This section of the file corresponds to Book 3 (Evidence), Title 1 (General Provisions) of the Portuguese Criminal Procedure Code.

Article 124 - Subject of evidence

1 - All facts that are legally relevant to the existence or non-existence of the crime, the punishability or non-punishability of the defendant and the determination of the applicable penalty or security measure are subject to evidence.

2 - If a civil claim is filed, facts that are relevant to the determination of civil liability are also subject to evidence.

Article 125 - Legality of evidence

Evidence that is not prohibited by law is admissible.

Article 126 - Prohibited methods of evidence

1 - Evidence obtained through torture, coercion or, in general, offence against the physical or moral integrity of persons is void and may not be used. 2 - Evidence obtained, even with their consent, through:

a) Disturbance of freedom of will or decision through mistreatment, bodily harm, administration of means of any nature, hypnosis or use of cruel or deceptive means, is offensive to the physical or moral integrity of individuals;

b) Disturbance, by any means, of the capacity for memory or assessment;

c) Use of force, outside the cases and limits permitted by law;

d) Threat of a legally inadmissible measure and, likewise, denial or conditioning of the obtaining of a legally provided benefit;

e) Promise of a legally inadmissible advantage.

3 - Except in the cases provided for by law, evidence obtained through interference in the privacy of the individual, home, correspondence or telecommunications without the consent of the respective holder is also null and void and may not be used. 4 - If the use of the methods of obtaining evidence provided for in this article constitutes a crime, such evidence may be used for the sole purpose of prosecuting the perpetrators thereof.

Article 127 - Free assessment of evidence

Unless the law provides otherwise, evidence shall be assessed according to the rules of experience and the free conviction of the competent entity.

This section of the file corresponds to Book 3 (Evidence), Title 2 (Means of evidence) of the Portuguese Criminal Procedure Code.

Chapter I - Testimonial evidence

Article 128 - Purpose and limits of testimony

1 - The witness shall be questioned about facts of which he has direct knowledge and which constitute the subject of evidence. 2 - Unless the law provides otherwise, before the court determines the applicable penalty or security measure, the inquiry into facts relating to the personality and character of the defendant, as well as his personal circumstances and previous conduct, is only permitted to the extent strictly necessary to prove the elements constituting the crime, in particular the guilt of the perpetrator, or to apply a coercive measure or financial guarantee.

Article 129 - Indirect testimony

1 - If the testimony results from what was heard from specific persons, the judge may call them to testify. If he does not do so, the testimony produced cannot, in that part, serve as evidence, unless the inquiry of the persons indicated is not possible due to death, supervening mental anomaly or the impossibility of finding them.

2 - The provisions of the previous paragraph apply to the case in which the testimony results from the reading of a document written by a person other than the witness. 3 - The testimony of anyone who refuses or is unable to indicate the person or source through which they learned of the facts may not, under any circumstances, serve as evidence.

Article 130 - Public voices and personal convictions

1 - The testimony of anyone who refuses or is unable to indicate the person or source through which they learned of the facts shall not be admissible as evidence.ment the reproduction of public voices or rumors.

2 - The expression of mere personal convictions about facts or their interpretation is only admissible in the following cases and to the strict extent indicated therein:

a) When it is impossible to separate it from the testimony about specific facts;

b) When it takes place as a result of any science, technique or art;

c) When it occurs at the sanction determination stage.

Article 131 - Capacity and duty to testify

1 - Any person has the capacity to be a witness as long as they have the mental capacity to testify about the facts that constitute the subject of the evidence and can only refuse in the cases provided for by law.

2 - The judicial authority checks the physical or mental fitness of any person to give testimony, when this is necessary to assess their credibility and can be done without delaying the normal course of the process.

3 - In the case of testimony from a minor under 18 years of age in crimes against the freedom and sexual self-determination of minors, an examination may be carried out on the personality.

4 - The questions referred to in the previous paragraphs, ordered prior to the deposition, do not prevent it from taking place.

Article 132 - Rights and duties of the witness

1 - Unless the law provides otherwise, the witness is responsible for:

a) Present yourself, at the appropriate time and place, to the authority by whom you have been legitimately summoned or notified, remaining at their disposal until released by them;

b) Take an oath, when heard by a judicial authority;

c) Obey the instructions that are legitimately given to you regarding how to give a statement;

d) Answer truthfully the questions addressed to you.

