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Court order for damages

The court has the authority, in addition to sentencing, to issue a decree of reparation to any person affected by the actions of the accused. The amount of compensation that can be claimed is up to 10,000 euros in a jury trial and up to 6,000 euros in a district court.

Order on compensation applies only to cases of loss or damage suffered by the applicant due to the criminal actions of the accused. However, it should not be overlooked that the criminal law provides for criminal liability and punishes certain actions and, therefore, should not be used by the applicant to obtain the benefit of the punishment of an accused in civil disputes.

In order to issue a court order on compensation, it is necessary that it agreed between the accused and the applicant, and the amount of compensation must be specific.

The appellate court overturned the compensation issued by the court of first instance, since their exact amount was not determined by this court as it should be. On the contrary, the determination of the size was assigned to the competent authorities upon request to establish the exact amount remaining as debt after deducting the found part of the stolen, however, this process is not provided for by law.

Each individual case should be taken into account: how can a convict be unable to pay the amount of compensation while he is in custody. The Court of Appeal, in its decision in 2015, annulled the decision of the first instance to issue a compensation order simultaneously with imprisonment. The Court of Appeal did the right thing when it ruled that the decree on the payment of compensation comes into effect three months after the release of the convicted person.

In another case, an answer was given to the question of what would happen if the convict is released and then does not pay the required compensation. The court informed that on condition of non-payment of compensation, the convict will receive an additional term of imprisonment.

It should be noted that compensation for the victims of criminal activity of the accused was identified as a factor that can be considered by the court in favour of the accused in order to mitigate the punishment. Compensation paid by the accused, even after sentencing, is recognized by law as a mitigating factor. In addition, the appellate court recognized the intention of the accused to compensate the applicant for the damage as a mitigating factor.

It is emphasized that a court decision on compensation without the consent of the accused may in the future cause negative consequences for the accused, creating obstacles for the defence if the applicant files a civil suit. In other words, there is a possibility that the defendant, being unable to pay compensation, will ultimately be punished with imprisonment that is excessive in relation to the seriousness of the crime, or that difficulties will arise for the defendant in any appeal against a sentence, etc.

However, in the event of compensation, the claimant will be limited in submitting additional claims against the accused and in filing a civil action, since a judicial decision on compensation, as stated above, must be agreed between the accused and the claimant.