



Information brochure for victims

District Halle-Vilvoorde Version 2014

Police zone Address			
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File number :

Contact :

Reporting officer :

Issue date brochure :

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1. You're a victim - How to deal with all these emotions?

a. Shocking event

The offence you fell victim to, can be a shocking event that made an overwhelming impression on you. **The impact of the shock differs from person to person**. One person may have short reactions, the other may have longer-lasting and very intense reactions.

There is furthermore a wide variety of feelings. Yet there are some similarities between the consequences of the shocking event and the way it is dealt with.

The event can cause pain, confusion and fear. It changes your life drastically and you feel you don't have a grip on your life and your fears anymore.

Many people suddenly feel that they are vulnerable, that nothing is predictable anymore. That makes them insecure.

b. First reactions

During and shortly after the event you usually feel stupefied and feelings do not get through to you yet. Later it becomes clear what happened and the emotions come out.

c. Consequences

Various reactions may appear after a shocking event:

- <u>Physical discomforts</u> such as headache, nausea, sleep disorder, palpitations, tension, concentration disorder, hyperalertness ...
- <u>Emotional reactions</u>: fear, grief, anger, feelings of guilt, shame, reliving the event through flashbacks and dreams, feeling of powerlessness ...
- <u>Psychosocial consequences</u>: irritability which may give rise to tension, not daring to come outside
 so you get out of touch with friends, intimacy and sexuality problems, feeling
 misunderstood ...
- <u>Financial and material consequences</u>: doctor's and pharmacy expenses, requesting certain documents again, installing new locks ...
- Legal consequences: filing a complaint, declaration of injured party, claiming damages ...

These reactions are a sign that you start to come to terms with the event. **These are normal reactions to an abnormal event.** The duration of this process and the way it is felt differ from person to person and depend on a number of factors, like the seriousness and nature of the event, any previous experience as a victim, support from the people around you ...

It is important to allow these feelings to surface and to talk about it if you feel the need. Chapter 5 "Professional aid" (p 12) elaborates on what and who can help you to deal with the event.

2. What will happen with my complaint?

a. Report

When you file your complaint, the police services draw up a report. You can only read and correct the interrogation report. Afterwards, you can sign it.

There are several types of report:

- Ordinary report
- API: autonomous police investigation
- SR: simplified report

The difference between those various reports lies in the way they are treated. An ordinary report and an autonomous police investigation are transmitted to the public prosecutor's office after a certain period of time (see diagram p. 7). A simplified report is kept with the police services until additional elements appear in the file, as a result of which the simplified report becomes an ordinary report or an autonomous police investigation.

After the report is drawn up, you get a certificate proving that the complaint has been filed, mentioning the file number. Depending on the type of report, you receive a different certificate of complaint filing.

a. Copy

You have the right to ask the police service for a copy of the interrogation report or a copy of the simplified report for free.

The file number, which is mentioned on the copy of your declaration and on the certificate of complaint filing, is an indispensable piece of information when you get in touch with insurance companies, the public prosecutor's office, etc.

b. Procedure

The police service transmits the report (and the autonomous police investigation) to the competent public prosecutor's office.

The file that is opened as a result of the report can go a long way.

Below you can find a diagram of the way your file can go and a number of explanatory terms.

c. Explanation of some legal concepts

Complaint filing certificate The document that proves that you have filed a complaint with a police

service or the public prosecutor's office.

Application to join proceedings as a civil party An action that you as a victim need to institute yourself

to become a party in the enforcement of a sentence and to receive

damages.

Judicial inquiry
An inquiry led by an examining magistrate with the intention of tracing

offenders and gathering evidence.

Examining jurisdiction The court, also known as pre-trial chamber, that decides on the further

development of the case after the judicial inquiry. The pre-trial chamber can refer the suspect to a tribunal entertaining jurisdiction or discharge him or her. It is possible to lodge an appeal against the pre-trial chamber's decisions with the Court's indictment division. The tribunal entertaining jurisdiction also decides on the suspect's preventive

custody (remand).

Examining magistrate The magistrate leading the judicial inquiry.

Criminal investigation The investigation led by the public prosecutor with the intention of

tracing offenders and gathering evidence.

criminal laws are applied.

Public prosecutor The magistrate who leads the public prosecutor's office at judicial

district level.

Report The document that contains all useful information with regard to the

offence. There are three types of reports: ordinary reports, autonomous

police investigations and simplified reports.

