

Mediation in Criminal Case

BODILY INJURIES AT SCHOOL

Christine (17) and Peter (17) studies in the same school and they are in love with each other. The father of Peter is a deputy of the parliament, and he is well known and respected in the country, although exaggerating his importance. Peter is proud of his father and tries to copy the dad in all possible daily actions and behaviours. At one point Christine is fed up with her arrogant boyfriend and says to Peter that their relationship is over. Peter is extremely hurt and angry to Christine. He is especially angry when in a couple of weeks he sees that Christine is going out with another guy Arnold (18) who studies in a neighbourhood school. Peter starts to become mean and verbally aggressive to Christine. He calls her in very bad words in the presence of her school-mates. He posts in the Facebook pictures of Christine's past and tries to compromise her in the eyes of teachers of the school. One day Christine tells about this situation to her new boyfriend Arnold and asks can he threaten to Peter. Arnold is physically very strong and fit, he is planning to apply for studies to the Marine Academy and work in the future on cargo ships. Arnold feels emotionally responsible for wellbeing of Christine, and also he wants to show up as a *macho* in her eyes, so he promises that he will threaten a little to a Peter, so he would "calm down and know his place".

On May 29, 2017 right after classes Arnold comes to the school of Christine and Peter. Christine shows to Arnold from far where Peter is standing. Arnold approaches Peter from behind and strongly hits him with his right fist (arm) at his head. Peter didn't expect such a hit from behind, he falls on the stairs where he was standing and with his head hits badly the ground, losing conscious. The emergency ambulance is called by the school-mates, Peter is taken immediately to the hospital. Doctors come to the conclusion that Peter has cerebral commotion, temporary nervous disorders and hematomas. Peter has to stay in a hospital 30 days, so he can't graduate the school together with his class-mates. After he tries to catch up the studies, but his head hurts very often and he can't concentrate. He blames for all these troubles Arnold who had hit him and Christine, who instigated and urged Arnold to this crime.

A criminal case is initiated for causing intentional moderate bodily injury, which is not dangerous to life but has resulted in continued health disorder and general ongoing loss of ability to work to the extent of less than 1/3 (moderate bodily injury). The possible criminal sanction is deprivation of liberty for a period up to 3 years or temporary deprivation of liberty, or community service, or a monetary fine.

Arnold is shocked for extreme consequences of his behaviour. He just wanted to threaten to Peter and to make him stop in his rude behaviour towards Christine. He thought Peter will fight back as a man should, and he didn't expect any criminal consequences of his one single hit. Arnold asks in the police office for a possibility to have mediation in criminal case. He really can't afford to be criminally punished, because then he would lose his chances to study in the Marine Academy (this academy does not accept students with criminal history). Arnold lives together with his mother Anna, who can't afford to pay any financial compensation to the victim's family. She is blaming her son so much about what he has done, so the Arnold himself is close to nervous breakdown. The father of Arnold does not live together with the family any more and he is not showing either emotional or financial support to Arnold in this case.

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Peter's father Kiril is super angry and frustrated. Moreover he thinks that the attack was specially organized because Peter's father is a deputy in the parliament. The father demands from Arnold a compensation of EUR 5000, to cover additional treatment expenses of his son in the best recreation centres of Latvia.

Christine refuses to be involved in the process. She denies she had intentionally provoked Arnold to this crime. She has found a new boyfriend with clean history and calm character.

Organize mediation conferencing in which the following persons participate:

1. Mediator;
2. Peter – the victim;
3. Arnold – the offender.