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Claiming damages from the offender

Netherlands

#### How can I claim damages or other means of redress/satisfaction from an offender in a trial (criminal proceedings), and who should I address this claim to?

Compensation can be claimed in criminal proceedings. If you wish to claim compensation from the suspect in a criminal case you can complete the [Application for compensation form](#) (*Verzoek tot schadevergoeding*). Information and advice on completing the form can be found on the website of [Victim Support Netherlands](#) (*Slachtofferhulp Nederland*). Victim Support Netherlands can help you specify the loss or damage.

It is also possible to claim compensation from the offender in civil proceedings. Such proceedings are usually started only when it has proved impossible to obtain compensation in other ways.

#### At which point in the criminal proceedings should I present a claim?

If the public prosecutor decides to prosecute the suspect there will be a criminal trial. You will be sent the [Application for compensation](#) form by post. The Public Prosecution Service will ask you to return the completed form within 14 days. If you are unable to return the form within 14 days, you should contact the [Victim Support Desk](#) (*Slachtofferloket*) to request an extension.

Information and advice on this matter can be found on the [Victim Support Netherlands](#) website.

#### What can I ask for in the claim and how should I present it (indicate a total amount and/or specify the individual losses, lost profits and interest)?

You should specify the losses you have suffered on the [Application for compensation](#) form. Material losses, i.e. losses that can be expressed in financial terms, should be entered in question 4a of the form. If you also suffer from psychological and/or physical complaints, you can claim compensation for non-material damage caused by the pain and suffering after the incident. Such non-material damage should be reported in question 4b. In question 4c of the form you should report emotional damage. This refers to the pain, grief and loss of amenity suffered by a person when a loved one dies or is injured. In some cases, the next-of-kin of a deceased victim or a relative of a victim who suffers serious and permanent injury may obtain compensation for emotional damage. Further information about how to complete the form can be found on the [website](#) of Victim Support Netherlands. Victim Support Netherlands can help you specify the loss or damage.

If you are not the victim yourself, but have incurred costs for the victim (for example travel costs, medical costs or an invoice for repairs), you can also use the form to declare these costs. In that case, this 'displaced damage' should not be declared on the victim's application form; instead you should request a form of your own from your local [Victim Support Desk](#).

#### Is there a specific form for such claims?

If you wish to claim compensation from the suspect in a criminal case you can complete the [Application for compensation](#) form. Further information about how to complete the form can be found on the [website](#) of [Victim Support Netherlands](#).

#### What evidence do I need to present to support my claim?

Information and advice on this matter can be found on the [Victim Support Netherlands](#) website.

#### Are there court fees or other costs linked to my claim?

Information about court fees and other costs can be found on the [Victim Support Netherlands website](#).

#### Can I get legal aid before and/or during the proceedings? Can I get it if I'm not living in the country where the proceedings take place?

Information about legal aid before and/or during the proceedings can be found on the [Victim Support Netherlands](#) website.

#### When could the criminal court dismiss or refuse to adjudicate on my claim against the offender?

Information and advice on this matter can be found on the [Victim Support Netherlands](#) website.

#### Can I appeal against such a decision or seek other means of redress/satisfaction?

Yes, you can appeal against such a decision.

#### If I am awarded damages by the court, how do I ensure the judgment is enforced against the offender and what help can I get to ensure this?

Enforcement of the sentence will begin as soon as the offender's conviction is final. If the offender is required to pay you compensation, the Public Prosecution Service will instruct the [CJIB](#) (Central Judicial Collection Agency) to collect the compensation on your behalf. If the offender has still not paid the amount owed 8 months after the decision by the public prosecutor or the court, the government can pay you part of the compensation in the form of an advance. The CJIB will write to you about this. If you have any questions about receiving an advance, please contact [Victim Support Netherlands](#).

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