

This section of the file corresponds to part 1 of book 1 (On the subjects of the process), title 4 (Victim) of the Portuguese criminal procedural code.

Article 67-A - Victim

1 - It is considered:
the victim':

- i) The natural person who has suffered damage, namely an attack on their physical or mental integrity, emotional or moral damage, or property damage, directly caused by action or omission, within the scope of the commission of a crime;
- ii) The family members of a person whose death was directly caused by a crime and who suffered damage as a result of that death;
- iii) A child or young person up to 18 years of age who has suffered harm caused by action or omission in the context of the commission of a crime, including those who have suffered ill-treatment related to exposure to contexts of domestic violence;
- b) 'Especially vulnerable victim' means a victim whose special fragility results, in particular, from their age, state of health or disability, as well as the fact that the type, degree and duration of the victimization resulted in injuries with serious consequences for their psychological balance or the conditions of their social integration;
- c) 'Family members', the victim's spouse or the person who lived with the victim in conditions similar to those of spouses, their direct relatives, siblings and people economically dependent on the victim;
- d) 'Child or young person', a natural person under the age of 18.

2 - For the purposes set out in subparagraph ii) of paragraph a) of paragraph 1, the concept of victim, in the following order and prevalence, includes the surviving spouse who is not legally separated from persons and property, or the person who lived with the victim under conditions similar to those of spouses, descendants and ascendants, to the strict extent that they have suffered harm as a result of the death, with the exception of the perpetrator of the events that caused the death.

3 - Victims of violent crime, especially violent crime and terrorism are always considered particularly vulnerable victims for the purposes of the provisions of paragraph b) of paragraph 1.

4 - The victim has the rights to information, assistance, protection and active participation in the criminal process, provided for in this code and in the victim's statute.

5 - The victim has the right to collaborate with the competent police or judicial authorities, providing information and providing evidence that is necessary to discover the truth and make a good decision in the case.

This section of the file corresponds to part 1 of book 1 (On the subjects of the process), title 5 (On the Assistant) of the criminal procedural code of Portugal.

Article 68 - Assistant

1 - Assistants in criminal proceedings may be appointed, in addition to persons and entities to whom special laws confer this right:

- a) Those offended, considering as such the holders of interests that the law specifically wanted to protect with the incrimination, as long as they are over 16 years of age;
- b) The people on whose particular complaint or accusation the procedure depends;
- c) In the event that the offended party dies without having renounced the complaint, the surviving spouse who has not been legally separated from persons and property or the person, of another or of the same sex, who lived with the offended party in conditions similar to those of the spouses, the descendants and adopted, ancestors and adopters, or, in their absence, siblings and their descendants, unless any of these people have participated in the crime;
- d) In the event that the offended party is under 16 years of age or for another reason incapable, the legal representative and, in his absence, the people indicated in the previous paragraph, according to the order referred therein, or, in the absence of others, the entity or institution with protective, guardianship or educational responsibilities, as when the same has been judicially entrusted to their responsibility or custody, unless any of them has assisted or participated in the crime;
- e) Any person in crimes against peace and humanity, as well as in crimes of influence peddling, personal favoritism practiced by an official, denial of justice, malfeasance, undue receipt or offering of advantage, corruption, embezzlement, economic participation in business, abuse of power and fraud in obtaining or diverting a subsidy or grant.

2 - In the case of a procedure dependent on private prosecution, the request must be made within 10 days from the warning referred to in paragraph 4 of article 246.

