

The place of victims of terrorism during trials in France

Nowadays, the victim is described as a contributor to the judicial process. Recognized in the last decades, she has effective rights. But what does it mean exactly to be a civil party in France?

I. The civil party: a real member of criminal trial

In the formal definition of a criminal trial, the victim isn't quoted. It was usually seen as a triangular relation between the Judge, the accusation, and the defense. State having in a way substituted the victim. But in the 80's, a movement started, giving more space to the victim.

The victim can be defined as the one who suffered the prejudice. Any legal person victim, directly or indirectly, of terrorism can become civil party in order to take part to the related judiciary procedure even if the prejudice has to be personal and direct.

II. But how can you become civil party in France?

To become a civil party in criminal trial, the victim had to file a complaint to the police station. The victim can file complaint by a letter sent to a police station, choice currently do by victim having lawyers. But, often, the victim goes directly to the police station.

A victim can become a civil party of criminal trial during the investigation but also at the end. Actually, the victim can become a civil party until the prosecutor take their requisitions, in application of procedural code. These requisitions coming at the end of hearings during the trial.

III. What are the rights of a civil party?

Even if, the criminal judge is viewed in French law as his natural judge of victim, these one has different right.

First of all, the civil party has the right to have a lawyer to assist her, during all process and the trial in order to carry her voice.

Then, the criminal procedure gives lot of rights during investigations. For example, the civil party has the right to access to the case file, to ask for legal acts, to ask for the cancellation of some legal act.

During the hearing, another's rights are awarded to the civil party. First, the right to attend to the audience. The Civil Party can be also heard by the judge directly by making a deposition or indirectly with her lawyer who can ask questions. Finally, the civil party's lawyer is the first to plead.

IV. Focus on trial of 13 November 2015 attacks and the civil party

The 13 November 2015, Paris was attacked by the terrorism. Since the 8th September 2021, is opened, the audience charged to judge terrorists acting this night.

Specifics measures have been created in order to give a bigger place to the civil party in this trial.

First, a specific dispositive, the web radio, offers the virtual access to the hearing to all victims. But, there is a limit: this virtual access can't be delivered to civil party outside metropolitan France. In fact, the civil party being in other countries or simply in overseas departments can't heard the hearing.

Then, in order to protect civil party of journalist, there was created a dispositive of colored necklace. So, if the civil party hasn't a green necklace, the journalist won't come talk to her. Moreover, a specific place was created to the reporter, consequently, the civil party and reporters aren't mixed.

In add, a psychologic dispositive, inside the trial, has been created specially to help civil party during the hearing.

Finally, with 1150 civil parties, the civil parties take, in fact, a more important place that the accused.