What are your rights if you are suspected of a crime?

If you are suspected or accused of a crime, the situation can feel difficult and confusing. You have rights that help make sure the criminal proceedings are fair and that you can defend yourself. Some of your most important rights are protected by European Union rules that Hungary must follow. This short guide explains your main rights if you are suspected or accused of a crime.

You have the right to a lawyer

You have the right to have a lawyer to help you in the procedure. You have the right to speak with your lawyer in private before, during and after the police questions you. You can tell the lawyer anything, as they cannot tell that information to anyone else without your permission.

If you do not have your own lawyer and want a public defender, tell the police. If you are not satisfied with the work of your public defender, you may request a new one. Write in your request why you are not satisfied with the defender's work.

As a general rule, if you are convicted, you will have to pay the fees and expenses of your public defender. If you are unable to pay, you can request legal aid at the government office. If your request is accepted, you will not have to pay the public defender's fees.

You have the right to know what you are suspected of

The police must tell you what crime they think you committed. If they later think you committed a different crime, or change what they suspect you of, they must tell you about this too.

You have the right to defend yourself

You can tell the police what happened and explain your side of the story. You can say anything you think will help your defence. You do not have to tell the truth, but you must not falsely accuse another person of a crime. Doing so is against the law.

The police will make a written record of what you say during questioning. Read this record carefully. If something is wrong, or does not reflect what you meant, ask the police to correct it. Read the corrected version too and ask for more changes if needed. **Do not sign anything until you have read it carefully and are sure you understand it.**

You can give the police evidence that supports your defence. You can also ask them to collect evidence or speak to people who may have information about your case.

You have the right to remain silent

You may choose to refuse to make a statement. Even if you decide to speak to the police, you can choose not to answer certain questions. If you decide not to speak to the police, you can change your mind and make a statement later. **Staying silent does not mean you admit that you committed the crime.**

You have the right to ask questions, make observations (comments) and motions (requests)

The police must explain your rights and responsibilities in a way you can understand. If something is unclear, you can ask them to explain it. You can ask the police questions or request information at any time. You can also make comments (observations), for example, if you notice a mistake in the written record of your questioning. You can request the police to collect evidence or speak to witnesses who may have information about your case.

You have the right to participate in parts of the investigation

You can attend certain events during the investigation, even if the police do not ask you to come. You do not have to attend, but you can choose to. For example, you can attend when an expert is questioned. If you attend, you can make comments, share your observations about what happens.

You have the right to see the investigation documents

After the police have questioned you as a suspect, you can ask for copies of the documents in your case. Before the investigation is finished, the police may refuse to give you some documents if they think this could affect the investigation.

Your rights if you are under 18

If you are under 18, you must have a lawyer to help you during the criminal proceedings. If you do not have your own lawyer, one will be appointed for you: a public defender.

The police cannot question you unless your lawyer is present. The police must tell your parents or legal guardian about the proceedings. However, they can question your even if your parents or legal guardian are not there.

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The rights of foreign national suspect

If you are not a Hungarian citizen, you can ask the police to contact your country's the consul.

Your consul can attend your police questioning and other parts of the investigation. However, the investigation can continue even if your consul is not there.

You can speak to your consul and exchange letters in private. The police cannot listen to your conversations or read your letters.

If you do not speak Hungarian well, you have the right to use your own language or another language you understand.

- You do not have to pay for an interpreter provided for you.
- You can get translations of the most important documents for free.
- An interpreter can also help you communicate with your lawyer.
- The interpreter must keep what you say confidential.
- If you are unhappy with your interpreter, you can ask for a different one.

Your rights if you are held in police custody or pre-trial detention

If the authorities have asked the court to order your pre-trial detention, the police can hold you in custody for up to **72 hours** before the court decides.

The court may order your pre-trial detention if it believes there is a risk that you might:

- Run away or go into hiding.
- Destroy evidence.
- Put pressure on witnesses or try to influence what they say.
- Commit another crime.

Your rights while in police custody or pre-trial detention

- **You have the right to a lawyer.** You must have a lawyer to help you. If you do not have your own lawyer, the police will arrange one for you. This is called an appointed lawyer or public defender. Your lawyer must protect your rights and interests. You can speak openly with your lawyer. **What you tell your lawyer is confidential.** They cannot share it with anyone else.
- **You have the right to tell someone you are in custody.** You can ask the police to tell an adult of your choice that you are in custody. This could be a family member or a friend. If the police think contacting that person could interfere with the investigation, you can choose another person instead.
- **You have the right to ask for your release** If the court orders your pre-trial detention, it must regularly review whether you still need to be held in custody. The court can extend your detention for two or three months at a time. You or your lawyer can ask the court to release you:
  - At any time if there is new evidence or something important has changed in your case.
  - If at least three months have passed since your last request for a review.
- **You have the right to keep in touch with other people.** While you are in police custody or pre-trial detention, you can usually keep in touch with your family. However, the prosecutor may stop you from contacting certain family members if this could affect the investigation. For example, this may happen if there is reason to believe a family member was involved in the crime. You can also contact other people if the prosecutor gives permission. During the first 72 hours of your pre-trial detention, you can receive a visitor. They can bring you a package containing only:
  - Toiletries, clothes, medicines, medical aids.
- **You have the right to proper care and basic living conditions.** While you are in police custody or pre-trial detention, you must be treated properly and have access to basic care.

  This includes:
  - Clean and healthy living conditions.
  - Medical examinations and healthcare.
  - The chance to shower.
  - Time outdoors in the fresh air.

You can wear your own clothes. If you do not have suitable clothes, clothes must be provided for you.

You can find more detailed information in our easy-to-understand leaflets here:

What are your rights if you are suspected of a crime?

What are your rights if you are detained?