



DIE ÖSTERREICHISCHEN
RECHTSANWÄLTE

Information provided by
the Austrian Federal Ministry of Justice:

On-Call Legal Service („Defence Hotline“)

Every person accused in criminal proceedings has the right to choose a defence counsel (Section 58 of the Austrian Code of Criminal Procedure, *Strafprozessordnung, StPO*).

You have been arrested or brought forward for immediate questioning as an accused person in criminal proceedings or based on a European Arrest Warrant or extradition request. Before you will be questioned, you must be given the opportunity to inform, consult with and call in a defence counsel whom you grant a power of attorney for your representation, unless you expressly waive this right. For this purpose, the Austrian Bar Association operates an on-call service (“Defence Hotline”) based on an agreement with the Federal Ministry of Justice. Unless you call in a defence counsel of choice, you may contact a “defence counsel on call” via the on-call service. This on-call service is available to you under the following conditions:

The on-call service comprises a telephone consultation with a lawyer, if requested by the accused also a personal consultation with a lawyer, and – if required – legal assistance during a hearing (Sections 164 or 174 para. 1 *StPO*) as well as any other actions reasonably required for an appropriate defence (e.g. filing an application for being assigned a legal aid lawyer by the court, etc.). The Austrian Bar Association provides an on-call legal service number (“hotline”) for this purpose, which is available daily from 0.00 to 24.00 hours. On this hotline, you will immediately reach a lawyer who is entitled to represent clients in criminal proceedings.

If you grant a power of attorney to a lawyer provided by the on-call legal service, this power of attorney is considered as cancelled as soon as you are released from detention, or pre-trial detention/custody pending extradition or surrender is imposed on you. However, you are free to extend this power of attorney for the defence counsel beyond this point.

The first telephone consultation with a defence counsel is free of charge!

During this first consultation, you will also be informed specifically about the type, scope and possible costs of the services available within the framework of the on-call legal service.

In any event, representation by a defence counsel from the on-call service during a police interview is free of charge if you

- are blind, deaf, mute or otherwise comparably disabled or suffer from a mental disorder or

comparable impairment (Section 61 para. 2 no. 2 *StPO*) or if you are a juvenile (14–17 years)¹
and

- cannot afford a defence counsel of choice.

In this case, you can request a defence counsel to be assigned to you from the on-call service.² If you are a juvenile, you cannot waive your right to assistance by a defence counsel on call. Please note, however, that a false claim that you cannot afford a defence counsel of choice will result in an obligation to pay back the fee!

Hotline: 0800 376 386

¹ In Austria, a juvenile is a person who has reached the age of 14 but not 18 years yet. The 14th year of life is not completed until the 14th birthday. Therefore, you stay a juvenile from 0 hours on the day following the 14th birthday until 24 hours on the day of the 18th birthday.

² In any case, representation by a defence counsel on call is free of charge during questioning on the conditions for pre-trial detention or custody pending extradition or surrender if you cannot afford a defence counsel of choice. If you are a juvenile, this also applies if the obligation to pay the costs of defence would make your progress more difficult, or if the requirements of Section 61 para. 2, first sentence, *StPO* are met.