

## Victims' rights - by country

### Poland

#### How do I report a crime?

Crimes are reported in writing or verbally at the public prosecutor's office or at a police station. A written crime report may be submitted in person or sent by post (or e-mail).

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

The person who reported the crime should be notified, within six weeks, that an investigation has been opened. If he/she does not receive such notification, he/she may submit a complaint to a senior prosecutor.

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

In preparatory and court proceedings, victims may be assisted by a professional representative – an advocate or legal counsel. Victims may appoint their representative themselves or, if their financial situation does not allow them to do so, they may request a court-appointed representative. For that purpose, the victim should submit to the court or prosecutor a letter proving they are not able to pay the representative's fee themselves.

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

If the victim has appeared in proceedings only as a witness, they are entitled to reimbursement of travel, accommodation and subsistence costs or of any loss of earnings.

If the victim has acted as auxiliary or private prosecutor, they are entitled to reimbursement of reasonable expenses, including expenses associated with appointing a representative.

To obtain reimbursement of the expenses, a request and, if possible, documents confirming the expenses incurred, must be submitted.

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

Victims may appeal against decisions to reject an application for preparatory proceedings and decisions to discontinue preparatory proceedings. Information on how to appeal is provided with those decisions.

#### Can I be involved in the trial?

Victims participate in preparatory proceedings as a party without having to submit a special statement.

In public prosecution proceedings, victims may act as a party (auxiliary prosecutor) if they submit a statement that they intend to do so.

In private prosecution cases, the victim is a party as private prosecutor.

#### 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?

Victims are individuals affected by a crime.

The victim is a party to preparatory proceedings by law.

In public prosecution proceedings, victims may act as a party if they choose to do so, in which case they act as auxiliary prosecutor.

In private prosecution cases, victims act as private prosecutor.

Regardless of whether they act as a party, victims are practically always heard as a witness.

At present, criminal proceedings do not allow victims to act as a civil party.

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

Even if not acting before the court as a party, victims may participate in court proceedings that are important in order to protect their interests. Victims may take part in a trial and in a session concerning the conditional dismissal of proceedings, conviction without trial and dismissal of proceedings on the grounds that the defendant is insane or in cases involving protection measures on the grounds that the defendant is insane. During the trial, the victim may object to a request by the defendant for conviction without the taking of evidence and may apply for the defendant to be ordered to make good the damage or pay compensation.

If criminal proceedings are conditionally dismissed, the victim may apply for them to be resumed.

Having chosen to act as a party before the court, the victim may take certain procedural measures: file applications for evidence, put questions to witnesses and experts, present their position, e.g. stating what decision they expect from the court. They may appeal against judgments.

Victims summoned as a witness must appear before the court and testify. Failure to appear without a good reason is punishable.

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

Victims may file applications for evidence if they act as auxiliary or private prosecutor.

#### What information will I receive during the trial?

Before the first hearing, victims are informed in writing about their status as a party to preparatory proceedings and their rights in this situation.

Victims are informed in writing of the indictment referred to the court and of the dates and place of court hearings or sessions in which they may participate.

If the court orders damages, it will serve a copy of the judgment on the victim.

#### Will I be able to access court files?

In the course of preparatory proceedings, victims may access files with the consent of the authority conducting the proceedings.

In the course of court proceedings, victims may access files if they are acting as private prosecutor or auxiliary prosecutor. If the victim is not acting in that capacity, the files will be made available with the consent of the president of the court.

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