



## INFODROIT

### **intended for victims in accordance with the provisions of article 3-7 of the Luxembourg Code of Criminal Procedure**

#### **Definition of the notion of victim:**

An identified individual who has suffered injury as a result of an offence is qualified as a victim.

This sheet is used to inform the victim:

- **of the type of support he/she can receive and from whom he/she can receive this support, including, where applicable, basic information concerning access to medical care, any specialist care, especially psychological care, and accommodation;**

You are entitled to contact a victims' assistance service proposing psychological care such as that provided by the Office of the Public Prosecutor. A list indicating the main services is provided at the end of this sheet.

Where applicable, this service will direct you to the accommodation services. You can also make an appointment with your general practitioner or consult a psychologist or specialist doctor.

- **proceedings for lodging a complaint concerning a criminal offence and the role of the victim in these proceedings;**

If you have been a victim of a criminal offence, you are entitled to lodge a complaint with the Grand-Ducal Police. The Police will register your complaint and write a report. A police officer will therefore record your declaration concerning the circumstances and the events which happened. At the end of the meeting, you must sign your complaint. It will then be sent as a report to the competent prosecution department which will examine the merits of the complaint and decide what action to take. Within 18 months after receiving the complaint, the Public Prosecutor will inform you of the actions taken.

You can also lodge a complaint with the territorially competent Public Prosecutor or exercise your rights by sending a complaint and filing a civil action for damages to the examining magistrate.

You can obtain additional information from the Legal Advice Service or from the Victims' Assistance Service.

- **terms and conditions for receiving protection;**

If you have been a victim of trafficking in human beings or domestic violence, you are entitled, under certain conditions, to receive special protection. If this is the case, you are invited to provide further information during your hearing by the police or legal authorities.

- **terms and conditions for accessing lawyers and legal assistance under the conditions provided by law and any other kind of advice;**

If you do not have sufficient income to pay for a lawyer, you are entitled to receive legal assistance under the conditions laid down by the law (modified) of 10 August 1991 on the profession of lawyer and the grand-ducal regulation of 18 September 1995 concerning legal assistance.

You must therefore make a request for legal assistance to the competent Bar.

- **terms and conditions for receiving compensation;**

You are entitled to file a civil action by sending to the examining magistrate a letter indicating that you are filing a civil action for damages for the prejudice you declare you have suffered. This request can be formulated at any time during the proceeding.

Your attention is drawn to the fact that if you file a civil action you can no longer be heard as a witness.

In many situations, your rights to compensation could remain theoretical, especially in the following cases: the author of the attack has not been identified, cannot be found or is bankrupt.

In this case, if you have been the victim of a deliberate criminal offence causing you bodily injury and if this injury has been established by judgement having the force of *res judicata*, you can make a request for compensation to the Ministry of Justice on the basis of the law of 12 March 1984 concerning compensation for some victims of bodily injury resulting from an offence and punishment of fraudulent insolvency.

A special Commission with the Ministry of Justice will examine whether the conditions of the law and in particular the condition of bodily injury of a certain gravity are met and it will assess your damage.

Additional information concerning the procedure is available on the Ministry of Justice web site.

- **terms and conditions for exercising the right to interpreting and translation;**

You are entitled to be informed and make your declarations in a language you understand. During the hearing with the Police, you are invited to inform your contact of the language(s) you understand.

- **terms for exercising your rights as a resident of another Member State of the European Union;**

If you live in another Member State of the European Union and have been the victim of a criminal offence in Luxembourg, you can lodge a complaint with the Luxembourg police authorities.

- ***procedures available for making a claim in the event that your rights are not respected;***

In the event that your rights are not respected by the competent authority acting in the context of criminal procedure, you can appeal according to the forms and methods provided for in articles 3-4 (6), 3-5 (8) and 23-5 of the Luxembourg Code of Criminal Procedure.

