

Important information

To make it easier to read this document, we have waived the need to designate people as male or female in each case. If neutral or male descriptions are used, they refer to both male and female persons.

You may apply for the court to summon other witnesses and experts or obtain other evidence by specifying the facts, about which evidence needs to be gathered. You may also bring witnesses and experts, whom you wish to question, to the trial; however, you must inform the court of their names and addresses **without any delay**.

Security checks will be made when entering the court building, thus causing delays. Please keep this in mind when planning your journey.

It is possible that not all rooms in the court building have barrier-free access. Should you need barrier-free access, please inform yourself about the local conditions for access at the court before the trial.

If you are destitute and are therefore not in a position to provide the funds for the journey to and from the court, compensation for the necessary travel expenses may be granted to you in advance, if you apply for this. When applying, you must supply evidence of your economic circumstances (e.g. a statement of earnings, notification of pension or social security benefits, confirmation of unemployment benefits) and specify how many persons you support with your income.

Funds are regularly made available in the form of second-class tickets for public transport services. Payments in cash are only made in exceptional cases.

You may make the application for compensation for travel expenses to the court mentioned at the head of this letter. In urgent cases, you may also make your application to the local court that is responsible for your area. Please make your application immediately after receiving this summons.

Information for aggrieved third parties and/or joint plaintiffs:

1. Aggrieved third parties – in so far as applicable – shall be informed by application of the dismissal of proceedings, of the date and time of the trial, as well as of the accusations brought forward against the accused persons and of the outcome of the court proceedings. In particular aggrieved third parties are entitled to apply for information as to whether instructions were issued stating that the convicted person is not permitted to contact or consort with the aggrieved third party. If the aggrieved third party is not in command of the German language, he/she will be informed of the date and time of the trial in a comprehensible form, upon application.

Furthermore upon application, the aggrieved third party will be informed whether detention has been imposed upon the accused or convicted person, or has been terminated, or whether privileges or leave have been granted for the first time or repeatedly, if a justified interest is presented and no overriding interest of the person in concern meriting protection is contradicting thereto (Section 406d German Code of Criminal Procedure (StPO)). In exceptional cases laid down by law it is not necessary to present an overriding interest. In addition thereto the aggrieved third party is informed upon application whether the accused or convicted person has evaded detention by

flight and which measures have been, if applicable, taken to protect the aggrieved third party as a result thereof.

Please observe that the notifications can be omitted, if these cannot be delivered to the address specified.

If the aggrieved third party has selected an attorney as counsel, or such a person has been appointed or if the aggrieved third party is represented by an attorney, such notifications will be made to this person.

2. In the case of a justified interest the aggrieved third party has the right to access to the records via an attorney or to obtain certain copies from the files, as well as to view officially stored pieces of evidence, unless primary interests of the accused or other persons which deserve to be protected are deemed to be opposing (Section 406e StPO).
3. The aggrieved third party is entitled to avail himself/herself at his/her own costs of assistance by a legal counsel who can be present in the hearing and can exercise certain rights for the aggrieved third party.

It is also possible in hearing the aggrieved third party as witness for a person of trust to be present upon application, unless the purpose of the investigation would be jeopardised as a result thereof (Section 406f StPO).

4. Pursuant to Section 395 StPO with regard to the right as authorised person to join as a private accessory prosecutor it is possible to avail oneself even before taking plenary action and without declaration of an attorney as legal counsel or to be represented by such a person. You are entitled to be present in the trial even if you are to be heard as witnesses. The attorney of the person entitled to accessory prosecution is authorised to be present in the trial.
5. **Rights of the aggrieved third party beyond the criminal proceedings (Section 406j StPO):**