Interrogation reportThe document that contains the informant's declaration on the offence.

DismissalThe decision by the public prosecutor's office to dismiss the case. This

means that the supposed suspect is no longer prosecuted by the public

prosecutor's office.

Declaration of injured party An action that you as a victim need to institute yourself to be informed

of your file.

Tribunal entertaining jurisdiction The court in which the judge passes judgement on the essence of the

case. The criminal judge can, when he holds the offences proven, condemn the offender and impose a punishment. He can also award damages to the civil party. Otherwise the criminal judge can acquit the suspect. The police court and magistrates' court are tribunal

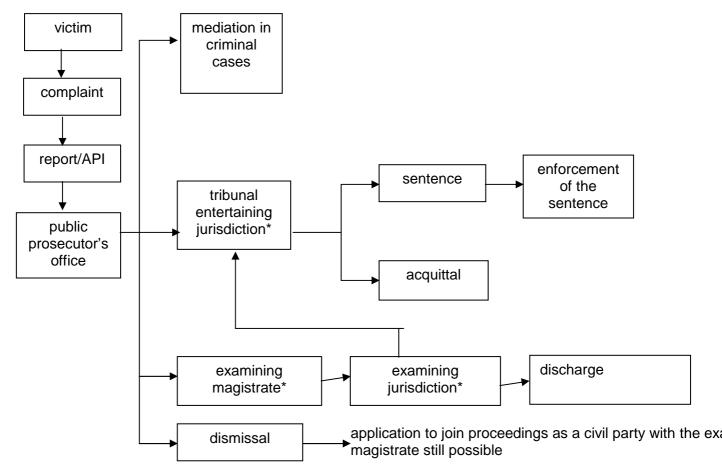
entertaining jurisdictions that deal with criminal cases.

Pre-trial detention A deprivation of the suspect's liberty which – if strict conditions are

met – can be imposed by the examining magistrate in accordance with the current judicial inquiry. It is not the same as the final sentence,

which is pronounced by a tribunal entertaining jurisdiction.

d. Diagram of criminal justice



^{*} You can make an application to join proceedings as a civil party

e. Victim care at the public prosecutor's office

i. Who can apply to this service?

The victim care service is responsible for receiving victims of offences and crimes and their relatives, which means that they only intervene for minor offences.

People and their relatives to whom material, moral or physical damage was caused as a result of a criminal offence, can apply to this service.

People who were severely injured or people who lost a relative in a road accident can also contact the service.

Relatives of people who deceased in suspicious circumstances as a result of which a criminal case was opened can also apply to the victim care service.

ii. What can you use the victim care service for?

- Specific information on the development of your judicial file. For general information, such as information on the judicial procedure, the way to obtain damages..., you have to turn to the justice centre (Tel 02/557 76 11).
- Assistance and support in emotionally difficult moments such as the inspection of the investigation file as a result of the death of a family member, the restitution of confiscated documents, etc.
- Referral to more specialized services if psychosocial aid or legal assistance is needed, such as referral to the victim support service, lawyers ...

iii. How can you appeal to the victim care service?

You can contact the **victim care** service by telephone every working day. After this first contact, an appointment at the office can be taken into consideration.

2: 02/508.74.98 or 02/508 71 69

글: 02/519.83.78

3. How do I stay up to date with my file?

You might think: "I have filed a complaint, I will be informed on the state of play."

NO, you don't have this guarantee!

However, there are some possibilities to be kept informed of the state of your case as a victim.

If your report is a simplified report, you do not have the possibilities mentioned below. However, if your simplified report changes into a report or autonomous police investigation, the police service will inform you and you will receive a different certificate of complaint filing.

a. Request for information

By means of a simple written request to the public prosecutor's office, you can ask the public prosecutor to be informed of the further development of your case. However, this is no guarantee that it will actually be done.

For each communication with the public prosecutor's office with regard to your case – either in writing or by means of the status of injured party, or personally through the victim care service – the file number has to be mentioned on the certificate of complaint filing.

f. Declaration of injured party

If you wish to know what happens with your complaint, how the procedure develops further, you have to make a declaration of injured party. Please note: the declaration of injured party is no application to join proceedings as a civil party and no wording of a complaint!

If you apply for the status of injured party, you will be informed by the public prosecutor's office of:

- the dismissal of your case and the reason why this was done (if this happens)
- the start of a judicial inquiry
- the determination of a court day for the examining jurisdiction and the tribunal entertaining jurisdiction
- the decision of the pre-trial chamber

This gives you an idea of what you have to do further, when you can inspect your file, when you can make an application to join proceedings as a civil party, ...

