

99089073221000

# Filing a secondary action

Heruntergeladen am 08.06.2025

<https://fimportal.de/xzufi-services/1112/L100022>

Modul	Sachverhalt
Leistungsschlüssel	99089073221000
Leistungsbezeichnung I	Filing a secondary action
Leistungsbezeichnung II	Filing a secondary action
Typisierung	2/3 - Bund: Regelung (2 oder 3), Land/Kommune: Vollzug
Quellredaktion	Baden-Württemberg
Freigabestatus Katalog	unbestimmter Freigabestatus
Freigabestatus Bibliothek	unbestimmter Freigabestatus
Begriffe im Kontext	
Leistungstyp	
Leistungsgruppierung	
Verrichtungskennung	
SDG-Informationsbereich	
Lagen Portalverbund	
Einheitlicher Ansprechpartner	
Fachlich freigegeben am	

**Modul**
**Sachverhalt**
**Fachlich freigegeben durch**
**Handlungsgrundlage**

[Strafprozessordnung (StPO):](<https://www.gesetze-im-internet.de/stpo/>)

- §§ 395 - 402 Nebenklage

**Teaser**

As a victim of a criminal offence, you can join the criminal proceedings against the accused with a joint action.

**Volltext**

As a victim of a criminal offence, you can join the criminal proceedings against the accused with a joint action.

However, this only applies to certain offences, for example

- Rape and sexual abuse
- Bodily harm
- Hostage-taking or serious deprivation of liberty
- Robbery, if there are serious consequences of the offence or other special reasons.

Relatives of a victim who has been killed can also bring a secondary action.

The public prosecutor's office remains the main plaintiff.

As a co-plaintiff, you have the following rights:

- the right to be present during the entire trial, even if you are to be questioned as a witness
  - during the main hearing, for example, the right to challenge a judge or expert witness due to bias, the right to submit motions for evidence or the right to make statements
- the right to request access to the files through your lawyer
- the right to lodge an appeal

Modul	Sachverhalt
	Please note: You can exercise these rights independently of the public prosecutor's office.
Erforderliche Unterlagen	written declaration
Voraussetzungen	<ul style="list-style-type: none"> <li>• A criminal offence is being tried for which the accessory prosecution is admissible               <ul style="list-style-type: none"> <li>• You yourself are the victim of the offence or belong to the following group of people if a close family member was killed:                   <ul style="list-style-type: none"> <li>• Parents</li> <li>• Children</li> <li>• Siblings</li> <li>• Wife or husband, life partner</li> </ul> </li> </ul> </li> </ul>
Kosten	<ul style="list-style-type: none"> <li>• if the offender is convicted: none, provided the convicted person is solvent</li> <li>• in the event of acquittal, non-opening or discontinuation of court proceedings:               <ul style="list-style-type: none"> <li>• you as co-plaintiff bear the costs incurred as a result of your participation yourself</li> <li>• the costs of an assigned lawyer are paid by the state.</li> </ul> </li> </ul> <p>Note: You can apply for [legal aid](<a href="https://www.service-bw.de/zufi/leistungen/289">https://www.service-bw.de/zufi/leistungen/289</a>) to join proceedings as a joint plaintiff.</p>
Verfahrensablauf	<p>Apply in writing to the competent authority for authorisation as a joint plaintiff.</p> <p>Please note: You do not need a lawyer for this. Contact the court during the preliminary proceedings.</p> <p>After the public prosecutor's office has filed charges, the court will hear the public prosecutor's office and then decide whether the accessory prosecution is admissible. You will receive the decision in the form of a court order.</p> <p>Please note: As a joint plaintiff, you cannot initiate the proceedings on your own initiative.</p>

Modul	Sachverhalt
Bearbeitungsdauer	
Frist	<p>If the public prosecutor's office has filed an indictment, proceedings can be initiated at any time. If you do not agree with the judgement, you can - as long as the appeal period has not expired - also enter proceedings after the judgement has been issued in order to appeal against the judgement. A corresponding application to join the proceedings as a joint plaintiff can be made before the indictment is issued.</p>
weiterführende Informationen	
Hinweise	<p>In the case of particularly serious offences, you can apply for the appointment [of a victim advocate] (<a href="https://www.service-bw.de/zufi/leistungen/1115">https://www.service-bw.de/zufi/leistungen/1115</a>) or a psychosocial court counsellor at state expense. If you are under the age of 18, the requirements for this appointment are less strict. If you are in need, you can apply for legal aid to authorise a lawyer.</p>
Rechtsbehelf	<ul style="list-style-type: none"> <li>• An appeal against non-admission as a joint plaintiff is admissible.</li> </ul>
Kurztext	
Ansprechpunkt	
Zuständige Stelle	
Formulare	
Ursprungsportal	