

# I N F O R M A T I O N   L E A F L E T

## O N T H E R I G H T S O F I N J U R E D A N D A G G R I E V E D P E R S O N S I N C R I M I N A L P R O C E E D I N G S

### I. Rights due to every person injured or aggrieved by a criminal offence

#### 1. May I obtain assistance during these proceedings?

You may obtain help and assistance from a victim support organisation. Ask the court's legal claim office ("Rechtsantragsstelle"), the police or other institutions for the addresses of these organisations.

You may also give a mandate to a lawyer<sup>1</sup> to represent you in the proceedings. A lawyer may, for instance, have access to the records, or be present during your interrogation and provide assistance to you. You will have to pay the lawyer's cost by yourself as a general rule. But, by way of exception, a lawyer may also be provided to you free of charge for the time your interrogation lasts, for example, when a serious criminal offence is concerned.

You may also bring along a person of your confidence who may, in principle, stay at your side during your interrogation.

#### 2. Is it possible to keep my personal data secret during the proceedings?

When you are interrogated, you must indicate your personal data as a general rule (including, in particular, your name, your marital status and your place of residence). Nonetheless, you may be dispensed from this either fully or in part if you are exposed to a particular hazard. Your data will be protected in that case.

#### 3. May I know what happens in the proceedings?

You may apply for a communication about the outcome of the proceedings with the public prosecutor's office or the court. In particular, you may be informed upon your application whether the convicted person has been ordered to refrain from any contact with you.

Furthermore, you may petition to be informed whether the accused or convicted person is already or still under detention, or when any privileges or leave from detention have been granted to such person for the first time. You must state the reasons for your petition, and justify your legitimate interest.

In addition, you may apply for receiving information on or copies of the records. You must state the reasons for your petition, and justify your legitimate interest in this case, too. Nonetheless, access to the records will only be given to your lawyer.

When you file any application, please always indicate, if possible, the first and last names of the accused person, the case number of the public prosecutor's office or court, or the police case number.

#### 4. May I assert any claims for compensation in the criminal proceedings?

If you are the injured party or such party's heir, you may assert proprietary claims (e.g., damages for material loss or for pain and suffering) against the accused person if that person was not less than 18 years old at the time of committing the offence.

You may file such an application in writing with the court, have it recorded in the court office, or present it verbally during the trial. In this application, you must state what you are claiming from the accused person, and why you are making your claim. This application should also include the required evidence.

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<sup>1</sup> Where used in this instruction leaflet, any word specifically related to the male gender shall be deemed to cover male and female persons alike.

## II. Additional rights available in particular cases

### 1. What cases are concerned?

You are entitled to additional rights if you have been injured by any of the following criminal offences:

- Any crime against sexual self-determination (e.g., violation, sexual abuse)
- Any crime against life, limb or physical integrity (e.g., attempted manslaughter, malicious bodily injury)
- Any crime against personal freedom (e.g., trafficking in human beings, deprivation of personal freedom in serious cases)
- Infringement of a judicial order given pursuant to the Protection against Violence Act
- Stalking

The same rights are available to you if you have been injured by another criminal offence, and if particular circumstances exist, i.e., especially if you have suffered particularly serious consequences.

You are also entitled to these rights if a close relative of you has been killed (parent, child, sibling, spouse or life companion).

### 2. What additional rights are available to me in this case?

- You do not need to state any reasons if you wish information or a copy of the records.
- In general, you would not have to state any legitimate interest for obtaining information if you want to enquire whether the accused or convicted person is already or still under detention.
- Your lawyer has the right to be present whenever a judge interrogates any accused person or witness even before the trial commences.
- You will receive the bill of indictment upon your application.
- You will also be informed about the scheduled date of trial upon your request.
- Both you and your lawyer may attend the entire trial.
- You may intervene as a co-plaintiff if you apply to join the action. If you join as a co-plaintiff, you will be entitled to the following additional rights:
  - You will automatically receive the bill of indictment.
  - Both you and your lawyer will be summoned to the trial date.
  - You may ask questions and present petitions during the trial.
  - As a general rule, you will be heard in the same extent as the public prosecutor, and you will be informed about the court's decisions.

In criminal proceedings against offenders less than 18 years old, civil action incidental to criminal proceedings is not admissible unless for particularly serious crimes.

### 3. Who will pay my costs in these cases?

If convicted, the accused person will have to reimburse the cost incurred by you (e.g., for your lawyer) as a general rule provided that the convict is able to do so. Otherwise, you would have to bear these costs by yourself.

In specific cases which are particularly serious, the court must provide a lawyer to assist you independently of your financial situation, and you would not have to bear the costs of this lawyer as a general rule in this case.

In other cases, you may be granted legal aid, and a lawyer may be assigned to you upon application, taking account of your financial situation. In this case, you would either not have to pay for the lawyers work, or the State would pay these costs in advance, and you would pay them back by instalments later on. Legal aid will be granted to you if you have a low income, and if you could not safeguard your interests sufficiently without a lawyer, or if you may not be reasonably expected to participate in the criminal proceedings without being assisted by a lawyer.

It is also important to know that the court may assign a lawyer to be elected by you even immediately after a criminal offence has been committed, and even though legal aid has not yet been granted to you.

## III. Further information and additional support

If you still have any question, please ask the legal claims office of a court, a lawyer or a victims support organisation.

To ensure your protection against any further assault, you may obtain assistance under civil law pursuant to the Protection against Violence Act from your local first instance court if you are exposed to any malicious bodily injury, health impairment or deprivation of freedom or any threat thereof, to trespassing, or to any unreasonable harassment by persistent stalking. If you do not want to give a mandate to any lawyer for such a matter, you may also obtain further information from the legal claims office of your local first instance court.

Under the Crime Victims Compensation Act, any person who has suffered an health injury by an act of violence or such person's surviving dependants may receive benefits to cover the health-related or economic consequences of the injury. Such benefits may include, e.g., the payment of costs for psychological treatment, domestic help or a victims compensation pension. If you have any questions regarding the claims to which you may be entitled, please ask your competent office for social benefits and social affairs.

[in Sachsen: Kommunaler Sozialverband Sachsen, Außenstelle Chemnitz]