

## ? THE OFFENDER CAUSED ME DAMAGE. WHAT CAN I DO?

In criminal proceedings, the aggrieved party is entitled to **claim compensation for damage to health, property and for non-material damage** caused by a criminal offence. The court can obligate the accused to pay compensation.

**Property damage:** damage to property, reduced income, cost of treatment.

**Damage to health:** pain and suffering settlement calculated on the basis of severity of the injury or psychological harm.

**Non-material damage:** for example, harm to honour, dignity or respect.

Claims must be made no later than **during the first court hearing**. Claims can be made in writing or orally in a statement at the police station, or in court if applicable.

It is necessary to describe the **connection between the damage and the crime, and to state the amount of damages**. The amount of damages can be additionally specified during the procedure.

If you fail to claim compensation for damages in criminal proceedings, you can file a civil **action in a civil law procedure**.

## ? WHAT IF THE OFFENDER DOES NOT COMPENSATE ME FOR DAMAGES?

You are entitled to ask for **financial help** to overcome a bad situation.

The state can provide financial assistance **in the event of bodily harm, death of a relative** as a result of a crime, or being a victim of a sex crime.

Financial assistance is provided if the offender **cannot be punished** by reason of insanity or minority.

The application for financial assistance is submitted to the Compensation Department of the Ministry

of Justice. The application must be filed **within 2 years** of the day the victim **learns about the consequences** of the crime, and **no later than within 5 years** of the day the crime was committed.

The application has no prescribed form. However, we would recommend using a **form** available on the Ministry of Justice website.

## ? I DO NOT AGREE WITH THE COURT'S RULING. WHAT CAN I DO?

The aggrieved party can only **appeal against a ruling on compensation for damages**. The aggrieved party cannot appeal against a ruling on guilt and punishment of the aggrieved party.



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# BASIC INFORMATION ON CRIMINAL PROCEEDINGS



**Police, the State Prosecutor and courts** deal with criminal offences in criminal procedures. If you are a victim of crime, file a **criminal complaint**.

### ? HOW DO I FILE A CRIMINAL COMPLAINT?

A criminal complaint can be made **in writing or orally** at any police station. **Identify the offenders, witnesses and provide evidence** which can prove the incident.

Ask the police to inform you about the **outcomes of the proceedings** within 30 days of filing the complaint. Otherwise, you might not learn about the outcome.

### ? WHAT WILL HAPPEN?

The police start **verifying** the facts stated in the criminal complaint. If no crime has been committed, the matter is suspended or passed on for infringement procedures.

You might be asked by the police **to come in for questioning** in order to clarify the matter. You might also be asked to present documents and other evidence.

If a crime was committed, the police will start **investigations**. At the end of the investigations, the state prosecutor will bring **criminal charges** against the offender. The court decides on guilt and punishment in a **trial**.

### ? HOW WILL I FIND OUT WHAT IS HAPPENING IN THE TRIAL?

As the aggrieved party, you are **entitled to view the file** which the police and the court keep on the respective matter. The file must include all documents relevant for the case.

You can **make copies**, and you may use your own camera. It is necessary to arrange a viewing of the files in advance.

### ? I WOULD LIKE TO GET MORE INFORMATION

Law enforcement authorities **must inform** you about your rights and duties without being asked. You can always enquire and ask for information on your case.

### ? WHAT SHOULD I DO IF I HAVE EVIDENCE?

As the aggrieved party, you are entitled to **give evidence** during the criminal proceedings. You can present the evidence to the police, the state prosecutor or the trial.

### ? DO I HAVE TO GO TO COURT?

You must go to court if you are **summoned** for interrogations. Otherwise, the presence of the aggrieved party is **not mandatory**. The aggrieved party is entitled to ask the accused and witnesses questions in the trial and to comment on the case at the end.

### ? CAN I BE REPRESENTED IN THE PROCEEDINGS?

As the aggrieved party you can select your **representative**, who will exercise your rights. **Anybody** can be your representative. It does not have to be a lawyer.

If you confirm that you **cannot afford** a representative, the court can provide you with one **free of charge**.

**Minors** are **always** entitled to a representative free of charge.

### ? DO I HAVE TO MEET THE OFFENDER?

As a victim of crime you are entitled to ask **not to meet the offender** during the criminal proceedings.

You are also entitled to be **informed if the offender is released** from custody or prison.

The court can issue interim measures and **forbid** the offender to **contact you**.

Your **personal data** can be **kept confidential** in the file so that the offender cannot find you.

### ? I NEED PSYCHOLOGICAL OR LEGAL ASSISTANCE

As a victim of crime, you are entitled to **social, psychological and legal assistance** from registered providers.

### ? HOW DOES INTERROGATION WORK?

The aggrieved party is usually a **witness** in criminal proceedings.

It is your duty **to attend the interrogation** if you are served with a **subpoena, to tell the truth and without concealment**.

If you do not come and do not provide a good reason, you can be **finned** up to CZK 50,000 or you can be **summoned** by the police.

If you intentionally **make a false statement**, you can face **criminal charges**.

You are entitled to refuse to **make a statement** if this threatens **you, or a close person**, or you are bound by a **duty of confidentiality** imposed by law.

You are entitled to make a statement in **your mother tongue**, or another **language that you are fluent in**.

You are entitled to choose the **gender of the person interrogating you**.

Intimate questions can only be asked if necessary to clarify the matter.

You can be accompanied by your **representative or confidant**.