



ENGLANTI

AS A VICTIM OR A WITNESS IN COURT – PRACTICAL TIPS

Victim Support Finland ● 3 (Updated 9.4.2022) Victim Support Finland guides: riku.fi/en/guides-and-instructions

BEFORE THE TRIAL

The entry to the courthouse is mainly through security gates. There is an info point at the courthouse, where you can check the schedule and room numbers for the day's cases. The info on each room's cases can be found pinned on the wall beside the room doors as well.

The court case will proceed at its own pace, so be prepared to wait. The schedule is only a guideline.

If you are not given permission to leave the courthouse, you must wait for your turn in the waiting area.

If you are a victim or a witness and you feel uncomfortable waiting with the opponent in the same room, you can ask for a separate waiting room.

Usually, the start of a trial is told by announcing the name of the accused, after which all the people participating in the trial will go to the session room. You cannot leave the session room in the middle of the trial, you can ask for a break from the judge if needed. Make sure your phone is on silent mode before entering the session room.

In some cases, the accused may be asked to undergo a forensic psychiatric evaluation, which the court decides to carry out. The purpose of the evaluation is to find out whether the accused understood the consequences of the crime, i.e., if the accused was fully or partially responsible when committing the crime. A legally insane perpetrator cannot be convicted.

The prosecutor, victim and the defendant are all called by the joint name litigant.

THE PEOPLE ATTENDING THE TRIAL

- The chairperson, i.e., a qualified judge
- The secretary
- The jurors, i.e., the lay judges take part in the trial sessions in certain types of crimes. Sometimes there might be several judges instead of jurors.
- The prosecutor
- The victim (plaintiff)
- The defendant, i.e., the accused
- The trial aid, i.e., the attorney or other lawyer
- The witness

There might be a support person, an interpreter, and a trustee at the trial. The victim and the witnesses have the chance to get a support person for the trial process, for example, via Victim Support Finland. The trustee will be involved in cases in which the victim or the witness is a minor and their caretaker is not able to look out for them. An adult can be assigned a trustee as well.

A trial is usually public, so there might be an audience observing it. A closed session of the trial must be requested separately. The closed sessions will be decided on a case-by-case basis.

Sometimes the victim or the witness do not want to meet the accused. In some cases, a screen could be set up in the session room to block the two parties from seeing one another or decided that the accused would not be in the same room during the hearing.

THE ACTUAL TRIAL

The chairperson makes sure, at first, that everyone is present. If all the invited are not present, the case may still be processed, or at least the people present could be heard. Often the trial must be postponed to another day, and everyone must be present. When the session is postponed, the present victims and witnesses have the right to compensation for their expenses.

After the presence is verified for the persons called to trial, the witnesses are removed from the session room to wait for their turn to testify. Their turn will be announced.

PRESENTING CLAIMS AND ANSWERING

At the beginning of the session, the prosecutor and the victim present their claims and give grounds for those claims. The accused will answer the claims stating whether the claims are correct.

PRESENTING THE CASE

The parties involved present their side of the story and the events. They also tell which written documents they will use as evidence, what they want to prove with that evidence and which persons they want to hear and why.

The order in which things will be presented is always the same in the different phases of the trial: the prosecutor, the victim and the accused.

ARGUMENTATION

The written evidence will be gone through in the argumentation and the possible witness will be heard. The victim and the accused have the right to pose questions to each other and to the witnesses. If the parties involved have lawyers with them, the lawyers usually pose the questions for their clients. Typically, the trials are recorded. In certain cases, the hearing may have been recorded on video and the video can then be used in court.

The witnesses must tell the truth, i.e., to tell everything they know and remember of the events. The victims are not obliged to tell about the events, but if they do, they must tell the truth. The accused are not obliged to tell the truth as no one can be forced to testify against themselves.

After the hearing possible requirements are asked due to the appearance at the trial. The victims and witnesses

called to the trial by the prosecutor can be compensated with a daily allowance for the trial day, paid by the state. The travelling expenses by the cheapest transport and the possible loss of income can also be compensated for. The compensation paid by the state for coming to the trial is not the same as the compensation for damage that is demanded from the accused.

CLOSING STATEMENTS

The parties involved can make closing statements based on the evidence and tell their own views about how the case should be solved. Usually, the possible lawyers take care of the closing statements for all the parties involved.

VERDICT

At the end of the trial, the session room will be emptied, and the court members will stay to decide on the possible guilt and consequences.

The verdict can be announced immediately after the trial, or it can be given later as a so-called reserved judgment. The time of the reserved judgement will be specified at the end of the trial. The verdict will then be sent by e-mail to the lawyer or directly to the parties upon request.

Alongside the verdict, the court will give instructions on the appeal process if the parties want to appeal the decision to the Court of Appeal. If you are unsatisfied with the verdict, you must notify the court within 7 days of the day the verdict is announced. You have 30 days to appeal the decision.

In some cases, you need a permission to appeal to the Court of Appeal. To appeal the Court of Appeal's decision to the Supreme Court always requires a permission to appeal.

AFTER THE SESSION

Usually, the trial days are burdening and demanding. It is good to give yourself time to recover and to talk to someone about your experience.

If you need someone to listen to you, you can call, for example, Victim Support Finland's Helpline: 1 16 006.

All of Victim Support Finland's services at riku.fi/en/services.

VICTIM SUPPORT FINLAND 116 006

Legal advice 0800 161 177

RIKUchat (riku.fi/chat)



/rikosuhripaivystys

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