

What you need to know about the criminal proceedings

We would be happy to inform you in a personal conversation of your rights in the criminal proceedings. We will help you to enforce these rights and put you in touch with experienced lawyers if required. Below you will find an overview of the situation during the legal proceedings and of the most important rights you have as a victim of an act of violence.

Petition to initiate criminal proceedings

In the case of criminal offences which are only prosecuted if a petition is lodged, you must initiate legal proceedings **within 3 months** of the crime. The police and criminal prosecution authorities will otherwise not investigate these criminal offences.

You may withdraw the request to initiate criminal proceedings at any time. Any such withdrawal shall be final.

Private prosecution

As a victim, you in principle have the opportunity to become involved in the criminal proceedings as a private prosecutor, namely

- as a plaintiff under criminal law (if you only want the perpetrator(s) to be prosecuted and sentenced)
- as a plaintiff under civil law (if you only want to assert claims arising from the criminal offence under civil law, e.g. claims for damages)
- as a plaintiff under criminal and civil law (if you want both of the above)

To become involved as a private prosecutor, you must make an explicit statement at the police station or public prosecutor's office or initiate legal proceedings at as early a stage as possible (in the case of all criminal offences which are only prosecuted if a petition is lodged: within 3 months). Any declaration to the effect that you want to become involved as a plaintiff under criminal and/or civil law will result in you becoming a party to the criminal proceedings and having more rights. You may cancel your involvement as a private prosecutor at any time. Any such cancellation shall be final.

Rights of victims **NOT** involved as private prosecutors

- You and your relatives will be informed in detail by the police or public prosecutor's office of your rights when first questioned by them.
- You may request that there be no direct contact with the offender(s). Only in exceptional circumstances will this wish be denied.
- You may be accompanied by a person you trust to all questioning sessions.
- You are entitled to personal protection and other protection measures.
- You may choose to remain silent under certain conditions.
- You will be informed of imprisonment, escape and release of the perpetrator(s) from custody, unless you expressly state that you don't want to be told.
- You will be sent the decision to discontinue proceedings and the indictment.
- You may request that the general public be excluded and as a rule your name may not be used in media reports for legal reasons.
- As the victim of a sexual offence, you may refuse to comment on your private life and request that you be questioned by a person of your own gender at the police station and public prosecutor's office. Furthermore, you may request that at least one person of your own gender be a member of the court.

Additional rights if you are a private plaintiff

As a private plaintiff (i.e. a plaintiff under civil and/or criminal law), you are party to the criminal proceedings with additional rights:

- You have the right to view relevant files.
- You may voice your opinion on the matter and the proceedings.
- You may make applications to produce evidence and participate in legal proceedings.
- You will be notified once the preliminary proceedings have been brought to a close.
- The decision will be sent to you.
- You may appeal against the decision or a decision to discontinue proceedings (however, the sanction cannot be appealed against).

If you are a plaintiff under civil law, you may assert your claims for damages and legal redress in the criminal proceedings. You will then bear the financial risk associated with any additional costs which are incurred as a result of the petitions lodged under civil law. However, this only applies if the proceedings are discontinued, the accused is acquitted, the civil action is dismissed or transferred to a civil court, or if you withdraw your civil action.

We can help you with the submission of your claim, which should be lodged as early as possible, but no later than the start of the main proceedings.