



Netherlands

3 - My rights after the (first) trial

Can I appeal against a sentence or if the defendant is declared not guilty?

Is further appeal possible?

What rights do I have after the court sentence enters into force?

[More information](#)

Can I appeal against a sentence or if the defendant is declared not guilty?

The trial will end with the court convicting the defendant or declaring him/her not guilty. Only the public prosecutor and the defendant can appeal against the conviction/acquittal or against the imposed penalty.

If you have filed a civil claim for compensation of damages the court will make a decision on your claim. If the defendant is convicted the court may order him/her to pay you compensation but may also reject your claim. If the public prosecutor or the defendant appeals against the conviction the higher court will examine your claim as part of the case so you do not need to submit your own appeal.

The only case when you can file your own **appeal** is when you have submitted a civil claim, the court has not granted you the requested amount, and neither the public prosecutor nor the defendant has appealed against the court decision. The rejected amount must be higher than 1.750 Euro. Your appeal has to be submitted to the Court of Appeal within **three months** following the date of the court decision. You are obliged to use a lawyer to represent you before the court.

Irrespective of whether you have filed a civil claim or not, when you have suffered from a serious crime and you are entitled to make a [Victim Impact Statement](#) you can make this statement before the Court of Appeal if the public prosecutor or the defendant has appealed against the conviction/acquittal. Your right does not depend on whether or not you have made such a statement during the first trial. The public prosecutor will contact you to explain to you your rights related to your participation in the appeal procedure.

Is further appeal possible?

If the Court of Appeal has rejected your civil claim you have no more opportunities to appeal. However, the public prosecutor or the defendant may submit an appeal to the Supreme Court against the decision of the Court of Appeal. In this case you will receive a notification that an appeal has been filed to the Supreme Court. You cannot appear and speak before the Supreme Court but your lawyer is entitled to submit a **written statement**, which the court will examine.

If criminal courts in any stage have found your civil claim inadmissible (in the criminal trial) you can bring this claim to the civil court.

What rights do I have after the court sentence enters into force?

When the court sentence enters into force your role in the proceedings is generally over. Dutch law does provide victims of severe crimes with the right to be informed about the release of the offender. You have to indicate that you want this to the public prosecutor responsible for your case.

If necessary, you can continue to benefit from the special protection measures undertaken earlier, e.g. accommodation in a safe house. You can also continue to receive the assistance provided by [Victim Support Netherlands](#) or even contact the organisation for the first time at this stage.

You can also consult a lawyer, but you have to pay for his/her services. Legal aid applies only until the end of criminal proceedings so once the court sentence enters into force you will have to pay the full amount of the lawyer's fee irrespective of your income.

If the court has approved your civil claim (without also imposing a compensation order) you can obtain the compensation for damages with the help of a bailiff. In most cases together with approving your claim the court will order the offender to pay you the awarded compensation with a compensation order that will be executed by the Central Fine Collection Agency and will be transferred to your account. From January 1, 2011, the state will fully compensate your damages if you are a victim of a violent or sexual crime and the convicted offender has not done so within 8 months.

More information:

- Code of Criminal Procedure (Wetboek van Strafvordering) – in [Dutch](#)
- Act of December 17, 2009 to change the Code of Criminal Procedure, the Criminal Code and the Act on Compensation for Violent Crimes to strengthen the position of victims in the criminal procedure (Wet van 17 december 2009 tot wijziging van het wetboek van strafvordering, het wetboek van strafrecht en de Wet schadefonds geweldsmisdrijven ter versterking van de positie van het slachtoffer in het strafproces)
- Legal Aid Act (De wet op de Rechtsbijstand) – in [Dutch](#)
- Act on Compensation for Violent Crimes (De wet Schadefonds Geweldsmisdrijven) – in [Dutch](#)
- Youth Care Act (Wet op de jeugdzorg) – in [Dutch](#) and [English](#)
- Instruction on the Right to Speak and the Written Victim Impact Statement (Aanwijzing spreekrecht en schriftelijke slachtofferverklaring) – in [Dutch](#)

1. Victim impact statement

The Victim Impact Statement is a description of the impact of the crime on your life. You may describe the medical, psychological and social consequences of the victimisation and the way they affect your everyday life but you cannot comment on the collected evidence or on the penalty to be imposed on the offender.

Your Victim Impact Statement can be presented in writing during the investigation and/or orally before the court during the trial. It can also be read out loud, partly or as a whole, by the public prosecutor or the judge.

You have the right to present a Victim Impact Statement only if you have suffered from specific crimes. The crimes, for which such a statement is allowed, are crimes punished by eight years imprisonment or more as well as some other offences like child pornography, lechery with unconscious or mentally disturbed minors, incitement of minors to lechery, lechery with persons between 16 and 18 of age, lechery abusing a relation of authority, forcing minors or pupils to prostitution, trafficking in human beings, threatening with a crime, stalking, maltreatment leading to severe injury or death, participation in fights leading to severe injury or death, death by negligence, bodily injury by negligence, extortion, death or severe injury by negligence in motor traffic. You are also allowed to present a Victim Impact Statement if you are a relative of a victim who has died as a result of the crime.

The national language version of this page is maintained by the respective Member State. The translations have been done by the European Commission service. Possible changes introduced in the original by the competent national authority may not be yet reflected in the translations. The European Commission accepts no responsibility or liability whatsoever with regard to any information or data contained or referred to in this document. Please refer to the legal notice to see copyright rules for the Member State responsible for this page.

Last update: 23/06/2015