2 - A witness is not obliged to answer questions when he or she claims that the answers result in criminal liability.

3 - For the purpose of being notified, the witness may indicate their residence, place of work or another address of their choice.

4 - Whenever the witness must give a statement, even during an act closed to the public, he may be accompanied by a lawyer, who will inform him, when he deems it necessary, of his rights, without intervening in the inquiry.

5 - Under the terms of the previous paragraph, a lawyer who is a defender of the accused in the case cannot accompany a witness.

Article 133 - Impediments

1 - The following are prevented from testifying as witnesses:

a) The defendant and co-accused in the same case or in related cases, as long as they maintain that status;

b) People who have become assistants, from the moment of constitution;

c) Civil parties;

d) Experts, in relation to the expertise they have carried out;

e) The representative of the legal person or similar entity in the case in which it is accused.

2 - In the event of separation of cases, defendants of the same crime or a related crime, even if already convicted by a final sentence, may only testify as witnesses if they expressly consent to this.

Article 134 - Refusal to testify

1 - The following may refuse to testify as witnesses:

a) Descendants, ascendants, siblings, relatives up to the 2nd degree, adopters, adoptees and the defendant's spouse;

b) Whoever was the defendant's spouse or whoever, being of another sex or of the same sex, lives with him or has lived under conditions similar to those of spouses, in relation to facts that occurred during the marriage or cohabitation;

c) The member of the body of the legal person or entityand equivalent person who is not their representative in the case in which they are accused.

2 - The entity competent to receive the statement warns, under penalty of nullity, the people referred to in the previous paragraph of their right to refuse to give the statement.

Article 135 - Professional secret

1 - Ministers of religion or religious denomination and lawyers, doctors, journalists, members of credit institutions and other people who the law allows or requires to keep secrecy may excuse themselves from testifying about the facts covered by it.

2 - If there are well-founded doubts about the legitimacy of the excuse, the judicial authority before which the incident arose will carry out the necessary investigations. If, after these, he concludes that the excuse is illegitimate, he orders, or requests the court to order, the provision of the statement.

3 - The court superior to the one where the incident was raised, or, if the incident was raised before the supreme court of justice, the full criminal sections, may decide to give testimony in breach of professional secrecy whenever this is justified, according to the principle of the prevalence of preponderant interests, particularly taking into account the indispensability of testimony for discovering the truth, the seriousness of the crime and the need to protect legal assets. The intervention is initiated by the judge, ex officio or upon request.

4 - In the cases provided for in paragraphs 2 and 3, the decision of the judicial authority or court is taken after hearing the representative body of the profession related to the professional secrecy in question, under the terms and with the effects provided for in the legislation governing that body. is applicable.

5 - The provisions of paragraphs 3 and 4 do not apply to religious secrecy.

Article 136 - Employee secrets

1 - Officials may not be questioned about facts that constitute a secret and of which they became aware in the exercise of their duties.

2 - The provisions of paragraphs 2 and 3 of the previous article are correspondingly applicable.

Article 137 - State secret

1 - Witnesses cannot be questioned about facts that constitute state secrets.

2 - The state secret referred to in this article covers, in particular, facts whose disclosure, even if it does not constitute a crime, could cause damage to the security, internal or external, of the Portuguese state or the defense of the constitutional order.

3 - The invocation of state secrets by a witness is regulated in accordance with the law that approves the state secret regime and the framework law for the information system of the Portuguese Republic.

Article 138 - Rules of inquiry

1 - The statement is a personal act that cannot, under any circumstances, be made through an attorney.

2 - Witnesses should not be asked suggestive or impertinent questions, nor any other questions that could harm the spontaneity and sincerity of their responses.

3 - The inquiry must focus, firstly, on the elements necessary to identify the witness, on their kinship and interest relationships with the accused, the offended party, the assistant, the civil parties and with other witnesses, as well as on any circumstances relevant to assessing the credibility of the testimony. Next, if you are required to take an oath, you must take it, after which you testify under the terms and within the legal limits.

4 - When convenient, witnesses may be shown any parts of the case, documents relating to it, instruments with which the crime was committed or any other seized objects.

5 - If the witness presents any object or document that could serve as evidence, mention is made of its presentation and added to the page.process or store properly.

Article 139 - Immunities, prerogatives and special protection measures

1 - All immunities and prerogatives established by law regarding the duty to testify and the manner and place of giving statements apply in criminal proceedings.