You may have declared yourself injured party during your interview.

In this case, it was recorded in your complaint filing certificate, and will then be registered by the prosecutor Secretary upon receipt of the report.

If you did not declare injured party during your interview, you still have the ability to do this with form that is attached to the certificate of complaint filing, you were handed by the police or which was sent to you. You can declare yourself as injured party in person or through a lawyer:

- Either by handing in the statement of injured person at the secretary of the prosecutor's office, whose details are given below:
- Or send it by registered mail to the secretary of the prosecutor's office;
- Either by handing it over to the police station.

Where can you have the declaration of injured party registered?

For common law

In the judicial district of Brussels-Halle-Vilvoorde the 'declaration of injured party' has to be handed in at the secretariary of the public prosecutor's office –Nervierstraat 60, 1730 Asse

Openinghours: 9h till 11h and 13h30 till 15h

For traffic cases

For these cases, the declaration of injured party can also be made at the competent police prosecutor's office. In addition to Brussels, this can also be Halle or Vilvoorde.

1800 Vilvoorde Hanssenslaan 11.
1500 Halle Zuster Bernardastraat 32.
Opening hours Vilvoorde: 8.30h to 11.45h and 12.45h to 16h
Opening hours Halle: 8h to 11.45h and 12.45h tot 16.30h

• For juvenile cases

For juvenile cases in the district of Halle-Vilvoorde the declaration of injured party needs to be handed in person to the **secretary of the public prosecutor's office- Nervierstraat 60, 1730 Asse**

Opening hours: 8.30h to 11.30h and 13h to 15.30h

4. How can I be compensated?

Damages can be obtained in a number of ways. As a victim, you generally have to take **a number of necessary steps**. It is important to note that a simple mention in your declaration that you are an injured party is **INSUFFICIENT** to obtain damages.

Compensation can be obtained in a number of ways.

a. Offender is known and compensates for the damage voluntarily

The offender can do this on his own initiative or at your request (possibly by registered post). If a complaint was filed, you need to inform the public prosecutor that the offender has compensated for the damage.

As a victim of an offence or a road accident, you can appeal to a mediator to verify in what way the damage can be compensated for (see point 5.e. Victim – offender mediation). In this context, the damages can also be an aspect of mediation.

g. Insurance

When you are the victim of an offence, it is in all respects useful to verify all your insurances: fire insurance, family insurance ... You can get in touch with the insurance agent for this. Do not wait too long to do this, for declarations are often bound to a specific term.

It is very important to check the family insurance because it is often coupled with a legal expenses insurance. Within the terms of the policy, this legal expenses insurance can contribute to the costs and fees of a lawyer, legal costs ... Some family insurances compensate for the damage (though up to an upper limit) if the offender is unknown or was found to be insolvent after a conviction (insolvency clause).

The terms of the policy are of course important to know the extent of the guarantee.

In case of burglaries, homejackings and other offences that cause damage to the house, it is important to report this to your fire insurance company.

Any specific insurance should also be considered (hospital insurance, travel insurance ...).

h. Application to join proceedings as a civil party

If you wish to obtain damages or other rights, you have to make an application to join proceedings as a civil party.

How? By making an explicit declaration personally or through your lawyer. This declaration can be made in all phases of the procedure (before the examining magistrate, the tribunal entertaining jurisdiction or the court). See diagram on page 7.

As civil party, you can demand inspection of the file, ask to make additional inquiries, claim damages or have recourse to a legal remedy against the judgements (e.g. lodge an appeal).

Given the complex nature and the importance of this procedure, you can apply to a lawyer or the victim support service at the police, the victim care service at the public prosecutor's office or the victim support service of the General welfare work centre. See chapter 6 "Useful addresses".

The application to join proceedings as a civil party can have financial consequences. You can be asked to pay a sum as security to cover any investigation expenses.

Please note: the declaration of injured party is not an application to join proceedings as a civil party!

Important to know: if you do not make an application to join proceedings as a civil party, the judge who deals with the case cannot sentence the offender to pay damages. If you do not ask anything, you will not obtain anything.

i. Commission for financial help for victims of intentional acts of violence and occasional rescuers

If the offender is unknown or insolvent and if you cannot obtain damages in any other way, you can file a request with the damage fund. This request has to be sent by registered post (there is a model petition) to the secretariat of the "Commission for financial help for victims of intentional acts of violence and occasional rescuers".

