

***In absentia* proceedings in Hungary**

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JUDGE, NATIONAL OFFICE FOR THE JUDICIARY



Legal background

- **Act XC of 2017 on Criminal Proceedings**

 - entered into force on 1st July 2018

- **paradigm shift**

obligation to be present at the trial → right to be present at the trial



The types of in absentia proceedings

A) the defendant waives his right to attend the hearing

- the defendant has a legal counsellor, and
- entrusts the legal counsellor with the function of agent for service of project

B) the defendant is at an unknown location

- the defendant fled or hid during the process
- the means taken in order to locate the residence of the absent defendant have had no success within a reasonable time
- the severity of the crime justifies it

C) the defendant's place of residence is known but it is in abroad



Defence by a legal counsellor

- **always obligatory**
- the legal counsellor can be mandated or appointed
- legal counsellor may act independently
- has the right to appeal or to ask for a remedy independently



Remedies

➤ **appeal or ask for retrial**

appeal	retrial
full or limited limited appeal is against only - the punishment, - the disposition on the auxiliary issues, or - the justification of the verdict	full
15 days	30 days



Thank you for your paying attention

