

Victims & participation



**The development of victim participation
in the Dutch criminal procedure
(advisory right at the hearing)**

Alex Sas – Victim Support NL

The victim's role

Witness



The victim's role

Civil claim as injured party (or aggrieved party)



The victim's role

Right to speak/Victim impact statement



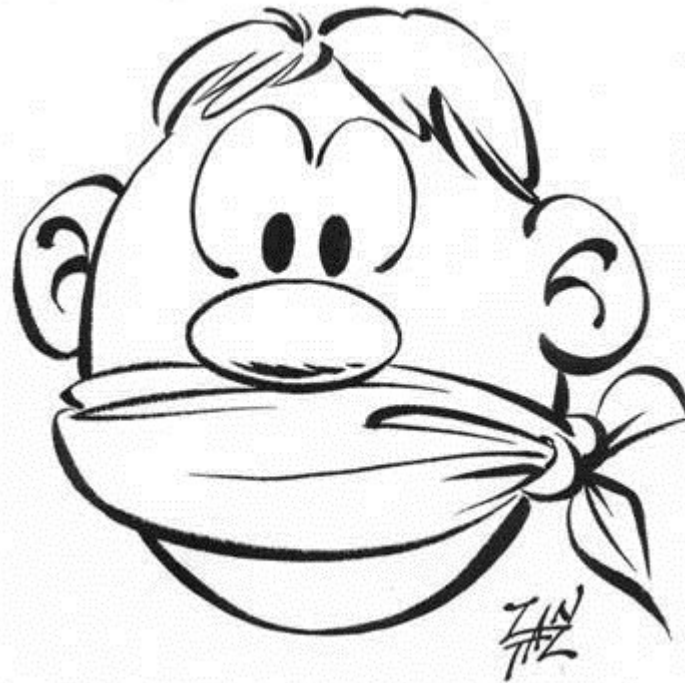
Victim impact statement



- 1) Serious crimes described in the law**
- 2) Victim can speak about consequences of the crime**
- 3) Only the victim (or one surviving relative)**

Victim impact statement

Voice?



Victim impact statement

Along came the new State Secretary of Security and Justice,
Fred Teeven:



Victim impact statement

First expansion: circle (2012) →

- Parents
- More than one surviving relative
- Representative



Victim impact statement

**Second expansion: content
(proposal for new law 2013) →**

Impact statement

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Advisory right

Advisory right

Questions of section 350 Code of Criminal Procedure:

1. Are the facts mentioned in the charge proven?
2. Which criminal offence?
3. Is the accused liable?
4. What sentence should be imposed?

Advisory right

- An explicit reasoned point of view by the victim.
 - Victim can ask for additional investigations.
- Reasoned decision by the court.

Advisory right

- 1. Victim can participate in the criminal proceedings to a greater extent (more voice).**
- 2. Victim can make an informed decision to what extent he wants to participate (empowerment).**

Advisory right

- Defense has the right to contest the statement of the victim
- Incrimination of the accused → victim can be questioned



Advisory right

**Victim can become object of attack by the
defense →**

Secondary victimization?



Advisory right

Legal assistance:

- Information
- Representation



Victim Support NL?

Lawyer?



Advisory right

Patchwork?

Why not the victim as an auxiliary prosecutor?

(In Germany: Nebenklage)