2 - The protection of witnesses and other participants in the process against forms of threat, pressure or intimidation, particularly in cases of terrorism, violent or highly organized crime, is regulated by special law.

3 - The possibility of carrying out the legally admissible contradiction in the case is ensured.

Chapter II - Statements by the accused, the assistant and the civil parties

Article 140 - Statements by the accused: general rules

1 - Whenever the accused makes a statement, and even if he is detained or imprisoned, he must be free in his person, unless precautions are necessary to prevent the danger of escape or acts of violence.

2 - The provisions of articles 128 and 138 are correspondingly applicable to the defendant's statements, except when the law provides otherwise.

3 - The defendant does not take an oath under any circumstances.

Article 141 - First judicial interrogation of detained defendant

1 - The detained defendant who should not be immediately tried is questioned by the investigating judge, within a maximum period of forty-eight hours after the arrest, as soon as he is present with a detailed indication of the reasons for the detention and the evidence that supports it. .

2 - The interrogation is carried out exclusively by the judge, with the assistance of the public prosecutor and the defender and with the court official present. The presence of any other person is not permitted, unless, for security reasons, the detainee must be kept in plain sight.

3 - The defendant is asked for his name, affiliation, parish and municipality of birth, date of birth, marital status, profession, residence, place of work, and is required, if necessary, to show an official identification document. You must be warned that failure to answer these questions or false answers may result in criminal liability.

4 - The judge then informs the defendant:

a) The rights referred to in paragraph 1 of article 61, explaining them if necessary;

b) That if you do not exercise the right to silence, the statements you make may be used in the process, even if you are judged in your absence, or if you do not make statements at a trial hearing, being subject to the free assessment of the evidence;

c) The reasons for the detention;

d) The facts that are specifically imputed to him, including, whenever known, the circumstances of time, place and manner; It is

e) Of the elements of the process that indicate the alleged facts, whenever their communication does not jeopardize the investigation, does not hinder the discovery of the truth or create danger to the life, physical or mental integrity or freedom of the procedural participants or the victims of crime;

All information, with the exception of that provided for in paragraph a), will be included in the interrogation report.

5 - By making statements, the accused may confess or deny the facts or their participation in them and indicate the causes that may exclude illegality or guilt, as well as any circumstances that may be relevant for determining their responsibility or the measure

of the sanction.

6 - During the interrogation, the public prosecutor and the defender, without prejudice to the right to argue nullities, refrain from any interference, and the judge may allow them to raise requests for clarification of the answers given by the accused. At the end of the interrogation, they may ask the judge to formulateAsk the questions you deem relevant to discovering the truth. The judge decides, by non-appealable order, whether the request must be made in the presence of the defendant and the relevance of the questions.

7 - The interrogation of the accused is carried out, as a rule, through audio or audiovisual recording, and only other means may be used, namely stenographic or stenographic, or any other suitable technical means to ensure full reproduction of those, or documentation through auto , when those means are not available, which must be stated in the record.

8 - When there is an audio or audiovisual recording, the beginning and end of the recording of each statement must be recorded in the record.

9 - The provisions of article 101 are correspondingly applicable

Article 142 - Competent investigating judge

1 - If there is a well-founded fear that the maximum period referred to in paragraph 1 of the previous article is not sufficient to present the detainee to the investigating judge competent for the case, or if it is not possible to present him safely within that period, the first Judicial interrogation is carried out by the investigating judge competent in the area in which the detention took place.

2 - If the interrogation, carried out in accordance with the final part of the previous paragraph, results in the need for coercive or property guarantee measures, these will be immediately applied.

Article 143 - First non-judicial interrogation of detained defendant

1 - The detained defendant who is not questioned by the investigating judge immediately following his arrest is presented to the public prosecutor responsible for the area in which the arrest took place, which may hear him summarily.

2 - The interrogation complies, where applicable, with the provisions relating to the first judicial interrogation of a detained defendant.

3 - After the summary interrogation, the public prosecutor, if he does not release the detainee, will arrange for him to be presented to the investigating judge in accordance with articles 141 and 142.

4 - In cases of terrorism, violent or highly organized crime, the public prosecutor may order that the detainee not communicate with anyone, except the defender, before the first judicial interrogation.

