

Information leaflet for those affected by criminal acts

You have been affected by a criminal act and have filed a criminal complaint. If you have not yet filed a criminal complaint, you can still do so within three months of the date of the offence. The most important information on the handling of the issues that arise can be found below.

Criminal proceedings

On the basis of your criminal complaint, the police and the public prosecutor will initiate a criminal investigation. In the case of official offenses, the police are required to investigate *ex officio* as soon as they become aware of such an offense. After completion of the criminal investigation, the public prosecutor decides:

- Whether the proceedings are to be abandoned (e.g., if the suspected offence cannot be proven and insufficient evidence is available).
- Whether the proceedings are to conclude with a summary penalty order. This occurs if the accused confesses or if the circumstances of the case are sufficiently clarified by other means and a fine or monetary penalty not exceeding 180 daily penalty units or a custodial sentence not exceeding 6 months is possible.
- Whether the proceedings are to be referred to a court that shall pass judgement, particularly when more severe punishments are possible.

The court passing judgement decides on the guilt of the accused and the degree of penalty. It can also decide on the affected person's financial claims (civil claims).

If you have not declared yourself a private complainant, it is possible that the proceedings conclude with a summary penalty order or judgement and you do not hear anything more. If necessary, you might still be summoned as a witness.

As a victim, however, you have the right to receive the decision or the summary penalty order in the case in which you are a victim from the court or the public prosecutor's office free of charge, unless you have expressly waived this right.

If you have declared yourself a private complainant, you will be invited to an **interview with the police or public prosecutor**. You must attend this interview, otherwise your private suit is deemed to have been withdrawn.

The public prosecutor can summon you, together with the accused, to a settlement hearing. The purpose of such hearings is for the accused to apologise to you and declare themselves willing to cover your resulting expenses and possibly (see below) to provide compensation for pain and suffering. In return, you declare yourself willing to withdraw the criminal complaint.

If a settlement is reached, the proceedings are abandoned, so no judgement is passed.

If you do not wish to reach a settlement, the public prosecutor continues the investigation. If the accused confesses to the offence or if their guilt can be proven, a fine or a conditional prison sentence is normally issued. In addition, the perpetrator is ordered to cover your costs and the procedural costs.

If the accusations cannot be satisfactorily proven in the main hearing and therefore no conviction can occur, there is a risk that you will also have to pay some of the procedural costs. However, this only occurs if you have acted maliciously or with gross negligence.

Special measures to protect children as affected persons (art. 154 ff, CrimPC)

Filmed questioning

Questioning of affected minors is filmed. This procedure prevents affected persons from having to recount painful events multiple times: to the police, to the public prosecutor or to the court. Affected minors are usually questioned no more than twice.

Procedure for questioning affected minors

A visible camera films the questioning. In the presence of the Inselspital **child protection group** (for preschool children) or **the police**, the affected person tells a specially trained individual what happened to them. In an adjoining room behind a one-way mirror, or via a video link, another specialist from the cantonal police and a person in charge of the technical equipment follow the questioning.

The accused's lawyer, the affected person's lawyer and a **confidant** of the affected person may also follow the questioning. A break before the end of the questioning enables the interviewer to consult the specialist and to take questions from the lawyers.

Children who are under the age of 15 at the time of the hearing are questioned as persons providing information and are not obliged to testify (art. 178, CrimPC).

The most important rights of affected persons during the criminal proceedings

As the affected person, you have the following rights during the criminal proceedings: protection of privacy, protection against public disclosure of identity, exclusion of public access, notification of the perpetrator's prison release or escape, prevention of any encounter with the accused, prevention of any confrontation with the accused, accompaniment of a confidant, refusal to answer questions that relate to your private sphere in cases of offences against sexual integrity, and selection of the gender of various involved parties.

As a private complainant, you also have the following rights: inspection of case documents, requests for the taking of further evidence, submission of civil claims, notice of judgement, and delivery of judgements and rulings.

