

[Home](#) > ... > [Your Rights](#) > [Victims of Crime](#) > [Compensation](#) > [Claiming Damages From The Offender](#) > [Latvia](#)

Claiming damages from the offender

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How can I claim damages or other means of redress/satisfaction from an offender in a trial (criminal proceedings), and who should I address this claim to?

You are entitled to receive information about the provisions on claiming and receiving compensation, including State compensation, from the person directing the proceedings (the police, the prosecutor's office, the court), and to submit an application for compensation of damages in the criminal proceedings.

You can apply for compensation of damages at any stage of the criminal proceedings until the initiation of examination of the case at the first instance court. You may submit your application in writing or verbally. A verbal application will be recorded in the minutes by the person directing the proceedings (the police, the prosecutor's office, the court).

At which point in the criminal proceedings should I present a claim?

You can apply for compensation of damages at any stage of the criminal proceedings until the initiation of examination of the case at the first instance court. If the person to be held criminally liable has not been identified, this does not limit your right to submit a claim for compensation.

The victim is entitled to withdraw the submitted claim for compensation at any stage of the criminal proceedings until the court retires to deliberate on judgment.

What can I ask for in the claim and how should I present it (indicate a total amount and/or specify individual losses, lost profits and interests)?

You are entitled to receive information about the provisions on requesting compensation from the person directing the proceedings (the police, the prosecutor's office, the court).

You may submit your application in writing or verbally. A verbal application will be recorded in the minutes by the person directing the proceedings (the police, the prosecutor's office, the court).

In your application, you must provide evidence in support of the amount of compensation for any material loss claimed, but, for moral injury and physical suffering, you only have to indicate the amount of compensation claimed. In your claim, you may specify the payment institution account number to which compensation for damages should be transferred.

Is there a specific form for such claims?

You may submit your application in writing or verbally. A verbal application will be recorded in the minutes by the person directing the proceedings (the police, the prosecutor's office, the court).

What evidence do I need to present to support my claim?

In your application, you must provide evidence in support of the amount of compensation for any material loss claimed, but, for moral injury and physical suffering, you only have to indicate the amount of compensation claimed.

The court will determine the amount of compensation by assessing your claim and taking into consideration the amount of the material loss, the severity and nature of the criminal offence, the physical suffering caused, permanent mutilation and disablement, the level and public nature of the moral injury, and psychological injury.

Direct damages will be assessed at the price levels assumed in the prosecution.

Are there court fees or other costs linked to my claim?

You will not be charged for filing a claim in criminal proceedings.

If you believe that the damage has not been compensated in full, you are entitled to claim compensation as laid down by the [Civil Procedure Law](#) (*Civilprocesa likums*). In determining the amount of compensation, compensation received as a result of the criminal proceedings must be taken into consideration.

Upon applying for compensation in a civil procedure, the victim is exempt from the payment of the State fee.

Can I get legal aid before and/or during the proceedings? Can I get it if I am not living in the country where the proceedings take place?

If the protection of the rights and interests of a minor is encumbered or otherwise is not ensured, or the representative submits a reasoned request, the person directing the proceedings (the police, the prosecutor's office, the court) decides on appointing a lawyer to represent the minor victim. In exceptional cases, where the protection of the rights and interests of the person in the criminal proceedings cannot be otherwise ensured, the person directing the proceedings (the police, the prosecutor's office, the court) decides on appointing a lawyer to represent a poor or disadvantaged adult. The person directing the proceedings (the police, the prosecutor's office, the court) appoints a lawyer also in cases where none of the relatives can represent the victim. In these cases, the Legal Aid Administration (*Juridiskās palīdzības administrācija*) covers the lawyer's fees for providing State legal assistance in the criminal proceedings.

When would the criminal court dismiss or refuse to adjudicate on my claim against the offender?

If the court hands down a judgment of acquittal, the claim for damages resulting from the criminal offence is not examined. If the court does not examine your claim, you may bring a claim regarding compensation as laid down by the [Civil Procedure Law](#) .

Can I appeal against such a decision or seek other means of redress/satisfaction?

If the court does not examine your claim, you may bring a claim regarding compensation as laid down by the [Civil Procedure Law](#) .

If I am awarded damages by the court, how do I ensure the judgment is enforced against the offender and what help can I get to ensure it?

Rulings on the recovery of compensation for damages to the victim are enforced by court-registered bailiffs who initiate enforcement based on a written application from the collector based on an enforcement order.

To enforce a court decision in part regarding the recovery of compensation for damages to the victim, the court

issues a writ of execution to the victim upon his or her request.

Collectors of claims arising from personal injury resulting in disability or other injuries to health or the death of a person are exempt from the enforcement fees payable to court-registered bailiffs.

The court-registered bailiff at his or her initiative carries out the necessary actions and uses the means and methods provided for to enforce court decisions quickly and efficiently . The court-registered bailiff will explain the rights and obligations for the exercise of the procedural rights of the parties in good faith.

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