Article 144 - Other interrogations

1 - The subsequent interrogations of a detained defendant and the interrogations of a released defendant are carried out during the investigation by the public prosecutor and during the investigation and trial by the respective judge, complying, in everything applicable, with the provisions of this chapter.

2 - In the investigation, the interrogations referred to in the previous paragraph may be carried out by a criminal police body to which the public prosecutor has delegated their carrying out, complying, in all that is applicable, with the provisions of this chapter, except as regards the provisions of paragraphs b) and e) of paragraph 4 of article 141.

3 - Interrogations of arrested defendants are always carried out with the assistance of the defender.

4 - The entity that interrogates a released defendant informs him in advance that he has the right to be assisted by a lawyer.

Article 145 - Declarations and notifications from the assistant and civil parties

1 - Declarations may be made to the assistant and the civil parties at their or the defendant's request or whenever the judicial authority deems it appropriate.

2 - The assistant and civil parties are subject to the duty of truth and criminal liability for its violation.

3 - The provision of statements by the assistant and the civil parties is subject to the regime for the provision of testimonial evidence, except where it is manifestly inapplicable and where the law provides differently.

4 - The provision of statements by the assistant and the civil parties is not precededthat of oath.

5 - For the purposes of being notified by simple post, in accordance with paragraph c) of paragraph 1 of article 113, the complainant with the option of becoming an assistant, the assistant and the civil parties indicate their residence , the place of work or another address of your choice.

6 - The indication of a place for notification purposes, under the terms of the previous number, is accompanied by the warning that subsequent notifications will be made to the address indicated in the previous number, unless otherwise communicated, through a request delivered or sent via registered postcard to the secretariat where the files are being processed at that time.

Chapter III - Test by comparison

Article 146 - Assumptions and procedure

1 - A confrontation is admissible between co-accused, between the accused and the assistant, between witnesses or between witnesses, the accused and the assistant whenever there is a contradiction between their statements and the diligence

appears useful in discovering the truth.

2 - The provisions of the previous paragraph are correspondingly applicable to civil parties.

3 - The confrontation takes place ex officio or upon request.

4 - The entity that presides over the investigation, after reproducing the statements, asks the people concerned to confirm or modify them and, when necessary, to contest those of other people, then asking them the questions it deems appropriate to clarify the truth .

Chapter IV - Proof by recognition

Article 147 - Recognition of persons

1 - When there is a need to recognize any person, the person who needs to be identified is asked to describe them, indicating all the details they remember. He is then asked if he had seen her before and under what conditions. Finally, she is asked about other circumstances that could influence the credibility of the identification.

2 - If the identification is not complete, the person responsible for carrying out the identification is removed and at least two people are called who present the greatest possible similarities, including in terms of clothing, with the person to be identified. The latter is placed next to them and, if possible, should be presented in the same conditions in which it could have been seen by the person carrying out the recognition. The person is then called and asked if they recognize any of those present and, if so, which one.

3 - If there is reason to believe that the person called to make the identification may be intimidated or disturbed by the recognition and this does not take place at a hearing, the same must be carried out, if possible, without that person being seen by the person being identified. .

4 - The people who intervene in the recognition process provided for in paragraph 2 are, if they consent, photographed, with the photographs attached to the record.

5 - Recognition by photography, film or recording carried out within the scope of a criminal investigation can only be valid as evidence when it is followed by recognition carried out in accordance with paragraph 2.

6 - Photographs, films or recordings that refer only to people who have not been recognized may be added to the file, with their respective consent.

7 - Recognition that does not comply with the provisions of this article has no value as evidence, regardless of the stage of the process in which it occurs.

Article 148 - Object recognition

1 - When there is a need to proceed with the recognition of any object related to the crime, proceed in accordance with the provisions of paragraph 1 of the previous article, in all that is correspondingly applicable.

2 - If the recognition leaves doubts, the object to be recognized is placed together with at least two similar ones and the person is asked if they recognize any of them.re them and, if so, which one.

3 - The provisions of paragraph 7 of the previous article are correspondingly applicable.

Article 149 - Plurality of recognition

1 - When there is a need to recognize the same person or the same object by more than one person, each person does so separately, preventing communication between them.

2 - When there is a need for the same person to recognize several people or several objects, recognition is carried out separately for each person or each object.

