


Claiming damages from the offender - Croatia

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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?

An application to join a civil action to claim damages in proceedings on account of a criminal offence is heard at the proposal of the injured party in the course of criminal proceedings, if this does not significantly delay the proceedings. (Article 153(1) of the Criminal Procedure Code (*Zakon o kaznenom postupku*))

The application to join a civil action to proceedings may be made by the injured party. (Article 154(1) of the Criminal Procedure Code (*Zakon o kaznenom postupku*))

The application to join a civil action to proceedings in criminal proceedings is submitted to the authority to which the criminal charges are filed or to the court before which the proceedings are pending. (Article 155(1) of the Criminal Procedure Code (*Zakon o kaznenom postupku*))

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

An application to join a civil action to proceedings may be presented up until the end of evidence taking before the court of first instance. (Article 155(2) of the Criminal Procedure Code (*Zakon o kaznenom postupku*))

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

An application to join a civil action to proceedings may refer to a claim made in the course of the lawsuit. (Article 153(2) of the Criminal Procedure Code (*Zakon o kaznenom postupku*))

Is there a specific form for such claims?

There is no specific form for such claims.

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

The person authorised to submit the claim must indicate their claim and present evidence. (Article 155(3) of the Criminal Procedure Code) The type and amount of evidence is not specified by law.

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

There are no court fees or other costs linked to submitting an application to join a civil action to proceedings.

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

Victims of a criminal offence punishable by a term of imprisonment of more than five years, suffering severe consequences of the criminal offence, have the right to the expert assistance of a counsellor when submitting an application to join a civil action to proceedings, charged to the state budget. (Article 43(2) of the Criminal Procedure Code) This right is not confined by the injured party's permanent residence.

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

A judgement finding the defendant guilty may award the complete civil action to proceedings to the injured party, or may award it partially and instruct the injured party to bring a separate action. Where the information from the criminal proceedings does not provide a reliable basis for either complete or partial adjudication, the court shall instruct the injured party to bring a separate action.

When the court delivers an acquitting judgement, or when the charges are dismissed or the criminal proceedings are suspended by a decision, the injured party shall be instructed to bring an action to satisfy the civil action to proceedings. Where the court declares itself incompetent, the injured party shall be instructed to submit a civil action to proceedings as part of the criminal proceedings being initiated or continued by the court having jurisdiction. (Article 158(2)(3) of the Criminal Procedure Code)

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

An injured party may seek to challenge a judgement on the grounds of the court's decision regarding the cost of criminal proceedings and the decision on the application seeking to join a civil action to proceedings. (Article 464(3) of the Criminal Procedure Code (*Zakon o kaznenom postupku*))

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

At the proposal of the authorised person, provisional interim measures to secure the civil action to proceedings may be ordered during the criminal proceedings caused by committing a crime.

The decision referred to in the paragraph above is brought by the investigating magistrate. Following the indictment, the indictment division shall bring a decision, and the court hearing the case shall lead the discussion. The appeal regarding the interim measure does not deter its execution. (Article 160 of the Criminal Procedure Code).

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