

# WHAT ARE YOUR RIGHTS IF YOU ARE SUSPECTED OF A CRIME?

## **Read this document carefully.**

If you do not understand something in it, feel free to ask the police. You can keep this document.

## **You have the right to remain silent!**

You decide what you tell the police. You can even choose not to say anything and not answer any questions from police officers. This does not mean that you admit to committing a crime.

## **Ask for a lawyer!**

The lawyer must protect your interests. You can tell the lawyer anything, and your lawyer cannot tell anyone else what you say.

If you do not have your own lawyer and want one, tell the police. The police will call a lawyer (known as “public defender”) for you.

## **Only sign something if you fully understand it and it says exactly what you said!**

Read the minutes of your police interview thoroughly or ask the police to read them to you. If there is something in the minutes that you did not say or said differently, then ask the police to correct it. Before signing the minutes, you can ask them to correct it as many times as necessary.

**If you do not speak Hungarian, ask for an interpreter**

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## ▶ You have the right to a lawyer



### You have the right to a lawyer

You have the right to have a **lawyer to help you in the procedure and to be present when the police question you**. A lawyer protects your interests and is not connected to the police. **You can tell the lawyer anything**, and they cannot tell that information to anyone else without your permission.

### If you do not have your own lawyer, you can ask for a public defender to be assigned to you

If you **do not have your own lawyer and want one, tell the police. They will call you a lawyer (known as “public defender”)**.

You do not choose the public defender. The public defender is randomly appointed by the Bar Association or the police. **If you are not satisfied with the public defender’s work**, you can ask for another one to be assigned to you.

In some cases, you must have a lawyer (for example, if you are detained). In these cases, if you do not have your own lawyer, the police will definitely ask for one to be assigned to you.

#### Who pays for the public defender?

**If you are convicted, you will have to pay** the fees and expenses of your public defender.

**If you are poor, you can ask the State to pay for the public defender.** To do this, ask the Legal Aid Service (“Jogi Segítségnyújtó Szolgálat”) within the Government Office (“Kormányhivatal”) for “cost reduction”. If you are detained, write a letter to the Government Office asking for the same.

### You can talk to your lawyer in private at any time

You have the right to speak with your lawyer in private before, during and after they question you. Police must wait at least an hour for your lawyer to arrive before the questioning begins. Once your lawyer arrives, **you can talk in private for at least an hour**.

If your lawyer has been notified and has not arrived in time, the police will question you without your lawyer. In this case, **you still have the right to remain silent**.

## ▶ Your most important rights at the questioning

### You have a right to know what you are suspected of

The police must tell you what crime they think that you have committed. If later during the investigation they suspect you of something else, they must tell you that as well. You can file a complaint against being suspected of a crime.

If you are later charged with a crime, you have the right to know what you are accused of.

### You have the right to defend yourself

You can tell the police what you think happened and how it happened. You can present documents and recordings that prove your innocence. You can suggest who should be questioned during the proceedings. Discuss these things first with your lawyer.

**You can also choose to remain silent;** that is, you can refuse to make a statement and to answer any questions.

### Only sign something if you fully understand it and it says exactly what you said!

Read the minutes of your police interview carefully or ask the police to read them to you. **If you find something in the minutes that you did not say, did not mean or you said it differently, then ask the police to correct it.** You can correct the minutes as many times as necessary before signing.

## You have the right to remain silent (to refuse to make a statement)

**You have the right to remain silent, that is, you can refuse to make a statement and to answer questions.**

However, you must tell the police your personal information (for example your name, mother's name, place of birth, date of birth and your address). You can still file a complaint about being suspected of a crime, even if you refused to make a statement.



### If you remain silent

If you remain silent, you cannot defend yourself that way. **This does not mean that you admit to committing the crime.** Even if you remain silent, you can defend yourself in other ways; for example, by providing documents or calling witnesses. The police will continue the investigation in any case.

#### **You can change your mind at any time**

You can choose to make a statement at any time. You can also choose to only answer some questions. You can submit evidence (for example documents, recordings) at any time.

### If you make a statement

If you make a statement, you can tell the police what you think happened and how it happened. **This does not mean that you confess to the crime you are suspected of committing.** What you say or hand over to the police can be used as evidence of your innocence, but it can also be used against you.