3 - The provisions of articles 147 and 148 are correspondingly applicable

Chapter V - Reconstitution of the fact

Article 150 - Assumptions and procedure

1 - When there is a need to determine whether an event could have occurred in a certain way, its reconstruction is admissible. This consists of reproducing, as faithfully as possible, the conditions under which the event is stated or supposed to have occurred and the repetition of the manner in which it occurred.

2 - The order ordering the reconstruction of the fact must contain a succinct indication of its purpose, the day, time and place in which the measures will take place and the manner in which they will be carried out, possibly using audiovisual means. In the same order, an expert may be appointed to carry out certain operations.

3 - Publicity of the diligence should, as far as possible, be avoided.

Chapter VI - Expert evidence

Article 151 - When does it take place

Expert evidence takes place when the perception or assessment of facts requires special technical, scientific or artistic knowledge.

Article 152 - Who carries it out

1 - The expertise is carried out in an appropriate establishment, laboratory or official service or, when this is not possible or convenient, by an expert appointed from among people on lists of experts existing in each district, or, in the absence or impossibility of

a response in useful time, by a person of honor and recognized competence in the matter in question.

2 - When the expertise proves to be particularly complex or requires knowledge of different subjects, it may be granted to several experts working on a collegial or interdisciplinary basis.

Article 153 - Performance of the role of expert

1 - The expert is obliged to perform the function for which he has been competently appointed, without prejudice to the provisions of article 47 and the following number.

2 - The appointed expert may request an excuse based on the lack of indispensable conditions for carrying out the examination and may be refused, for the same reasons, by the public prosecutor, the accused, the assistant or the civil parties, without prejudice, however, to the carrying out of the investigation. expertise if it is urgent or there is danger in delay.

3 - The expert may be replaced by the judicial authority that appointed him when he fails to present the report within the set deadline or when he negligently performs the task assigned to him. The decision to replace the expert cannot be appealed.

4 - Once the replacement has been carried out, the person being replaced is notified to appear before the competent judicial authority and explain the reasons why he did not fulfill the task. If the judge considers that there is a gross violation of the duties incumbent upon the person being replaced, the judge, ex officio or upon request, orders him to pay a sum between one and six ucs.

Article 154 - Order ordering the expertise

1 - The expertise is ordered, ex officio or upon request, by order of the judicial authority, containing the indication of the object of the expertise and the questions to which the experts must answer, as well as the indication of the institution, laboratory or the name of the experts who will perform the expertise.

2 - The judicial authority must transmit to the institution, laboratory or experts, depending on the case, allthe information relevant to carrying out the expertise, as well as its subsequent updating, whenever possible procedural changes modify the relevance of the request or the object of the expertise, applying in the latter case the provisions of the previous paragraph regarding the formulation of questions.

3 - When it involves an examination of the physical or mental characteristics of a person who has not provided consent, the order provided for in the previous paragraph is the responsibility of the judge, who considers the need for it to be carried out, taking into account the right to personal integrity and reservation of the privacy of the target.

4 - The order is notified to the public prosecutor, when he is not its author, to the accused, the assistant and the civil parties, at least three days before the date indicated for the examination to be carried out.

5 - The following cases are subject to the provisions of the previous paragraph:

a) In which the expert opinion takes place during the investigation and the judicial authority ordering it has reasons to believe that knowledge of it or its results, by the accused, the assistant or the civil parties, could harm the purposes of the investigation;

b) Urgency or danger in delay.

Article 155 - Technical consultants

1 - Once the expert examination has been ordered, the public prosecutor's office, the defendant, the assistant and the civil parties may designate a technical consultant they trust to attend the examination, if this is still possible.

2 - The technical consultant may propose the carrying out of certain measures and formulate observations and objections, which will be included in the report.

3 - If the technical consultant is appointed after carrying out the examination, he may, except in the case provided for in subparagraph a) of paragraph 5 of the previous article, take note of the report.

4 - The appointment of a technical consultant and the performance of his/her role cannot delay the carrying out of the expertise and the normal progress of the process.

Article 156 - Procedure

1 - The experts provide a commitment, and the competent judicial authority may, ex officio or at the request of the experts or technical consultants, formulate questions when their existence proves convenient.

2 - The judicial authority shall, whenever possible and convenient, assist in carrying out the examination, and the authority that ordered it may also allow the presence of the accused and the assistant, unless the examination is likely to offend modesty.

3 - If the experts require any steps or clarifications, they request that these steps be taken or that these clarifications be provided to them, and may, for this purpose, have access to any acts or documents in the process.