- a) In the case of a proprietary claim resulting from the criminal offence, the aggrieved person is entitled to assert such claim against the accused person pursuant to Sections 403 – 406c StPO and Section 81 Jugendgerichtsgesetz (JGG) [German German Youth Courts Law] in the criminal proceedings in so far as it lies within the competence of the regular courts and has not already been asserted by civil law. The appropriate application can be filed in writing or orally by declaration made to a registrar, within the scope of the trial or orally up to the beginning of the final speech of the defence. It must state the reason and subject matter of the claim and contain the evidence. Upon application the aggrieved person can be granted legal aid for the purpose of consulting a counsel.
- b) In addition thereto, the aggrieved person is entitled to the following pursuant to the regulations stated:
 - to apply for orders to be enacted against the accused in compliance with the Protection against Violence Act [Gewaltschutzgesetz],
 - to enforce a claim pursuant to the Crime Victims Compensation Act [Opferentschädigungsgesetz] and
 - to claim administrative regulations of the federal government or federal lands or, if applicable, compensation claims, to be enforced.
- c) The aggrieved person is also entitled to support and assistance by facilities for victim rights, for example,

- in the form of counselling,
- by providing or organising accommodation at facilities for the support and protection of victims or
- by organising therapeutic offers, such as medical or psychological assistance or further available support offers in the psychosocial field.

6. **Powers of the aggrieved person within the criminal proceedings (Section 406i StPO):**

- a) Under the prerequisites set forth in Sections 395, 396 StPO or Section 80 subsection 3 JGG the aggrieved person is entitled to join the action brought forward by the public prosecutor (as joint plaintiff) and
- pursuant to Section 397a StPO to apply for a legal counsel or for legal aid to be granted if a counsel is consulted and
 - pursuant to Section 397 subsection 3 StPO and sections 185 and 187 GVG to enforce a claim for an interpreter and translator in the criminal proceedings.
- b) Furthermore, the aggrieved person is entitled to the following
- to enforce a proprietary claim resulting from the criminal proceedings and pursuant to Sections 403 to 406c StPO and Section 81 JGG in the criminal proceedings,
 - in so far as he/she is heard as witness by the Public Prosecutor or court, the aggrieved person is entitled to apply for compensation pursuant to the German Judicial Remuneration and Compensation Act (JVEG),
 - pursuant to Section 155a StPO to reach a mediated agreement on compensation by way of Perpetrator-Victim-Mediation as well as
 - pursuant to Section 158 StPO to inform of a criminal offence or apply for criminal prosecution.

Already permitted private accessory prosecutors are entitled to apply for a legal counsel to be appointed for the private accessory prosecution under the prerequisites set forth in Section 397a StPO.

Aggrieved persons are also able to obtain support and aid by a facility maintained by Opferhilfe [Victims Rights and Assistance]. Such organisations also provide information on psychosocial support during legal proceedings.

7. In Lower Saxony the victims of criminal offences are entitled to assistance among others from the offices of the foundation Opferhilfe Niedersachsen offering support for victims of crime.

The offices offering support for victims of crime offer concrete assistance: Psychosocial support and advice, arrangement of further support and consultation offers, accompanying to meetings at courts, authorities, attorneys and doctors as well as support in filling in applications. Victims are also provided with information on financial aid and damage claims.

You will find offices offering support for victims of crime in the following cities: Aurich, Braunschweig, Bückeburg, Göttingen, Hannover, Hildesheim, Lüneburg, Oldenburg, Osnabrück, Stade and Verden. See under the following Internet address for the nearest office with address, contact person(s) and office hours: www.opferhilfe.niedersachsen.de.

The foundation Opferhilfe Niedersachsen cooperates closely with the national office of Lower Saxony of the association WEISSER RING e.V. (www.weiBer-ring.de). Besides that there are a multitude of additional institutions offering support for victims which are active on regional level.

8. You can download further information in a special brochure prepared by the Federal Ministry of Justice (Opferfibel) which you can download from the Internet under the following link <http://www.bmju.de/opferschutz>.
9. If the aggrieved party is not in command of the German language or suffers from a hearing or speech impairment, it is possible to book the services of an interpreter for the complete criminal proceedings. These services are free of charge. It is furthermore possible to demand a written translation of court orders regarding imprisonment as well as of bills of indictment [Anklageschrift], penalty orders [Strafbefehl] and court judgements which have not yet become final and conclusive.