

## Customer Information

### On submissions related to criminal offences

#### e-Papír included in information

Case group: Criminal procedure concerning criminal offences

Identifier	Title of form
100016	Bűncselekményekkel kapcsolatos beadványok (feljelentés, indítvány, panasz, bejelentés, beadvány)
100016	Submissions related to criminal offences (criminal complaint, motion, complaint, announcement, submission)

**This information is effective as of 1 August, 2018.**

#### Relevant legislation

- Act XC of 2017 on Criminal Proceedings (hereinafter referred to as “CP”)
- Government Decree No. 100/2018 on the detailed rules of investigation and preparatory proceedings

#### Brief description of the case

**A criminal complaint** is any statement communicated to an authority entitled to initiate or conduct a prosecution, which contains facts or data implying the suspicion of a crime committed by a specific person or by a person unknown.

Anyone can file a complaint regarding a crime.

Criminal complaints have to be registered immediately. In the case of a complaint made in person, we shall notify the complainant of this fact verbally or by handing over a copy of the report; in the case of a complaint made in writing (by means of an e-Papír) by sending notification to the official address for service. Investigating authorities not having the powers and competence for the procedure are obliged to receive the incident report and forward it to the relevant authority.

If, based on the criminal complaint, no satisfactory decision can be made about the initiation of an investigation or the dismissal of the complaint, the complaint may be completed. In the course of completing the complaint, the authority in charge of the completion may conduct activities to gather further information, may hear the complainant and record its observations taken in the course of completing the criminal complaint in a document. **The deadline for completing the criminal complaint is one month.**

The criminal complaint **shall be dismissed in a decision within 3 days (CP, Article 381)**, if the following can be established from the complaint itself:

- a) the act does not constitute a criminal offence,
- b) no suspicion of criminal offence exists,
- c) grounds for the preclusion of punishability of the offender or the act reported exist,

- d) no proceeding may be instituted due to death, statutory limitation or pardon,
- e) the act has already been adjudicated by a final decision,
- f) lack of a private motion or criminal complaint or provision of the Prosecutor General specified in Article 4, Paragraph 3 or Article 4, Paragraph 9 of the Criminal Code.
- g) the offence reported does not warrant prosecution
- h) the Hungarian authority does not have the jurisdiction to adjudicate the action.

**The decision on ordering an investigation has to be made within 3 days following receipt of the criminal complaint**, unless the complaint is dismissed or needs to be completed. The investigating authority shall notify the prosecutor of the fact that an investigation has been ordered or the complaint has been dismissed within twenty-four hours. If the criminal complaint was not filed by the victim, but the victim's identity is known, the latter shall also be informed of the order for the investigation.

**Complaints** concerning the decision communicated can be filed by the defendant, the defence lawyer, the victim, financially interested parties and otherwise interested parties within 8 days of communicating the decision, unless otherwise provided by the CP. If no complaint can be made, that fact shall be communicated by the proceeding authority in the decision and also when verbally communicating the decision. The suspect and the defence lawyer can file a complaint against the accusation and against changes in the accusation when they have been communicated. If the defence lawyer was not present when the accusation or the change in the accusation was communicated, the deadline for filing the complaint is 8 days from the communication.

Complaints are to be filed at the authority making the provision that is deemed detrimental. The authority making the decision shall examine the complaint within 8 days, and as a result, if they find it well founded, they shall annul or change the decision. If they do not find it well founded, they shall forward it to the prosecutor's office ruling on the complaint to be handled within 8 days. No further appeal can be made against the decision ruling on the complaint.

**Motions, comments and questions** may be submitted to the investigating authority by the suspect after the accusation.

The victim and financially or otherwise interested parties may submit motions, comments or questions in the course of the investigation with respect to issues that affect them.

The victim has the right to be informed of the following with respect to a crime that affects them upon their request:

- a) the release or escape of the defendant from pre-trial detention,
- b) the release on parole or final discharge or escape of a person sentenced to a term of imprisonment or the interruption of the execution of the term of imprisonment,
- c) the release or escape of a person sentenced to custodial arrest as well as the interruption of the execution of custodial arrest,
- d) the release or escape of a person under temporary involuntary medical treatment,
- e) the release, leave without permission or adaptation leave of a person under involuntary medical treatment,
- f) in the case of education for young offenders, the temporary or permanent release of the young offender, their leaving the institution without permission or the interruption of their education.

**Certifications of the rights of audience held by defence lawyers that have been registered in the deposition register (rendelkezési nyilvántartás)** or changes thereof may be announced to the investigating authorities by use of the present e-Papír. The certification of the rights of audience shall become effective when the receipt of the announcement has been confirmed.