

FINANCIAL CLAIMS OF VICTIMS (INJURED) IN CRIMINAL PROCEEDINGS

VICTIMS OF CRIME (INJURED)

OPEN SOCIETY INSTITUTE

compact
European Agency for Compensation by TPA/ADR

La Strada

REPORT

- to the police or public prosecution - file a „report a crime“
- no prescribed form, may be reported orally or in writing, even anonymously. No fees.

FINANCIAL AID FROM THE STATE

- only in cases of damage to health
- application to be submitted to the Ministry of Justice
- damage needs to be proven

CLAIM FOR COMPENSATION SUBMITTED

VICTIMS (INJURED)

- have rights and obligations
- submit explanations to the police
- are subjected to interrogations by the police and counsels
- are subjected to expert examinations
- may be represented by a representative
- may submit a claim for compensation

IN CRIMINAL PROCEEDINGS

- victims may claim damages, non-proprietary loss or request to render unjust enrichment
- victims need to justify the amount of damage
- victims need to submit their claim before the court starts the evidence proceedings

ACTION FOR THE COMPENSATION OF DAMAGES

- needs to be prepared and submitted by the victim
- court fees need to be paid
- needs to be submitted to a court according to the permanent residence of the defendant
- as plaintiffs, victims need to prove their claims

THE COURT

REJECTS

- claim submitted with delay
- claim unjustified

REFERS TO CIVIL PROCEEDINGS

- evidence proceedings would take too long

PARTIALLY AWARDS DAMAGES

AWARDS DAMAGES

- only in case the accused is condemned

THE COURT

REJECTS

- formal conditions not met

ADJUDICATES

DOES NOT ADJUDICATE

THE CONVICT MAKES THE PAYMENT

THE CONVICT DOES NOT MAKE THE PAYMENT

ENFORCEMENT ACTION

- submitted to a court according to the permanent residence of the defendant or to any executor
- court decision needs to be enclosed

THE COURT

REJECTS

- No legal entitlement for the execution of a judgement

DISMISSES

- formal requirements lacking

EXECUTION

UNPAID

- the defendant does not have any finances
- costs of the enforcement action need to be paid by the victim!

PAID