#### **You do not have to tell the truth**

You can say anything you want as a defence. You are not required to tell the truth. However, you cannot falsely accuse someone else. If you do, it is a crime.

#### **You can change your mind at any time**

You do not have to answer all the questions. You can change your mind at any time and choose to remain silent.

#### **You can ask for time to think or for a break at any time**

#### **You can choose to make a statement in writing only**

## ▶ Your additional rights

### You can ask questions and make suggestions at any time

The police must inform you of your rights and obligations in a way that you understand. **You can ask them at any time to:**

- inform you of your rights in a way that you understand; and
- **help** you exercise these rights.

You have the right to:

- ask the police questions, such as whether you can call a lawyer;
- make a suggestion, for example, to hear someone as a witness; and
- make an observation, for example, if something is wrongly described in the minutes.

You have a right to all this even if you do not make a statement.

### You can participate in some events of the investigation (such as inspections)

You must participate in some events of the investigation. You will receive a court order for these. There are some other events of the investigation you can attend if you want to. For example:

- the hearing of an expert;
- an inspection (viewing a person, object or place); and
- a re-enactment of the crime.

You have the right to **ask questions, to make observations and proposals** during these events.

If you or your lawyer ask for a witness to be questioned, your lawyer can be present at their questioning.

### You can request a recording

You can request that the police record the questioning (or another event of the investigation) **on video or audio.**

You must pay the cost of the recording at least 5 days before the event:

- the cost of video recording is HUF 5,000 for every commenced hour, but the minimum fee is HUF 10,000; and
- the cost of an audio recording is HUF 2,000 for each event.

### You can read the investigation documents

Even if you choose to remain silent, you can still ask to read the following documents after the police question you:

- minutes of the above events;
- the minutes of your own police interview; and
- the expert opinions.

**You can read the other files of the investigation**, but it is possible that you can only read them after the investigation is completed. This can happen if the police think that it would hinder the investigation if you read the documents.

### You can get a copy of the investigation documents

**The first printed copy is free**, but you must pay for additional printed copies. You can request the documents in a scanned form, or just take photos of them. Scanned copies and taking photos of the documents are free.

### You can appeal against decisions

You can submit a complaint or appeal against decisions that apply to you. The police must inform you how to do this and what the deadlines are.

### You can suggest a plea bargain

Before prosecution begins, you can suggest a deal (a “plea bargain”). You should discuss the details of any plea bargain with your lawyer first.



## ▶ **If your address changes**

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### **You must report your new address**

If you move, **you must report the new address to the police within 3 working days**. If you do not report this, you can be fined, and the courts can even issue an arrest warrant against you. You should give the police your telephone number and email address so that the authorities can contact you at any time.



## ▶ **If you are under 18 years old**

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### **You have the right to have your parents notified**

The police must notify your parents or legal representative, but you can be questioned even if they are not there.

### **You cannot be questioned without a lawyer present**

Your attorney must be present at the questioning. If you do not have your own lawyer, the police will request one for you. Your lawyer must be present at almost all events of the investigation.



## ▶ **If you are a foreigner**

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### **You can notify your embassy or consulate**

If you are a foreign national, you can ask the police to notify the person diplomatically representing your country in Hungary (usually the consul).

The consul can be present at your questioning (or other events of the investigation), but they cannot ask questions or make any comments or proposals. You can be questioned even if the consul is not present; in which case you can still choose to remain silent.



### **You can talk to the consul in private**

You can talk and exchange letters with your consul in private, without others hearing or reading this communication.

## ▶ **If you do not speak Hungarian**

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### **You have the right to an interpreter**

If you do not speak Hungarian well, **you can use your mother tongue or another language you know during the criminal procedure**. If you are not sure that you will understand everything well in Hungarian, ask for an interpreter. **You do not have to pay** for an assigned interpreter and for the translation of the most important documents.

Before the questioning starts, the police must make sure that you and the interpreter understand each other. The interpreter can also help when you speak with your lawyer. **The interpreter cannot tell anyone else what you say.**

**If you are not satisfied with the interpreter, you can request another one.**

### **You can make a statement in writing in your own language**

You have the right to make a written statement **in your mother tongue or in any other language** you know.