All kinds of information about the procedure and the conditions that need to be fulfilled can be obtained from the victim support service or from the fund itself.

Commission for financial help for victims of intentional acts of violence and occasional rescuers

Address: Rooms:

Waterloolaan 115 Hallepoortlaan 5 – 8 1000 Brussels 1060 Brussels

2: 02/542.72.24 **2**: 02/542.72.29 **2**: 02/542.72.36

: commissie.slachtoffers@just.fgov.be

j. Belgian motor guarantee fund

The Belgian motor guarantee fund can compensate for the damage in the cases stipulated in the law for victims of traffic accidents:

- if the liable vehicle cannot be identified (only physical damage is compensated for)
- in case of force majeure, coincidence
- in case of an insolvent insurer, for instance bankruptcy
- if the liable vehicle is not insured
- if the liable person was driving a stolen vehicle
- when the insurance company or the person who settles the claim fails to answer after a request to obtain damages was filed.

More information about the procedure and the conditions that you need to meet can be obtained from the victim support service or the Belgian motor guarantee fund itself.

Belgian motor guarantee fund

Liefdadigheidsstraat 33 bus 1 1210 Brussels

☎: 02/287.18.11 ♣ : 02/287.18.00

■ : www.fcga-gmwf.be

5. Professional aid

Dealing with a shocking event is personal and may require a lot of time and energy.

a. The following tips might help

- Do not bottle up your feelings, express your emotions.
- The confrontation with reality, for example by returning to the place where it happened, going through the event, may help to put the event in the right perspective.
- In order to make the event sink in slowly, it may be important to some people to talk or think about it. It might help to tell your story several times.
- Do not let your shame stand in the way of telling your story.
- Do not expect the memories to go away just like that. They can affect you for a long time.
- Take time to sleep, to rest, to think and to be with your close family and friends.
- Drive carefully and be attentive at home; accidents occur more often during stressful periods.
- Do not forget that children also have similar feelings. Give your children the chance to talk about their feelings or to express themselves by playing or drawing.
- Your partner, children, family and acquaintances can also be emotionally involved in the incident.
 You are preoccupied with yourself and the event. You react differently than before. This can be hard for the people around you. Your acquaintances sometimes do not know either how to deal with your reactions and emotions.
- If friends and acquaintances do not get in touch with you anymore, do not assume that they do not want to have anything to do with you anymore. They may feel uncomfortable with the situation. Feel free to get in touch with them yourself.

k. When is the right moment to look for professional help?

- If you would like to talk about it with someone.
- If you are permanently tense, confused and exhausted or if you have permanent physical complaints after a certain period.
- If you keep feeling numb and empty.
- If you keep yourself busy in order not to be confronted with your feelings.
- If you have permanent sleep problems.
- If you feel the need to share your story and emotions and if you have no one to do this.
- If you keep smoking, drinking or taking medication too much (or more) since the shocking event.
- If you worry about the way your close relations (child, partner ...) deal with the event.
- If you do not know how to move on.

I. Where can you find professional help?

A distinction is made between:

- situations of intrafamilial violence
- victims of a criminal offence
- victim-offender mediation

i. Situations of intrafamilial violence

The general welfare work centre is responsible for the reception, the first relief, support and orientation of intrafamilial violence problems.

The victim, the person who committed intrafamilial violence as well as the children in the family can appeal to the general welfare work centre for individual aid, relational therapy, divorce or parenthood mediation.

There are two general welfare work centres in the district of Halle-Vilvoorde that each have their specific sphere of action. See chapter 6 "Useful addresses".

Annex b of this information brochure contains the form '*Referral form CAW*', which can be completed together with the police officer. The police faxes the form to the competent general welfare work centre. If desired, you can also get in touch with this service yourself.

After having received this form, the general welfare work centre contacts you by telephone without obligations within 3 working days. At that moment, you can still reject the offered help.

You can of course contact your regional general welfare work centre by telephone.

A general welfare work centre is a primary assistance service where you can go to for:

- legal information
- mediation
- psychosocial support
- referral to more appropriate services

See chapter 6 'Useful addresses', p. 16, for contact information.

ii. Victims of a criminal offence

The victim support service of the general welfare work provides free relief and support for *victims of criminal offences, relatives of suicides and traffic accidents* living in the judicial district of Halle-Vilvoorde. Close relations and witnesses can also appeal to this service. Aid to victims offers help to both adults and children.

