

## 2 - Reporting a crime and my rights during the investigation or trial

### How do I report a crime?

You can report a crime by filing a criminal complaint with any police authority, the prosecutor's office or a court. You can file a complaint if you are a victim of crime, and also if you learn that someone you know is a victim of crime, has suffered damage or has committed a crime. The individual authorities (i.e. the police, the prosecutor's office, courts) cooperate with each other and, if necessary, pass your complaint on to the authority that will examine it further. A criminal complaint may be made in writing, by an oral submission on the record or electronically with an authenticated electronic signature. It should contain, in particular, a description of the act that has occurred, your contact details and, if you are a victim of crime, a description of the damage you have suffered, together with an indication whether you are claiming damages. A criminal complaint must not be anonymous, but the police or the prosecutor will not disclose your personal details if you so request.

### How do I find out what's happening with the case?

If you have reported a crime or are a victim of crime, the police are required to notify you of their decision. The decision is designated as an order (*uznesenie*) and will be served at the address you indicated in your criminal complaint. You as the person who reported the crime will be kept *informed of how the case evolves (i.e. of bringing criminal charges against a specific person, extension of the charges, referral of the case to another body, discontinuation, conditional discontinuation or suspension of criminal prosecution)*.

### Am I entitled to legal aid (during the investigation or trial)? Under what conditions?

Representation by a lawyer is not required to file a criminal complaint. Legal aid can be provided by entities providing assistance to victims or, under certain conditions, by the Centre for Legal Aid. A lawyer may be appointed for you at later stages of the criminal proceedings at the state's expense.

### Can I claim expenses (for taking part in the investigation/trial)? Under what conditions?

If you are summoned as a witness, either in the pre-trial proceedings or trial, you are entitled to reimbursement of cash expenses already incurred, in particular travel, meal and documented accommodation expenses. You are entitled to compensation for lost earnings from work or for other demonstrable loss of income. A claim for witness fees must be raised within three days of the hearing, otherwise it will expire. It must be quantified no later than fifteen days after the claim was made.

If you are the civil party, the state will not bear your own costs. Own costs include, in particular, travel expenses, compensation for the civil party's authorised representative's lost time, postal charges and other out-of-pocket expenses. However, as a civil party, already in criminal proceedings you are entitled to receive compensation for the costs necessary to effectively pursue your claim, including the costs incurred by involving an authorised representative. The convicted person must reimburse you for these costs.

### Can I appeal if my case is closed before going to court?

Your case need not necessarily go to court. It may be concluded by a less formal alternative procedure which does

not end with a decision on guilt and punishment. These procedures include, for example, conditional discontinuation of criminal prosecution, conditional discontinuation of criminal prosecution of a cooperating defendant, settlement or a penal order. Whether or not you have a right of appeal depends on your position in the procedure and how the criminal proceedings are closed. You may lodge a complaint against the conditional discontinuation of criminal prosecution or against the conditional discontinuation of criminal prosecution of a cooperating defendant, whether or not you are the civil party or the person who reported the crime. A court settlement cannot be appealed, as it is concluded with your consent. If you are the civil party, you can lodge a statement of opposition against the operative part of the penal order concerning damages. In that case, the operative part of the penal order on damages will be cancelled and the court will refer you to civil proceedings where you can claim compensation.

## Can I be involved in the trial?

If you are the civil party, the court will notify you of the main hearing. If you fail to appear in court, your claim for damages will be decided on the basis of your previous applications contained in the file. If you are only a person reporting the crime, you can attend the main hearing as a member of the public.

## What is my official role in the justice system? For example, am I or can I choose to be a: victim, witness, civil party or private prosecutor?

You become a victim if you have sustained personal injury or if damage has been caused to your (tangible or intangible) property or if your rights and freedoms have been violated or threatened as a result of a crime, and also if a member of your family has died as a result of a crime. Anyone who claims to be a victim is regarded as such, unless proven otherwise, regardless of whether or not the offender has been identified, prosecuted or convicted. Victims' rights, protection and support are governed by the Victims of Crime Act.

In criminal proceedings, however, the victim may have the status of a reporting party, a victim or a witness with all the rights that the Code of Criminal Procedure confers in relation to that particular status.

A victim in criminal proceedings is a person who, as a result of a criminal offence, has sustained personal injury, or economic, moral or other damage, or whose other legally protected rights or freedoms have thereby been infringed or threatened.

You become a witness if you have been asked (summoned) by a law enforcement authority or a court to testify as a witness about facts relevant to the criminal proceedings that you perceived with your own senses, or if you appear before a law enforcement authority or a court either on your own initiative or at the motion of a party.

Slovak criminal law does not include the concept of a private prosecutor; in criminal proceedings it is the public prosecutor who files an indictment.

## What are my rights and obligations in this role?

As a victim of crime, you have the right to information on how to file a criminal complaint, about the progress of the criminal proceedings and how you can contact the organisations that can help you. Upon your request, the police or the prosecutor's office will help you contact an entity providing assistance to victims of crime that will further address your needs. You have the right to expert assistance, the right to be heard, the right to be treated with respect, consideration and sensitivity, and you also have the right to claim compensation if you have been a victim of violent crime.

As the civil party, you have the right, in some cases, to express consent to criminal prosecution, to claim damages, to propose taking or supplementing evidence, to submit evidence, to consult and study files, to attend the main hearing and a public hearing on an appeal or agreement on guilt and acceptance of punishment, to comment on the evidence taken, to make a closing statement and the right to appeal .

As a witness, you are required to appear if you are summoned by the law enforcement authorities and the court, and to testify as to what you know about the crime and the offender or about circumstances relevant to the criminal proceedings. If you do not appear without sufficient excuse, you may be brought before the court.

You have the right to refuse to testify as a witness in three cases:

- if the defendant is your direct relative, sibling, adoptive parent, adopted child, spouse or cohabitant
- if by doing so, you would put yourself or a person close to you at the risk of criminal prosecution
- if by doing so, you would breach the seal of confession or confidentiality of information entrusted to you as a person bound to maintain confidentiality or as a person in charge of pastoral care.

You have the right to legal aid and to have a lawyer present at the questioning and the right to read the record and ask for it to be supplemented or corrected. You are entitled to reimbursement of necessary expenses (e.g. travel costs) and lost earnings from work – witness allowances. A claim for witness allowances must be raised within three days of the hearing.

## Can I make a statement during the trial or give evidence? Under what conditions?

As the civil party, you have the right to attend the main hearing and to propose evidence to be taken by the court. You can also comment on evidence that has already been taken. No further motions may be submitted once the court has declared the taking of evidence closed.

At the end of the hearing (but there may also be several hearings) you have the right to make a closing statement. Its content is not precisely defined, so it is up to you what you decide to say. You can bring your notes with you. Your authorised representative, if you have one, will make the closing statement.

## What information will I receive during the trial?

*Any decision made (judgment, order, penalty order) will always be delivered to you as the civil party. The decision will be delivered directly to your authorised representative if you have appointed one.*

## Will I be able to access court files?

You can choose to consult the file at any stage of the criminal proceedings. The request for consultation of the file should be addressed to the competent law enforcement authority. You can submit your request in writing or orally. In such a case, the competent authority is, in principle, obliged to grant the civil party's request by specifying the place, date and time of this procedural act. All necessary steps must be taken to prevent the disclosure of classified information, business and banking secrets, etc., when the files are consulted.

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