



**R E P U B L I C  
O F S L O V E N I A  
S U P R E M E  
C O U R T**



## Information for an injured party with particular needs for protection

As an injured party in criminal proceedings, you have certain rights, which are set out in more detail below.



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For more information about your rights and how to exercise them, contact the court dealing with your case.

The list of courts with contact details is available at:

**[www.sodisce.si/sodisca/seznam\\_sodisc/](http://www.sodisce.si/sodisca/seznam_sodisc/)**

More information on the course of the criminal proceedings and the rights of the injured party can be found at **[nasodiscu.si](http://nasodiscu.si)**. For more information on assistance (including assistance out-of-court) and organisations providing assistance, visit the website of the police **[www.policija.si](http://www.policija.si)**.



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## Particular needs for protection

1

**You have the right to be informed by the competent authority in pre-trial or criminal proceedings, at the time of first contact, of the method by which information will be provided on:**

- free medical, psychological and other assistance and support;
- assistance and measures pursuant to the Act governing the prevention of domestic violence;
- protective and other measures for ensuring personal safety under the Criminal Procedure Act (ZKP) and the Act governing the protection of witnesses;
- the rights to the presence of a trustworthy person and the right to free legal aid under the Act governing free legal aid;
- the possibilities for compensation for damages under the Criminal Procedure Act and the Act governing compensation to victims of crime;
- payment and reimbursement of the costs incurred by the injured party;
- the right to interpretation and translation;
- the contact person of the competent authority with whom you can communicate about your case;
- any other rights or benefits that may be relevant to you.

The amount and type of information depend on your personal characteristics, vulnerability and specific protection needs, the nature, gravity and circumstances of the crime, and the stage of pre-trial or criminal proceedings.

2

You can request to be informed about the release or the escape of accused persons from house arrest or detention (Article 65a of the ZKP).

3

In pre-trial and criminal proceedings, you have **the right to be accompanied by a trustworthy person of your choice in specific cases** (such a person accompanies, for example, a minor as injured party, an injured party who has been a victim of violence or any other injured party, if required by the nature and gravity of a criminal offence, the injured party's personal circumstances or the degree of threat to them, unless this is contrary to the interests of the successful conduct of pre-trial or criminal proceedings or to the benefit of the injured party (Article 65)).



- 4 You also have the **right to protection and other measures which ensure your personal safety** under the conditions laid down in the Criminal Procedure Act, in particular to a hearing via videoconference, the assignment of a pseudonym, a hearing in specially adapted premises and a hearing with the assistance of an expert in the relevant profession (Articles 143č, 240 and 240a of the Criminal Procedure Act) and to protection measures provided for in the Witness Protection Act (ZZPrič).
- 5 The court shall **ensure that you do not come into unwanted contact with the accused person**, unless such contact is indispensable for the successful conduct of the pre-trial and criminal proceedings (Article 65 of the Criminal Procedure Act).

## Counsel and free legal aid

- 1 In criminal proceedings, you can exercise your right through a **counsel**. Under the Legal Aid Act (ZBPP), you can apply for **free legal aid** from a lawyer as counsel. An application for legal aid must be lodged in writing on a prescribed form with the district court in whose area you have your permanent or temporary residence. Further information and the form to be filled in to apply for free legal aid can be found at <https://nasodiscu.si/bpp>.
- 2 In cases of criminal offences against sexual integrity, marriage, family and youth and of enslavement and trafficking in human beings, the court shall appoint a counsel ex officio from among lawyers for a minor victim who does not yet have a counsel (Article 65 of the Criminal Procedure Act).
- 3 A minor as injured party, an injured party who has been a victim of violence or any other injured party may be accompanied **by a person of their own choice** if so required by the nature and gravity of the criminal offence, the injured party's personal circumstances or the degree of threat to them, unless this is contrary to the interests of the successful conduct of criminal proceedings or to the benefit of the injured party (Article 65 and 240 of the Criminal Procedure Act).