You can turn to this service for:

- Psychosocial guidance and support when dealing with the event by means of talks.
- Information and advice on practical and legal matters: which way does a report take, information on insurance, damages, application to join proceedings as a civil party, inspection of the file, Belgian motor guarantee fund, Commission for financial help for victims of intentional acts of violence and occasional rescuers ...
- Administrative and practical help: filling out the forms together, consulting the file together ...
- If necessary, referral to more specialized services.

Annex c of this information contains the form '*Referral form*, which can be completed together with the police officer. The police faxes the form to the victim support service.

If you wish, you can also get in touch with the victim support service yourself.

After having received this form, the victim support service contacts you by telephone without obligations within 3 working days. At that moment, you can still reject the offered help.

You can of course contact the victim support service by telephone, every working day between 9h and 17h. Below you will find the address and telephone number of the victim support service:

Location Vilvoorde

JB Nowélei 33

1800 Vilvoorde

CAW Halle-Vilvoorde, Victim Support

☎: 02/613.17.00 **≘**: 02/613.17.01

Location Asse
Poverstraat 75 B 48
1731 Asse (PIVO Site)

Location HalleLocation TervurenBrusselsesteenweg 127Kasteelstraat 51500 Halle3080 Tervuren

Appointments are possible in all location or at your home.

iii. Victim-offender mediation

Victims or relatives sometimes have questions that only the offender may answer:

- Why did he/she dit it?
- Why did he/she pick me?
- Does he/she realize what the consequences are for me?
- Who is the offender or perpetrator exactly?
- Does he/she regret what he/she did?
- ...

Unfortunately not all offenders of a crime or accident are caught. If the **offender** is **known**, victim-offender mediation may be of help. As a victim or relative, you can appeal to a neutral person, the mediator. You can present the mediator with your questions and/or messages to the offender or perpetrator, discuss them and have the mediator transmit them to the offender or perpetrator.

During mediation, victims, relatives and offenders or perpetrators can communicate **indirectly** (through the mediator) or **directly** (through a meeting) with each other about the facts or the accident.

You as a victim or relative can request victim-offender mediation at any moment: both before and after a sentence of a court. The mediation process starts at the request of one of the parties, victim, relative or offender or perpetrator. The talks with the mediator are **free** and take place at the mediation service, at home or at any other venue to be agreed.

It is a *voluntary offer*. Both the victim, relatives and the offender or perpetrator are free to respond to the mediation. The mediation can be stopped at any time.

The conversations as part of the mediation are *confidential*. Victims, relatives and offenders or perpetrators decide themselves what information they want to pass on to the other party/parties. The mediator doesn't give any information to the public prosecutor's office, the examining magistrate or the judge.

For further information or a request for mediation, feel free to get in touch with the mediation service:

Mediation service Judicial district Halle - Vilvoorde/ Brussel, Suggnomè

Vanderlindenstraat 17 1030 Schaarbeek Tel 02 522 69 75 Fax 02/245 69 15

www.suggnome.be
info@suggnome.be

Bemiddelingsdienst.hallevilvoorde@suggnome.be

6. Useful addresses

a. Victim support Caw Halle Vilvoorde

CAW Halle-Vilvoorde, Victim Support

: 02/613.17.00

□:02/613.17.01

□ : www.cawhallevilvoorde.be□ : onthaal@cawhallevilvoorde.be

Location AsseLocation VilvoordePoverstraat 75 B 48JB Nowélei 33

1731 Asse (PIVO Site) 1800 Vilvoorde

Location HalleLocation TervurenBrusselsesteenweg 127Kasteelstraat 51500 Halle3080 Tervuren

m. Victim care at the public prosecutor's office in Brussels

Quatre Brasstraat 4 1000 Brussels

2: 02/508.71.69 or 02/508 74 98

■: 02/519.83.78

n. Legal assistance office (Pro Deo)

Regentschapsstraat 63, floor -1 1000 Brussels

☎: 02/519.84.68 **ॼ** : 02/519.84.31

Open:

- every working day from 9h to 11h
- in the months of July and August, the office is only opened on Mondays, Wednesdays and Fridays.

