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## Claiming damages from the offender

Lithuania

### 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 may request compensation for damage incurred due to a crime by bringing a civil claim in criminal proceedings. A civil claim may be brought in the pre-trial phase, by submitting it to the officer conducting the pre-trial investigation or the prosecutor, and when the case is being heard, by submitting it to the court. If a civil claim was not brought or if it was not examined in the course of the criminal proceedings, you may bring a civil claim in civil proceedings.

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

A civil claim may be brought at any point in the criminal proceedings up to the start of consideration of the evidence by the court.

### 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)?

By bringing a civil claim you may claim compensation for material or non-material damage incurred due to the offence committed by the suspect or accused. Your civil claim must specify the exact amount claimed as well as state the circumstances supporting it.

### Is there a specific form for such claims?

There is no special form for civil claims. Only the general requirements for procedural documents submitted to the court apply.

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

You should present written, material or other evidence to support the amount of damage incurred.

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

A civil claim brought before a court for compensation for material and non-material damage incurred due to an offence is exempt from the stamp duty.

### 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, citizens of the Republic of Lithuania, citizens of other European Union Member States and other natural persons lawfully residing in the Republic of Lithuania and other European Union Member States are entitled to secondary legal aid in cases relating to compensation for damage incurred due to crimes. Decisions on the provision of legal aid shall be taken by the State Guaranteed Legal Aid Service (*Valstybės garantuojamos teisinės pagalbos tarnyba*).

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

A civil claim is dismissed if there is no evidence that the accused participated in a criminal offence.

A civil claim is not examined if the accused is acquitted because no act has been committed which has the constituent elements of a crime or misdemeanour or if the civil claimant or his/her representative does not attend the court hearing. In such cases the civil claimant is entitled to bring a claim in civil proceedings.

In exceptional cases, where it is not possible to quantify precisely the amount to be awarded because additional material is needed, the court may recognise the civil claimant's right to have his/her claim satisfied when handing down a conviction and transfer consideration of the amount of the claim to civil proceedings.

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

Yes, you can appeal against such a court decision before a court of appeal in accordance with the procedure set out in the Code of Criminal Procedure (*Baudžiamojo proceso kodeksas*).

### 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?

When the judgment awarding compensation for damage becomes final, you are entitled to obtain a writ of execution, which you may submit to the bailiff, who will enforce recovery of the amount. If all the applicable conditions are met, State guaranteed secondary legal aid may be provided during enforcement proceedings as well.

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