

THE RIGHTS OF THE VICTIMS IN CRIMINAL PROCEEDINGS

IF YOU HAVE SUFFERED DIRECT PHYSICAL, PSYCHOLOGICAL OR SEXUAL HARM
AS A RESULT OF AN OFFENCE, YOU ARE RECOGNIZED AS A VICTIM.

THE CODE OF CRIMINAL PROCEDURE OFFERS YOU A CERTAIN DEGREE OF PROTECTION
BECAUSE OF YOUR STATUS, AND GIVES YOU SPECIAL RIGHTS.

RIGHT TO BE INFORMED OF YOUR RIGHTS

The police and the public prosecutor's office must provide you with detailed information on your rights and obligations in criminal proceedings from the time of your first hearing. To this end, when you lodge a complaint, or at the first hearing, these authorities provide you with a document that generally includes information on the LAVI Consultation Centre, its tasks and services, as well as the deadline for filing a claim with the LAVI Compensation Office.

RIGHT TO OBTAIN A COPY OF YOUR COMPLAINT OR COURT DECISION

You can ask the police for a copy of the transcript of your complaint or the information you gave them orally.

You have the right to receive from the court or the public prosecutor's office, free of charge, the ruling or criminal order concerning you, whether or not you are the one who lodged the complaint.

RIGHT TO PROTECTIVE MEASURES OF YOUR PRIVACY AND PERSON

The authorities must protect your privacy at all stages of criminal proceedings. Your name and contact details must not be divulged to third parties, unless in exceptional circumstances.

If you do not wish to give your private address, you can have your home recorded at your lawyer's office. It is important to request this when filing your complaint.

Publicity of your hearing may be restricted, as may public disclosure of your identity.

Under certain conditions, your anonymity can be guaranteed if you qualify as a person in need of protection.

RIGHT TO FREE LEGAL ASSISTANCE

If you do not have sufficient resources and your criminal action does not appear to be doomed to failure, you are entitled to free legal assistance to finance your defense costs.

You are not obliged to reimburse the costs of free legal assistance.

RIGHT TO BE ACCOMPANIED BY A SUPPORT PERSON

You can have a support person accompany you, in addition to your lawyer, when you are questioned by the police, a prosecutor or in court. A support person represents a moral resource and friendly support during court hearings. He or she may not intervene and must not be likely to act as witness in the proceedings in progress. This person can be anybody you trust (relative, friend, colleague, etc.). The staff of the LAVI Centre can also fulfil this role.

RIGHT TO REQUEST NOT TO BE CONFRONTED WITH THE DEFENDANT

You can demand not to be confronted with the defendant. In this case, the authorities must use other means, such as a room separated into two parts, with a one-way mirror between them (called the LAVI room).

RIGHT TO BE INFORMED OF DECISIONS AND FACTS RELATING TO THE DETENTION OF THE DEFENDANT

During the proceedings, you have the right to be informed of the defendant's detention (on remand or for security reasons), release or escape, unless you have expressly objected.

At the end of the criminal proceedings, you can write to the Sentence Enforcement Service (SAPEM) and ask to be informed of decisions and facts relating to the execution of a sentence or measure by the convicted person, his or her conditional or final release, or his or her escape.

SPECIFIC RIGHTS FOR VICTIMS OF AN OFFENCE AGAINST SEXUAL INTEGRITY

You can demand to be heard by a person of the same sex, at all stages of the procedure: preliminary proceedings (hearings by the police, by the Public Prosecutor's Office) and trials (court hearings).

You can refuse to answer questions that are too intimate, such as questions about your relationships with close relations, or about your sex life, whether or not the facts are related to the offence.

SPECIFIC RIGHTS FOR MINOR VICTIMS

If you are under 18, special provisions have been designed to protect you.

You must not be confronted directly with the defendant, unless you expressly request it (or unless the defendant's right to be heard cannot otherwise be guaranteed).

Under certain conditions, the defendant may be completely excluded from your hearing.

As a general rule, you should not be subject to more than two hearings during the entire procedure.

Hearings are conducted by a trained investigator, in the presence of a specialized psychologist to ensure that everything goes smoothly for you. The hearing is recorded on a medium that preserves sound and image.

We listed above the most important information for those concerned.

To maximize the chances of success in any criminal proceedings,
we strongly recommend that you be represented by a lawyer.

Contact Centre LAVI to find out more (see next page)!

MAIN INFORMATION ABOUT THE LAVI CENTRE

The LAVI Centre aims to inform, advise and offer appropriate and personalised support to victims who fall within the scope of the LAVI Act. The support that our service can provide is free of charge. Moreover, after evaluation, our services can take the following forms:

- giving victims who so wish the opportunity to talk about the event that occurred, so as to receive support in overcoming the physical, psychological and relational consequences of the offence;
- accompanying them during criminal proceedings;
- supporting them in dealing with insurance companies;
- helping them to assert their rights regarding the financial consequences of the offence (compensation and reparation of any moral damage);
- if necessary, putting them in touch with a lawyer, a specialised therapist or other services.

We are also at the disposal of the parents or relatives of the victims.

**THE CONSULTATIONS ARE CONFIDENTIAL.
WE ARE LEGALLY BOUND BY THE OBLIGATION TO MAINTAIN SECRECY.**

Not all offences are covered by the LAVI. In order for us to confirm whether your situation falls within the scope of the LAVI and to explain what support we can provide, please contact us through our hotline at 022/320.01.02. Detailed timetables and other information are available on our website.

www.centrelavi-ge.ch