

ClientAlert

Criminal Law

August 2013

Strengthening rights of aggrieved parties in criminal proceedings

Major changes in connection with the new Act on Victims of Crime

As of August 1, 2013, Act No. 45/2013 Coll., on Victims of Crime and Amendments to Certain Other Acts, entered into force. The purpose of the Act is to regulate the rights of victims of crime – natural persons, and to provide them with adequate standing in criminal proceedings and with systematic professional and financial help. In addition to that, the Act amends other legal regulations having a significant impact on the rights of aggrieved parties, whether they are legal entities or natural persons. Such changes concern, inter alia, the Rules of Criminal Procedure, the Rules of Civil Procedure, the Rules of Executory Procedure and the Insolvency Act. Generally speaking, the rights of the aggrieved party in criminal proceedings have been strengthened substantially as of August 1, 2013.



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Aggrieved party: A party who suffered bodily harm or material damage through a criminal act, or at whose expense the perpetrator enriched themselves through a criminal act.

- The aggrieved party's attorney will be authorized to take part in the investigation upon the initiation of criminal prosecution, to pose questions to the accused and to witnesses, and to raise objections against procedure. A legal entity may now also serve as an attorney.
- If the aggrieved party moves that the court order the accused to provide compensation for damages, the aggrieved party must substantiate the claim and the amount of damage. The court will in turn instruct the aggrieved party as to how such evidence is to be supplemented, if the court deems it inadequate for its decision on compensation for damages, and will stipulate a reasonable term for such supplementation.
- Upon a motion of the aggrieved party, the court may order the accused to reimburse the aggrieved party for costs related to their involvement in the criminal proceedings (including the costs of their attorney), even if compensation for damages is not awarded to the aggrieved party.
- A creditor under any enforceable claim for compensation for damages, non-material injury or surrender of unjust enrichment caused by a criminal act may register such claim at any time during insolvency proceedings, provided that assets constituting the debtor's estate were seized and forfeited in criminal proceedings.
- A creditor under such claim in insolvency proceedings acquires the status of a secured creditor, and the ranking of their claim depends on the timing of forfeiture under the Rules of Criminal Procedure.
- Property seized in criminal proceedings may only be liquidated with the consent of the competent law enforcement or judicial authority.

In connection with the abovementioned topic, the Prague office will organize a Business Breakfast Seminar on implications for your business in Autumn 2013.

Further information on the seminar will follow.