- **useful contact details for correspondence regarding your case;**

We draw your attention to the fact that all correspondence related to the complaint of a victim is sent to the official address which was declared when lodging the complaint.

- **mediation and restorative justice options;**

During any criminal procedure and at every stage of the procedure, including when serving the sentence, the victim and the author of an offence, provided that the facts have been recognised, may be proposed a measure of restorative justice.

A measure of restorative justice designates any measure allowing a victim and the author of an offence to play an active role in solving the difficulties resulting from the offence, and in particular the repair of any type of prejudice resulting from its commission. This measure may only be applied after the victim and the author of the offence have received full information on this subject and have expressly agreed to participate. Note that the measure of restorative justice does not stop the criminal prosecution.

Criminal mediation is an alternative to the criminal prosecution which can be proposed by the competent Prosecution department and which requires the consent of the author of the offence and of the victim.

In principle, it offers a means of settling a dispute without bringing the matter before the courts.

- **terms and conditions for reimbursement of costs incurred as a result of your participation in the criminal proceedings;**

As a victim, you can exercise your pecuniary rights at several levels by filing a civil action, requesting a procedural indemnity to the Court ruling on the merits of the case during the trial, or by paying for your travel and accommodation expenses as witness allowance.

The legal conditions must be met for these various requests.

- **your right to individual assessment by a victims' assistance service to check if specific treatment is needed to prevent secondary victimisation;**

- where needed, additional information will, where applicable, be given to you at each stage in the proceedings;
- except if contrary to the victim's interests or to the smooth running of the proceedings, the victim is authorised, upon initial contact with the criminal police officers and agents, to be accompanied by an individual of his/her choice, when, as a result of the repercussions of the offence, he/she needs help to understand others or to make himself/herself understood;
- if the victim is a minor, he/she is entitled to be accompanied by his/her legal representative or by an individual of his/her choice during hearings.

## **USEFUL ADDRESSES**

### **Legal Advice Service**

Legal Advice Service Diekirch	80 23 15
Legal Advice Service Esch-sur-Alzette	54 15 52
Legal Advice Service Luxembourg	22 18 46

### **Victims' assistance service:**

- **Government service**

Victims' assistance service, 47 58 21-627 / 628/ 605/689  
GSM 621 326 595

Service Central d'Assistance Sociale  
du Parquet Général (consultations only upon appointment)  
L-1839 Luxembourg, 12-18 rue Joseph Junck (Plaza Liberty building - entrance C)  
Monday to Friday from 8 am to 6 pm  
[scas-sav@justice.etat.lu](mailto:scas-sav@justice.etat.lu)

- **Non-governmental organisations**

Crime Victims Assistance - Wäisse Rank Lëtzebuerg Asbl

84, rue Adolphe Fischer  
L-1521 Luxembourg

40 20 40

Victims of traffic accidents – AVR  
4, rue Joseph Felten  
L-1508 Howald

26 43 21 21

Domestic violence victims assistance service –  
SAVVD  
[contact@savvd.lu](mailto:contact@savvd.lu)

26 48 18 62

Fraenhaus

44 81 81 (24/24)

infoMann

5, Cour du Couvent  
L-1362 Luxembourg  
[info@infomann.lu](mailto:info@infomann.lu)



Child violence victims – ALUPSE Asbl

26 18 48-1

8, rue Tony Bourg  
L-1278 Luxembourg

FMPO

Centre Ozanam Trafficking in human beings (COTEH)  
64, rue Michel Welter  
L-2730 Luxembourg  
[coteh@fmpo.lu](mailto:coteh@fmpo.lu)

24 87 36 22  
GSM 621 351 884

FED

Assistance Service for the Victims of Trafficking in human beings (SAVTEH)

2, rue Fort Wallis  
L-2714 Luxembourg  
[traite.humains@visavi.lu](mailto:traite.humains@visavi.lu)

26 48 26 31  
GSM 621 316 919