



Involvement of the injured party in criminal proceedings

(Art. 118 StPO [Swiss Criminal Procedure Code])

Please read this form carefully, fill it out accurately and completely and return it to **Staatsanwaltschaft des Kantons Zug, Postfach 1356, 6301 Zug within 10 days of receipt.** If you do not return the form, we will assume that you waive your right to involvement in the criminal procedure as outlined in the notes below.

Procedure number <small>(if already known)</small>	
Description of incident	
Place of incident	
Date and time of incident	
Injured party Name: Address:	
Accused Name: Address:	

Private claimant in criminal complaint: <small>(Criminal complaint, art. 119(2)(a) StPO)</small>	I want to be involved in the criminal proceedings as a private claimant in the criminal complaint and exercise party rights (right to inspection of case documents, right to a legal agent, involvement in proceedings, right to appeal etc.). <input type="checkbox"/> Yes <input type="checkbox"/> No
Private claimant in civil claim: <small>(Civil claim, art. 119(2)(b), art. 122 et seq. StPO)</small>	I want to be involved in the criminal proceedings as a private claimant in the civil claim and file private law claims based on the criminal offence and exercise party rights (right to inspection of case documents, right to a legal agent, involvement in proceedings, right to appeal etc.). <input type="checkbox"/> Yes <input type="checkbox"/> No If "yes", which and what amount: Damages: CHF Compensation: CHF <small>(Please enter a precise amount [not "circa" or "approx."], give a brief explanation on a separate sheet of paper and support, e.g. with bills, receipts, letters of acknowledgement etc.; art. 123 StPO)</small>

<p>Exertion of party rights: (only when answering "Yes" to private claimant)</p>	<p>I want to participate in taking of evidence (namely examination hearings etc.) during investigatory procedures:</p> <p><input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>I want to participate in possible court hearings:</p> <p><input type="checkbox"/> Yes <input type="checkbox"/> No</p>
<p>Place and date:</p> <p>Signature:</p>	

Notes

The private claimant has party status and - insofar as it is necessary to safeguard his or her interests - the following rights (art. 107 StPO): right to inspect case documents, to participate in procedural acts, to appoint a legal agent, to request that further evidence be taken and to comment on the proceedings, to appeal.

Anyone whose rights have been directly violated by a criminal offence is considered an injured party and may participate in criminal proceedings as a private claimant. To this purpose, an express declaration is necessary, which must be submitted in writing or made orally on record to a criminal justice authority by the end of the preliminary proceedings at the latest. As a precondition, the private claimant must be able to stand trial or act through his or her legal representative. The waiver of a private claim and the retraction of a private claim with costs at a later date is final; the right to file the claim again in civil proceedings is reserved, as long as the civil claim is withdrawn before the end of the main hearing before the court of first instance. The private claimant may raise a criminal complaint and a civil claim. The criminal complaint demands the prosecution and punishment of the person responsible for the criminal offence. The civil claim enforces financial claims that have arisen as a result of the criminal offence (damages, compensation).

In accordance with art. 427(1) StPO, the private claimant may be ordered to pay **procedural costs incurred** as a result of his or her applications on civil matters if: (a) the proceedings are abandoned or the accused is acquitted; (b) the private claimant withdraws the civil claim before the conclusion of the main hearing before the court of first instance; or (c) the civil proceedings are dismissed or remitted to the civil courts.

In complex and extensive proceedings, if numerous people declare themselves private claimants this can lead to **delays** in proceedings due to multiple requests to inspect files, requests to take evidence and agreed dates with regards to examination hearings.