These lists are not exhaustive. We will gladly give you more specific information over the telephone or in person.

Please note that somewhat different rules apply to accused minors in criminal proceedings (juvenile court proceedings)!

Medical costs

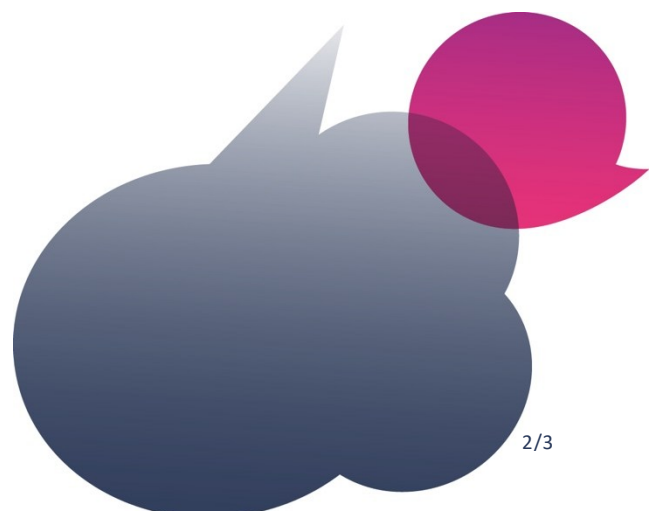
Medical costs are the costs of medical treatment, ambulances and other measures prescribed by a physician, e.g., physiotherapy.

If you are working, report the incident to your employer's accident insurance provider. If you are not working, report the incident to your personal health and accident insurance provider. If you are currently unemployed and registered with the regional job centre (RAV), report the incident there. You must then submit the invoices (e.g., from medical specialists or hospitals) to the relevant insurance provider. You can subsequently declare any excess or deductibles as damages in court (see below).

If you incur medical costs that are neither paid by the insurance nor the perpetrator, there is a possibility that Victim Support will recompense you for these. Please let us know about them.

Compensation claims for damages, pain and suffering

If you wish to assert compensation claims for damages, pain and suffering against the accused, these claims can be asserted as civil claims during the criminal proceedings. For this purpose, you must take part in the proceedings with the public prosecutor at an early stage, as a private complainant.



Claims for damages

Damages and costs caused by the criminal act mainly include:

- Damaged or destroyed clothing and shoes.
- Lost wages or income as a result of the criminal act.
- Telephone and travel expenses relating to the criminal act.
- Additional costs that the health or accident insurance does not cover.

Make a **damages list** of the remaining damages and costs, with receipts if possible, and submit this to the court at the hearing.

Compensation for pain and suffering

When persons are affected by violence, the question of whether they are entitled to compensation for pain and suffering often arises. Such compensation is possible under the following circumstances:

- If the criminal act leaves behind physical injury and/or psychological damage.
- If the professional and/or private possibilities experienced prior to the criminal act are left impaired.
- If, despite no injury or damage being left behind, the healing process was very painful, abnormally long or extraordinarily arduous for the affected person.

Claiming compensation for damages and/or pain and suffering from Victim Support

If you are entitled to compensation for damages and/or pain and suffering, and this is not paid, due to the perpetrator being unknown or unable to pay, such claims can, under certain circumstances, be covered by Victim Support.

Note: These claims must be reported to Victim Support within 5 years of the date of the offence, otherwise they expire.

Guidance counselling services

The Victim Support Service offers you counselling and support. The counselling is **cost-free** and can also be **kept anonymous**. We are under a **strict legal obligation to maintain confidentiality**.

We can provide you with general legal information and, if appropriate, put you in touch with a legal expert who can give you, or your parents, if necessary, legal advice, as well as representation in the criminal proceedings if required.

We can also offer you psychological support and put you in touch with therapy experts if necessary.

For further information and explanations, you are welcome to contact us or your legal representative.