3 - Assistants may intervene at any time in the process, accepting it in the state in which it is found, provided that they request it from the judge:

- a) Up to five days before the start of the evidentiary debate or the trial hearing;
 - b) In the cases referred to in Article 284 and paragraph b) of No. 1 of Article 287, within the time limit established for the performance of the respective acts.
 - c) Within the time limit for filing an appeal against the sentence.
- 4 - The judge, after giving the Public Prosecutor's Office and the defendant the opportunity to comment

on the request, shall decide by means of a ruling, which shall be immediately notified to them. 5 - During the investigation, the appointment of an assistant and the incidents relating thereto may be carried out separately, with the inclusion of the elements necessary for the decision. Article 69 - Procedural position and duties of assistants 1 - Assistants have the position of collaborators of the Public Prosecutor's Office, to whose activity they subordinate their intervention in the process, save for the exceptions provided for by law. 2 - Assistants are specifically responsible for: a) Intervening in the investigation and investigation, offering evidence and requesting the necessary measures and being aware of the rulings that may be issued on such initiatives; b) To file charges independent of those filed by the Public Prosecutor's Office and, in the case of proceedings dependent on private prosecution, even if the latter does not file one;

c) To appeal decisions that affect them, even if the Public Prosecutor's Office has not done so, having access to the essential procedural elements for this purpose, without prejudice to the regime applicable to judicial secrecy.

Article 70 - Legal representation of assistants

1 - Assistants are always represented by a lawyer. If there are several assistants, they are all represented by a single lawyer. If they disagree as to the choice, the judge shall decide.

2 - The provisions of the second part of the previous paragraph shall not apply in the event that there are incompatible interests between the various assistants, as well as in the event that the crimes charged against the defendant are different. In the latter case, each group of persons who are permitted by law to be appointed as assistants for each of the crimes may appoint a lawyer, although it is not permissible for each person to have more than one representative. 3 - The assistants may be accompanied by a lawyer in the proceedings in which they intervene.

This section of the file corresponds to part 1 of book 1 (Of the subjects of the proceedings), title 6 (Of the Civil Parties) of the Portuguese Criminal Procedure Code.

Article 71 - Principle of adhesion

The claim for civil compensation based on the commission of a crime is filed in the respective criminal proceedings, and may only be filed separately, before the civil court, in the cases provided for by law.

Article 72 - Separate claim

1 - The claim for civil compensation may be filed separately, before the civil court, when:

a) The criminal proceedings have not led to the indictment within eight months of the crime being reported, or have not been progressing during that period of time; b) The criminal proceedings have been archived or provisionally suspended, or the proceedings have been terminated before the trial;

c) The procedure depends on a private complaint or accusation;

d) There are still no damages at the time of the accusation, these are not known or are not known in their full extent;

e) The criminal sentence has not ruled on the request for civil compensation, in accordance with article 82, paragraph 3;

f) It is brought against the defendant and other people with purely civil liability, or only against them that the defendant's main intervention was provoked in this action;

g) The value of the request allows civil intervention by the collective court, with the criminal proceedings taking place before a single court;

h) The criminal proceedings take place in summary or very summary form;

i) The injured party has not been informed of the possibility of bringing the civil claim in the criminal proceedings or notified to do so, in accordance with articles 75, no. 1, and 77, no. 2.

2 - If the procedure depends on a private complaint or accusation, the prior filing of the request before the civil court by the people with the right to complain or accuse is valid as a waiver of this right.

Article 73 - People with purely civil liability

1 - The claim for civil compensation can be brought against people with merely civil liability and they can voluntarily intervene in the criminal proceedings.

2 - Voluntary intervention prevents people with purely civil liability from carrying out acts that the defendant has lost the right to carry out.

Article 74 - Legitimacy and procedural powers

1 - The claim for civil compensation is made by the injured party, meaning the person who suffered damage caused by the crime, even if they have not or cannot become an assistant.

2 - The injured party's procedural intervention is restricted to supporting and proving the claim for civil compensation, correspondingly being entitled to the rights that the law confers on assistants.

3 - The defendants and intervenors have a procedural position identical to that of the defendant regarding the support and proof of the civil issues judged in the process, with each defense being independent.

Article 75 - Duty to provide information

1 - As soon as, during the course of the investigation, they become aware of the existence of possible injured parties, the judicial authorities and criminal police bodies must inform them of the possibility of making a request for civil compensation in criminal proceedings and of the formalities to be observed.

