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Claiming damages from the offender

Czech Republic

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 have the right to join criminal prosecution of the offender with your claim for compensation. In such a case, in its final decision the court may, in addition to the punishment, also oblige the offender to pay damages. In addition, you may also claim your right to compensation separately in civil litigation.

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

At any point before the first hearing in court, before taking evidence.

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)?

It is necessary to specify in detail what the person who has incurred damage is seeking and to claim and prove the individual injuries.

Is there a specific form for such claims?

No.

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

It is solely at your discretion what evidence you present to the court to support your claim. Of course, full and persuasive evidence is required for the decision to be in your favour.

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

No.

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?

yes, at your own cost.

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

If you have not proven the amount of the damage or if the necessary taking of evidence prolongs the criminal proceedings. In such a case, the court will refer your claim for damages to civil law remedies.

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

You have the right to appeal until the judgment on damages.

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 this?

If the offender does not do what he has been ordered to do, you may apply with the court to have the decision enforced by a court enforcement officer.

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