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3 - My rights after trial

Can I appeal against the ruling?

As the victim, you can act as a private accessory prosecutor (*Nebenkläger*) and can in principle appeal against a ruling but only if the ruling touches upon facts relevant to a private accessory prosecution (*Nebenklage*). However, you cannot launch an appeal simply because you do not agree with the level of the penalty.

The deadline for appealing against a ruling is one week. If you or your lawyer were present at the trial after your examination as a witness, the deadline begins on the date when the ruling is notified. Otherwise, the deadline begins on the date the ruling was sent to you.

As a private prosecutor (*Privatkläger*), you have the same right to appeal as the public prosecutor that launched the public proceedings.

What are my rights after sentencing?

You will be notified of the outcome of the court proceedings if you requested this information in advance. As a private accessory prosecutor, you will also receive a copy of the ruling.

Moreover, as the victim of a crime and at your request, you will also be notified whether the person sentenced was instructed not to contact you or try to see you.

If you can demonstrate a legitimate interest, or already demonstrated a legitimate interest when your accessory private prosecution was admitted, you will also be notified whether the person sentenced will face detention or custodial measures, whether such measures have been lifted, whether detention conditions have been relaxed for the first time or whether leave has been granted. You will be notified of any further relaxation of detention conditions or leave if you can show a legitimate interest and if there is no overriding interest meriting protection of the person sentenced.

You will also be informed if the person sentenced has escaped from custody. In such cases, you will also be informed of the measures taken to protect you.

If, for example, after the trial is over you wish to launch a civil action against the person sentenced, you have the right to access the information contained in the files from the criminal trial to prepare your civil action. The person sentenced will be given a prior hearing to determine whether there is an overriding interest meriting their protection that would prevent you from accessing these files.

If the criminal judgment grants an adhesion procedure (*Adhäsionsantrag*) for damages or payment for pain and suffering to you as the civil party, with a copy of that final judgment, you are entitled to apply to the Court of enforcement or a judicial enforcement officer for enforcement measures.

Am I entitled to support or protection after the trial? For how long?

You are entitled to psychosocial support during and after the court proceedings.

Moreover, as already mentioned, you will continue to receive protection during the proceedings if the threat to you persists.

What information will I be given if the offender is sentenced?

As explained above (see 'What are my rights after sentencing?'), at your request, you will be informed of the outcome of the proceedings.

However, you will not be informed where the person sentenced will be held during detention or custodial measures.

Will I be told if the offender is released (including early or conditional release) or escapes from prison?

You will be informed of this if you requested it (see also 'What are my rights after sentencing?' above).

Will I be involved in release or parole decisions? For example, can I make a statement or lodge an appeal?

You will not be involved in release or parole decisions, neither can you appeal against them. When making release or parole decisions, the Court can impose measures to protect you (for example, a restraining order) or to grant you compensation and reparation (e.g. payment of damages). If social and judicial supervision (*Führungsaufsicht*) is required after the person sentenced is released from custody, the Court can also issue a restraining order in such cases. If the person sentenced goes against the restraining order, they can be sentenced again.

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