



VICTIM'S RIGHTS UNDER COSTA RICAN LAW - COSTA RICA CRIMINAL LAW - By: Gloria Navas Montero, Esq. - Criminal Law Attorney and Trial Attorney Costa Rica - Many individuals and corporations, both local and foreign, are not aware that Costa Rican criminal law provides the possibility of filing, not only a criminal claim when criminal behavior has occurred, but that it also possible to initiate compensatory civil actions to collect loses and damages without needing to go to the civil venue to seek such indemnities. Not only individuals can be sued in the criminal venue, legal entities can also be required to indemnify the victims of a crime by means of what is know as the "compensatory civil action" or "acción civil resarcitoria", in Spanish. This is an advantage that the Costa Rican criminal system provides as in many other countries compensatory civil actions must be initiated and handled separately, and their final result usually remains pending to what is decided in the criminal venue. Under said systems victims are denied prompt justice as legal proceedings move lengthier.

Under Costa Rican system it is also possible to initiate certain criminal action against the offender known as "querrella" or "private criminal complaint". With this kind of action, the victim, regardles of it being an individual or a legal entity, can privately indict the offender just as the Prosecutors' Office would. This is possible when we are talking about felonies such as frauds, transit accidents resulting in death or injuries, robbery, and many other crimes with a harmful result and that represent an important criminal offense against society, in general, and the affected individuals in particular.

It is also important to be aware that Costa Rican criminal procedural law includes a whole chapter on rights that all victims have even when they have not voluntarily initiated criminal action or appeared before the criminal authorities to enforce those rights (the later is highly recommendable to effectively take advantage of those rights).



Equally important is that Costa Rican law provides that the victim of a crime is not only the individual or entity that was directly affected. The spouse, partner and certain relatives can also be considered victims of a crime when, for instance, the result of the criminal behavior was the death of the directly affected party. Shareholders, associates and certain members of a legal entity may also be considered victims of criminal behavior when it was committed by the entity's directors, administrators, managers, agents, or any other individuals who were in charge of controlling and managing the company or organization. Associations, foundations and other entities whose main objective is social welfare are also considered victims when collective interests are affected.

The victim has the right to be informed about the results of the investigations undertaken by the Prosecutors' Office (Ministerio Público) and the Judicial Police (OIJ), as well as to dignifying treatment that avoids being revictimized. There are also other rights for protection in case of serious and imminent risks or threats to the victim's rights and physical integrity, or the lives and integrity of their relatives. In those cases, certain sensitive information such as the victim's address, can be kept confidential. Further, said level of protection even allows the use of modern technologies to receive the testimonies of victims without them being physically exposed to their potential offenders.

Finally, it is very important to mention procedural rights that victims have and that imply not only the right to denounce the commission of a crime before our criminal authorities, but also the right to be heard in trial and to undertake certain actions within criminal proceedings, such as making filings to enforce the right to judicial protection.

All of the above represents significant progress for Costa Rican criminal system, specially when speaking about the protection of a party who has already suffered the consequences of harmful



and illegal behavior, who now has to go through a complicated procedure and who is many times obligated to revive difficult situations for justice to be served. Victims are now understood as people who also have rights, who have gone through a difficult situation and who must be treated humanely.

If you should need assistance with your case, do not hesitate to contact us at info@navaslaw.com or glorianavas@navaslaw.com.