Help desk: Information by telephone on legal issues

2 02/511.50.45 (working days from 14h to 17h)

o. General welfare work centre (CAW Halle Vilvoorde)

Main office
Poverstraat 75 B 48
1730 Asse
02/613 17 00
Locations in Asse, Halle, Vilvoorde and Tervuren (see Victim Support)

p. Confidential centre on child abuse

Mediation Service Brussels Sainctelette Square 17 1000 Brussels (entry at Akenkaai 1)

☎: 02/477 60 60 **ଛ**: 02/477 87 50

q. Police prosecutor's offices

Police prosecutor's office Halle

Zuster Bernardastraat 32 1500 Halle

2: 02/356.88.32

Police prosecutor's office Vilvoorde

Hanssenslaan 11 1800 Vilvoorde ☎: 02/255.31.70

r. Hotline violence and abuse

Free number 1712 9h till 17h

s. Crisis reception centre Haven 21

Brusselsesteenweg 152 1500 Halle

☎: 02/356.70.41 **≘**: 02/360.23.76

t. Justice centre

Regentschapstraat 63 (second floor) 1000 Brussels

☎: 02/557.76.11 **≘**: 02/557.76.44

u. Public prosecutor's office in Brussels

Quatre Brasstraat 4 1000 Brussels

2: 02/508.71.11

The victim's fundamental rights

1) The right to be treated in a respectful and correct way

As a victim, you have the right to be treated in a correct and respectful way by the police and judicial authorities, from the moment the offence took place, during the criminal procedure and up into the enforcement of the sentence phase.

2) The right to receive information

You have the right to receive at the right time the necessary information on e.g. the course of the procedure, the way to receive help from a lawyer and the specialized services that can help you, like the victim support services.

3) The right to give information

You have the right to give information and to be heard so that your damage can be taken into consideration. This means that you can communicate all elements that you consider useful to the competent authorities (police, judicial authorities, but also your insurance company for instance).

4) The right to legal aid

You have a right to legal information and aid from a lawyer. This may involve high financial costs. That is why a system of primary legal aid (first legal advice which can be obtained at the justice centre or the social service) and second-line legal aid (fully or partly free assistance from a lawyer in accordance with your income) was introduced. In addition to the costs for a lawyer, there are also procedural costs (for example the costs for a summons or an expert). A legal aid system allows you to be exempt from these costs in a number of cases (always in accordance with your income).

5) The right to reparation

As a victim, you have a right to reparation of the damage you suffered as a result of the offence. The damage can be material, physical, moral or psychological.

If is not sufficient to file a complaint with the police in order to obtain reparation of the damage. (See point 4 "How can I be compensated").

You can also ask for mediation at any time.

6) The right to assistance

You have a right to psychosocial assistance. The victim support services for instance can advise and guide you psychosocially and legally and give you practical support.

7) The right to protection and respect of one's privacy

Victims should be protected by police services in case of threats or possible acts of revenge. The victims' privacy should also be respected adequately (for example by keeping the press at a distance, by respecting the duty of professional confidentiality, by respecting the file's confidentiality...).

You can read more about this in the brochure "You are a victim" of the Federal Public Service Justice. You can also find more information on www.just.fgov.be and www.slachtofferrechten.just.fgov.be

7. Annexes

- a. Declaration of injured party
 - v. Referral form CAW Victim Support

DECLARATION OF INJURED PARTY

This document has to be handed in personally or by a lawyer at the secretariat of the public prosecutor's office, at the following address:

Quatre Brasstraat 4 1000 Brussels

	ereby declare to be injured party within the framework of the case with report mber: (you will find this number on your certificate of complaint filing)
1.	My identity:
	Name: First name: Place and date of birth: Residence: National register number: Acting in the capacity of legal representative of: (in this case, please specify this capacity)
2.	I declare to be injured by the following events:
	Place of the events: Date of the events: Perpetrator of the damage: Nature of the offence:
3.	The damage I suffer is of the following kind (add copy of pieces of evidence): Q Physical: Q Material: O Other, namely: W No damage:
4.	(To be completed only if 'No damage' was ticked in question 3):
	I have the following personal interest to make a declaration of injured party:
	awn up in on gnature)
	I wish this declaration to be added to the file after the public prosecutor's

I wish this declaration to be added to the file after the public prosecutor's office has made a record of it and the decision that the public prosecutor will take at the end of the inquiry to be brought to my attention. I will also be informed about the development of the case, in particular about the start of a judicial inquiry and the determination of a court day for the examining jurisdiction and the tribunal entertaining jurisdiction. In addition, I know that I can have each document that I consider useful added to the file.