2 - Anyone who has been informed that they can file a civil compensation claim under the terms of the previous paragraph, or, if they have not been informed, considers themselves injured, may express in the process, until the end of the investigation, their intention to do so.

Article 76 - Representation

1 - The injured party may be represented by a lawyer, representation being mandatory whenever, due to the value of the request, if deducted separately, the appointment of a lawyer would be mandatory, in accordance with the law on civil procedure.

2 - Defendants and intervenors must be represented by a lawyer.

3 - The Public Prosecutor's Office is responsible for formulating the request for civil compensation on behalf of the State and other people and interests whose representation is attributed to it by law.

Article 77 - Formulation of the request

1 - When presented by the Public Prosecutor's Office or the assistant, the request is presented in the indictment or, in an articulated request, within the period within which it must be formulated.

2 - The injured party who has expressed the intention of making a civil compensation claim, in accordance with article 75, paragraph 2, is notified of the indictment order, or, failing that, the pronouncement order, if there is room for it, to, if desired, deduce the request, in an articulated application, within 20 days.

3 - If he has not expressed his intention to make a claim for compensation or if he has not been notified under the terms of the previous paragraph, the injured party may make the claim up to 20 days after the defendant is notified of the indictment order or, if there is no , the pronouncement order.

4 - When, due to the value of the request, if deducted separately, the appointment of a lawyer would not be mandatory, the injured party, within the deadlines established in the previous paragraphs, may request that civil compensation be arbitrated. The request is not subject to special formalities and may consist of a statement on record, indicating the loss suffered and the evidence.

5 - Except in the cases provided for in the previous paragraph, the civil compensation request is accompanied by duplicates for the defendants and the secretariat.

Article 78 - Dispute

1 - The person against whom a civil compensation claim is filed is notified to, if desired, respond within 20 days.

2 - The objection is deducted by articles.

3 - The lack of contestation does not imply confession of the facts.

Article 79 - Evidence

1 - Evidence is required with the pleadings.

2 - Each applicant, defendant or intervenor may call no more than 10 or 5 witnesses, depending on whether or not the value of the request exceeds the scope of the relationship in civil matters.

3 - If the value of the request exceeds the scope of the relationship in civil matters, no more than five witnesses may be called per fact.

Article 80 - Judgment

The injured party, the defendants and the intervenors are obliged to appear at the trial only when they have to make statements that they cannot refuse.

Article 81 - Renunciation, withdrawal and conversion of the request

The injured party may, at any time during the process:

a) Waive the right to civil compensation and withdraw from the request made;

b) request that the object of the compensation benefit be converted into a different asset allocation, as long as it is provided for by law.

Article 82 - Settlement in execution of sentence and referral to civil courts

1 - If it does not have sufficient information to determine the compensation, the court will sentence whatever is settled in execution of the sentence. In this case, the execution takes place before the civil court, with the criminal sentence serving as an enforceable title.

2 - However, the court may, ex officio or upon request, establish provisional compensation on account of the compensation to be fixed later, if it has sufficient information, and give it the effect set out in the following article.

3 - The court may, ex officio or upon request, refer the parties to the civil courts when the issues raised by the request for civil compensation make a rigorous decision unfeasible or are likely to generate incidents that intolerably delay the criminal proceedings.

Article 82.^o-A - Compensation for the victim in special cases

1 - If no claim for civil compensation has been filed in the criminal proceedings or separately, in accordance with articles 72 and 77, the court, in the event of conviction, may arbitrate an amount as compensation for the losses suffered as individuals victim protection requirements impose it.

2 - In the case provided for in the previous paragraph, respect for the adversarial process is ensured.

3 - The amount awarded as compensation is taken into account in any action that may involve a civil claim for compensation.

Article 83 - Provisional enforceability

At the request of the injured party, the court may award civil damages, in full or in part, provisionally executive, namely in the form of a pension.

Article 84 - Case res judicata

The criminal decision, even if acquittal, that the civil request receives constitutes res judicata under the terms in which the law attributes the effect of res judicata to civil sentences.