governed by a single Act, namely the [Code of Criminal Procedure](#), 1997.

### Principles of the criminal process

**The principle of truth** – all findings/ decisions of the law enforcement authorities and courts must be based on verified facts.

**Directness, oral examination and openness to the public** – trials and hearings are oral and public, in principle, the court listens to and considers the evidence directly.

**Professionalism** – cases are decided by professional judges; lay judges also sit with the judge in some cases.

**Presumption of innocence** – a defendant is deemed innocent until proven guilty by the court in a final and valid judgement.

**Proof beyond reasonable doubt** – any doubts about the law or the facts which cannot be eliminated must be decided in favour of the accused.

**Right to a defence** – the accused has the right to a defence and to be assisted by a professional lawyer throughout the criminal process.

**Discretionary evaluation of evidence** – authorities conducting the proceedings deliver every decision on the basis of all evidential material collected and in reliance upon their lifetime professional experience, knowledge and rules of reasoning.

**Impartiality and independence** – courts are independent from the executive and judges are impartial (they are subjected only to the Constitution and Laws).

**Respect for the law** – any conduct which amounts to a prohibited act is subject to prosecution.

### Stages of the process

#### Pre-trial proceedings (investigation or inquiry)

This stage is supervised by a Prosecutor's Office, under the control of the Prosecutor General, who is independent. At this stage, basic information about the suspect and the offence which has allegedly been committed is collected. This stage ends either by stopping the proceedings or presentation of the indictment before the court.

#### Court proceedings

This stage is conducted by the independent court consisting of impartial judges on the basis of an indictment. The court hears evidence; delivers decisions and judgements; the court proceedings are conducted at two levels (instances).

#### Enforcement proceedings

Enforcement proceedings are conducted on the basis of the [Criminal Enforcement Code 1997](#).

Details about all of these stages in the process and about your rights can be found in the factsheets. This information is not a substitute for legal advice and is intended to be for guidance only.

## Role of the European Commission

Please note that the European Commission has no role in criminal proceedings in Member States and cannot assist you if you have a complaint. Information is provided in these factsheets about how to complain and to whom.

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

[1 – Getting legal advice](#)

[2 – My rights during the investigation of a crime](#)

- Analysis of the case
- Presentation of charges
- Preventative measures
- Gathering evidence
- Closing the pre-trial proceedings

[3 – My rights during the trial](#)

[4 – My rights after the trial](#)

[5 – Road traffic offences](#)

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