

**Dr. Josef Unterweger**

A-1080 Wien  
Buchfeldgasse 19a  
T +43 1 405 42 67  
F +43 1 405 04 62  
E office@unterweger.co.at  
www.unterweger.co.at

Sections 65, 66, 77 and 195 Code of Criminal Procedure (English translation)

§ 65. In this Act

1. “victim” means
  - a. any person who, as a result of criminal offences committed with wilful intent, may have been subjected to violence or threatening behaviour, or whose sexual integrity may have been impaired,
  - b. the spouse, registered partner, common law partner, immediate relatives, brother or sister of a person whose death may have been caused by a criminal offence, or other relatives who were witnesses to such act,
  - c. any other person who may have suffered harm as a result of a criminal offence, or whose judicially protected legal interests may otherwise have been impaired;
2. “Civil party” means any victim who declares a wish to join proceedings for the purpose of claiming compensation for harm or impairment suffered.

§ 66. (1) Irrespective of their status as a civil party, victims shall have the right to

1. be represented (section 73),
2. inspect documentary evidence (section 68),
3. be informed of the subject matter of the proceedings and their fundamental rights, prior to being examined (section 70(1)),
4. be notified of the continuation of proceedings (sections 17(5), 194, 197(3), 206 and 208(3)),
5. receive interpretation assistance, to which section 56 applies with the necessary changes,
6. participate in the cross-examination of witnesses and accused (section 165), and participate in a reconstruction of the act (section 150(1)),
7. be present during the main proceedings and examine accused, witnesses and experts, and be heard in examination,
8. request the continuation of proceedings terminated by the prosecution service (section 195(1)).

§ 68. (1) Civil parties and private prosecutors are entitled to inspect documentary evidence insofar as their interests are affected; sections 51, 52(1), (2)(1) and (3), and 53 apply with the necessary changes. Inspection of documentary evidence may only be refused or restricted if it would compromise the purpose of the investigations or an uninfluenced witness statement.

(2) The right to inspect documentary evidence shall also be granted to victims who have not joined the proceedings as civil parties.

(3) The prohibition of publication pursuant to section 54 shall apply to victims, civil parties and private prosecutors with the necessary changes.

§ 77. (1) In the event of a legitimate legal interest, prosecution services and courts shall also grant access to any findings before them from an investigation and main proceedings in cases other than those specified in this Act, insofar as there are no contrary public or private interests that take precedence.

#### Application for continuation

§ 195. (1) Provided that the limitation period of a criminal offence has not expired, the court must order the resumption of investigation proceedings terminated by the prosecution service under sections 190–192 on application of a victim where

1. the law has been breached or incorrectly applied,
2. there are significant doubts as to the truth of the facts which served as the grounds for termination, or
3. new facts or evidence have arisen which, on their own or in conjunction with other findings of the proceedings, appear to be adequate to clarify the facts of the case to the extent that the proceedings can continue in accordance with Chapters 11 or 12.