4 - Whenever the order ordering the expert examination does not contain the elements referred to in paragraph 1 of article 154, the experts must obligatorily request the steps or clarifications, which must be carried out or provided, depending on the case, in the maximum period of five days.

5 - The elements that the expert becomes aware of in the exercise of his/her duties may only be used within the object and purposes of the expert opinion.

6 - The examinations referred to in paragraph 3 of article 154 are carried out by a doctor or other legally authorized person

and cannot create a danger to the health of the subject.

7 - When it comes to analyzes of blood or other body cells, the tests carried out and the samples collected can only be used in the ongoing process or in another already initiated, and must be destroyed, by order of the judge, as soon as they are no longer necessary .

Article 157 - Expert report

1 - Once the examination is complete, the experts prepare a report, in which they mention and describe their duly substantiated responses and conclusions. To the expertsClarifications may be requested by the judicial authority, the accused, the assistant, the civil parties and technical consultants.

2 - The report, prepared immediately after the examination, can be dictated to the record.

3 - If the report cannot be prepared immediately after carrying out the examination, a deadline, not exceeding 60 days, is set for its presentation. In cases of particular complexity, the deadline may be extended, at the reasoned request of the experts, for another 30 days.

4 - If knowledge of the results of the examination is not essential for the judgment on the accusation or the ruling, the competent judicial authority may authorize the report to be presented until the opening of the hearing.

5 - If the expertise is carried out by more than one expert and there is disagreement between them, each one presents their report, the same applies to interdisciplinary expertise. In the case of collegiate expertise, there may be a winning opinion and a losing opinion.

Article 158 - Clarifications and new expertise

1 - At any point in the process, the competent judicial authority may determine, ex officio or upon request, when this proves to be of interest for discovering the truth, that:

a) Experts are summoned to provide additional clarifications, and the day, time and place in which the investigation will take place must be communicated to them; or

b) A new expertise is carried out or the previous expertise is renewed by another expert(s).

2 - Experts from official establishments, laboratories or services are heard via teleconference from their place of work, whenever this is technically possible, and only need to be notified of the day and time at which their hearing will take place.

Article 159 - Medico-legal and forensic examinations

1 - The medico-legal and forensic examinations that fall within the responsibilities of the national institute of legal medicine are carried out by its delegations and by the medico-legal offices.

2 - Exceptionally, in the event of obvious impossibility of services, the expertise referred to in the previous paragraph may be carried out by third parties, public or private, hired or appointed for the purpose by the institute.

3 - In districts not included in the area of operation of the delegations and medico-legal offices in operation, medico-legal and forensic examinations may be carried out by doctors hired by the institute.

4 - Medico-legal and forensic expertise requested from the institute where there is a need for specialized medical training in other areas and which cannot be carried out by the institute's delegations or by the medico-legal offices, as there are no experts with the required training or material conditions for its implementation, may be carried out, upon recommendation by the institute, by a public or private university or health service.

5 - Whenever necessary, medico-legal and forensic examinations of a laboratory nature may be carried out by third parties, public or private, hired or indicated by the institute.

6 - The provisions of the previous paragraphs are correspondingly applicable to expertise relating to psychiatric issues, in which specialists in psychology and criminology may also participate.

7 - Psychiatric expertise may be carried out at the request of the legal representative of the accused, of the spouse not legally separated from persons and property or of the person, of another or of the same sex, who lives with the accused in conditions similar to those of the spouses, descendants and adopted, ancestors and adopters, or, failing that, siblings and their descendants.

Article 159.º-A - Legal and forensic medical-veterinary examinations

1- Legal and forensic medical-veterinary examinations must be carried out by entities designated by the judicial authority, namely the national institute of agricultural and veterinary research, the faculties that meet the conditions for this purpose, as well as veterinarians and municipal veterinarians.

2 - Legal and forensic medical-veterinary examinations in which there is a need for specialized training in other fields and which cannot be carried out by the entities referred to in the previous number, as there are no experts with the required training or material conditions for carrying them out , can be carried out by a public or private university or health service.

3 - Whenever necessary, medical-veterinary expertise may be carried out by veterinarians linked to third-party entities, public or private, or expertise may be requested from other specialist veterinarians who work in public or private entities.

