

What to consider when corresponding with the Prosecutor's Office

The conducting of criminal proceedings is prescribed by the Code of Criminal Procedure.

Criminal proceedings are initiated and conducted on behalf of the Republic of Estonia. In case of elements of a crime become apparent, the investigative body and the Prosecutor's Office are obliged to conduct criminal proceedings.

The language of criminal proceedings is Estonian. The assistance of a translator or interpreter shall be ensured for the participants to a proceeding who are not proficient in Estonian.

If you are a suspect

A suspect is a person apprehended on suspicion of having committed an offence or being subject to sufficient grounds for suspicion of having committed an offence, and being subjected to a procedural action.

A suspect or accused person being a legal person participates in criminal proceedings via a member of its management board or a body substituting for a management board, having all rights and obligations of a suspect or an accused person, including the right to give a testimony on behalf of the legal person.

You have the following rights:

to know the content of the suspicion and to give or refuse to give a testimony about that content;

to know that your statements may be used for presenting a charge against you;

to be provided with the aid of a defence counsel;

to meet with the defence counsel without the presence of other persons;

to be accompanied by the defence counsel while being interrogated and while participating in confrontation, in comparison of a testimony to circumstances and in presenting for recognition;

to participate in court review of the arrest request;

to present evidence;

to file petitions and complaints;

to examine the procedural minutes and to file statements about the procedural conditions, progress and results and about the minutes, and to have those

statements documented in the minutes;

to grant your consent for an agreement process, to participate in the agreement negotiations, to make proposals for type and grade of punishment to be applied, and to sign or refuse to sign an agreement in the agreement process.

You have the following obligations:

to appear on request of an investigative body, a prosecutor's office or a court;

to participate in procedural activities and to follow the orders of the investigative body, the prosecutor's office and the court.

If you are an accused person

An accused person is a person regarding whom the Prosecutor's Office has prepared a statement of charges or regarding whom a statement of charges has been presented in an expedited procedure or with whom an agreement has been signed in an agreement process.

An accused person regarding whom a convicting judgment has entered into force is a convicted person.

An accused person regarding whom an acquitting judgement has entered into force is an acquitted person.

You have a suspect's rights and obligations.

You are entitled to examine the criminal file via mediation by the defence counsel and to participate in a court hearing.

If you are a victim

A victim is a person to whom an offence or an unlawful act has directly caused physical, proprietary or moral damage.

You have the following rights:

to contest a refusal to initiate or a decision to terminate criminal proceedings;

to file a civil claim via the investigative body or the Prosecutor's Office by the deadline prescribed in the criminal proceedings, without having to pay a state fee;

to give or refuse to give a testimony;

to present evidence;

to file petitions and complaints;

to examine the procedural minutes and to file statements about the procedural conditions, progress and results and about the minutes, and to have those statements documented in the minutes;

to examine the materials in the criminal file pursuant to the order prescribed in the law;

to participate in court hearing;

to grant or refuse your consent for an agreement process, to state your opinion about the charge and the punishment and about the damage amount stated in the charge and about the civil claim;

to grant your consent for a temporary restraining order and to request application of a restraining order for.

You have the following obligations:

to appear on request of an investigative body, a prosecutor's office or a court;

to participate in procedural activities and to follow the orders of the investigative body, the prosecutor's office and the court.

See also [Victim support](#) [1].

If you are a witness

A witness is a person who may have knowledge of significant circumstances pertaining to the criminal case. A witness is obliged to give a testimony if there are no legal grounds for refusing to give a testimony. You have the right to refuse to give a testimony about your spouse and close relatives and you may also refuse if the testimony may lay blame on you.

Compensating the expenses of parties to the proceedings

If you are a victim, a witness or other party to the proceeding stated in the law, your expenses are compensated pursuant to the procedure for remuneration and compensation of expenses of participants in criminal, misdemeanour, civil and administrative proceedings.

Restrictions on disclosure of information concerning criminal proceedings

Information related to pre-trial proceedings can be disclosed only with the permission of and in the extent specified by the Prosecutor's Office.

In the event of violation of the prohibition on disclosure of information concerning pre-trial proceedings, a preliminary investigation judge may impose a fine on the violating party to the proceeding, other person participating in the proceedings or person outside the proceedings, by a court ruling at the request of the Prosecutor's Office. Suspects and accused persons are not fined.

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Links

[1] <http://www.ohvriabi.ee/>