## Other rights in criminal proceedings

- 1 In criminal proceedings, you have the right **to call attention to all facts and propose evidence relevant to establishing the circumstances of the offence and the pecuniary claim, to examine the files, and at the main hearing, to pose**



**2** **questions to the accused person, witnesses and experts and comment on and clarify their testimonies.** The court may deny you the examination of the files until you have been heard as a witness (Articles 59, 165a, 177, 178, 291, 329 and 334 of the Criminal Procedure Act).

In criminal proceedings, you may submit **a motion to enforce a pecuniary claim** if you are entitled to enforce such a claim in a civil action (compensation for damage, recovery of an object, annulment of a legal transaction). You must specify and substantiate the motion and provide evidence (e.g. state the amount, submit invoices, etc.) (Articles 100 to 105, Articles 134 and 241 of the Criminal Procedure Act). A pecuniary claim is not mandatory but an option available to the injured party in criminal proceedings.

**3** Each witness shall be **entitled to reimbursement of expenses (costs of transportation to the court, loss of earnings, etc.)** in accordance with the rules regulating the reimbursement of expenses in criminal proceedings and the reimbursement of salary or loss of earnings. Reimbursement must be requested immediately after the hearing.

**4** In criminal proceedings, you **have the right to use your own language** in the manner determined by the Criminal Procedure Act and the right to a translation of essential documents (Article 8 of the Criminal Procedure Act).

**5** **The court decision against which you may lodge an appeal** (paragraph four of Article 367 of the Criminal Procedure Act) will be served on you together with a legal instruction stating the time limit and the manner in which the appeal must be lodged (paragraph seven of Article 169 and Articles 363 and 367 of the Criminal Procedure Act).

**6** As an injured party, you have the right to be informed of the current status of criminal proceedings and final judgments should you so request or if so provided by law (Article 65a and paragraph six of Article 363 of the Criminal Procedure Act). Information can be obtained during office hours at the criminal investigation administrative office of the court dealing with your case.



## Other rights you can exercise outside criminal proceedings

- 1 As an injured party in criminal proceedings, you are entitled to free **support for victims of crime** within the framework of social assistance services in accordance with the Social Assistance Act (ZSV), which includes professional support and counselling by the competent social work centre.
- 2 Special assistance and measures are provided on the basis of the **Domestic Violence Prevention Act (ZPND)**. Assistance is also provided by the competent social work centres and NGOs. In non-contentious proceedings, the court may, on your proposal, impose the following measures on the perpetrator of violence: a ban on entering accommodation premises, a ban on being within a certain distance of the accommodation premises, a ban on being in and approaching places where the victim usually stays, a ban on meeting and contacting the victim, and others. In order to ensure the protection of children, the competent court may impose additional measures laid down in this Act. More information on the forms of assistance and measures can be found on the website of the ministry responsible for labour, family, social affairs and equal opportunities.
- 3 If you are a victim of a violent intentional crime or a relative of a victim whose death was caused by a violent intentional crime, you may be entitled to **compensation under the Compensation to Crime Victims Act (ZOZKD)**. The application must be made in writing on the prescribed form to the ministry responsible for justice. The decision to grant compensation is made by a commission appointed by the Government of the Republic of Slovenia.

## Duties of the injured party

- 1 If you are summoned as a witness, you are obliged to respond to the summons and, unless otherwise provided by the Criminal Procedure Act, to testify (Article 234 of the Criminal Procedure Act); if you are prevented from responding to the summons, you must duly justify your absence (Article 62a of the Criminal Procedure Act). Please state your contact details in your justification to make it easier for the court to set a new date.



- 2 Please inform the court of any change of address or place of residence (Article 66 of the Criminal Procedure Act).
- 3 You must not deliberately delay the proceedings, as the court may impose a fine on you if your actions are manifestly aimed at delaying the proceedings (Article 140 of the Criminal Procedure Act).
- 4 You must behave respectfully in the proceedings, as the court may impose a fine on you if you insult the court or a participant in the proceedings in your submission or speech (Article 78 of the Criminal Procedure Act).
- 5 Irrespective of the outcome of the criminal proceedings, you are obliged to pay the appropriate court fees and to bear the costs incurred as a result of being forcibly brought before the court, the postponement of an investigative act or the main hearing, or the failure to lodge an announced appeal, as well as any other costs of the proceedings incurred through your fault (Article 94 of the Criminal Procedure Act).