Article 160 - Personality expertise

1 - For the purpose of assessing the personality and dangerousness of the defendant, an expert examination may be carried out on their psychological characteristics independent of pathological causes, as well as on their degree of socialization. The expert opinion may be relevant, in particular for the decision on the revocation of preventive detention, the guilt of the agent and the determination of the sanction.

2 - Expertise must be deferred to specialized services, including social reintegration services, or, when this is not possible or convenient, to specialists in criminology, psychology, sociology or psychiatry.

3 - Experts may request information about the defendant's criminal record, if they need it.

Article 160-A - Carrying out expertise

1 - The expertise referred to in articles 152 and 160 may be carried out by third parties that have been hired for this purpose by whoever had to carry them out, as long as they do not have any interest in the decision to be made or connection with the assistant or with the defendant.

2 - When, for technical or service reasons, whoever has to carry out the examination is unable, either by themselves or through third parties hired to do so, to comply with the deadline determined by the judicial authority, they must immediately inform them of this fact, so that the latter can may determine the possible appointment of a new expert.

Article 161 - Destruction of objects

If experts, in order to carry out the examination, need to destroy, alter or seriously compromise the integrity of any object, they request authorization to do so from the entity that ordered the examination. Once authorization is granted, the exact description of the object and, whenever possible, its photograph remain in the records; In the case of a document, its photocopy is duly checked.

Article 162 - Expert remuneration

1 - Whenever the expertise is carried out in an establishment or by an unofficial expert, the entity that ordered it sets the expert's remuneration based on tables approved by the Ministry of Justice or, failing that, taking into account the fees currently paid by services of the type and importance of those provided.

2 - In the event of replacement of the expert, in accordance with article 153, paragraph 3, the competent entity may determine that there is no remuneration for the person replaced.

3 - Decisions on remuneration may be subject to, depending on the case, appeal or hierarchical complaint.

Article 163.º - Value of expert evidence

1 - The technical, scientific or artistic judgment inherent in expert evidence is presumed to be exempt from the judge's free assessment.

2 - Whenever the judge's conviction differs from the judgment contained in the experts' opinion, he or she must justify the divergence.

Chapter VII - Documentary evidence

Article 164 - Admissibility1 - Documentary evidence is admissible, meaning a declaration, sign or notation embodied in writing or any other technical means, in accordance with criminal law.

2 - The gathering of documentary evidence is done ex officio or upon request, and documents containing an anonymous statement cannot be added, unless they themselves are the object or element of the crime.

Article 165 - When documents can be attached

1 - The document must be attached during the investigation or investigation and, if this is not possible, it must be submitted until the end of the hearing.

2 - In any case, the possibility of adversarial proceedings is ensured, for which the court may grant a period not exceeding eight days.

3 - The provisions of the previous paragraphs are correspondingly applicable to opinions from lawyers, legal consultants or technicians, which can always be added until the end of the hearing.

Article 166 - Translation, deciphering and transcription of documents

1 - If the document is written in a foreign language, its translation is ordered, whenever necessary, in accordance with paragraph 10 of article 92.

2 - If the document is difficult to read, it is accompanied by a transcription that clarifies it, and if it is encrypted, it is subjected to expertise aimed at obtaining its decipherment.

3 - If the document consists of a phonographic record, it is, whenever necessary, transcribed into the file in accordance with article 101, no. 2, and the public prosecutor, the accused, the assistant and the civil parties may request the conference, in your presence, the transcription.

Article 167 - Probative value of mechanical reproductions

1 - Photographic, cinematographic, phonographic or electronic reproductions and, in general, any mechanical reproductions are only valid as proof of the facts or things reproduced if they are not illicit, under the terms of criminal law.

2 - In particular, mechanical reproductions that comply with the provisions of title III of this book are not considered illegal for the purposes set out in the previous paragraph.

Article 168 - Mechanical reproduction of documents

Without prejudice to the provisions of the previous article, when the original of any document cannot be attached to the record or kept therein, but only its mechanical reproduction, this has the same probative value as the original, if it has been identified with it in that or any other process. .

Article 169 - Probative value of authentic and authenticated documents

Material facts contained in an authentic or authenticated document are considered proven as long as the authenticity of the document or the veracity of its contents are not fundamentally called into question.

Article 170 - False document

1 - The court may, ex officio or upon request, declare in the operative part of the sentence, even if it is acquittal, a document in the case file as false, and for this purpose, when it deems it necessary and without significantly delaying the process, order action to the investigations and admitting the production of the necessary evidence.