

## Glossary

**Suspect** – a suspect is the person to whom all activities of the investigative body during the pre-trial proceedings are pertaining. Only after the criminal file has been introduced to the Prosecutor's Office and the Prosecutor's Office is convinced that all the evidence necessary for a judicial investigation are gathered, the Prosecutor's Office prepares a statement of charges and turns the suspect into the accused person.

**Simplified procedure** – the purpose of the simplified procedure is to expedite the criminal proceedings in order to reduce the excessive workload of the judicial system. Simplified procedure is a general name for simplified types of proceedings. In the new law, the simplified procedure is called the agreement process. The former expedited procedure is replaced by the alternative procedure and the summary procedure, allowing expedited proceeding of simple criminal cases, but they are both different from the former expedited procedure which is not included anymore in the new law. There are three types of simplified procedures:

the alternative procedure;

the agreement process;

the summary procedure.

All simplified procedures have a common feature that the judge single-handedly reviews the criminal cases.

**Alternative procedure** – the alternative procedure is a type of judicial proceedings enabling to conduct proceedings based on the criminal file alone, without summoning witnesses or experts. The alternative procedure is not an analogue of the former expedited procedure. Although the purpose of the alternative procedure, like that of the former expedited procedure, is to expedite the judicial proceedings, these two types have significant differences. The alternative procedure requires the consent of the suspect/accused person for expedited proceeding of the case.

**Summary procedure** – the summary procedure is the third type of simplified procedure. Application of the summary procedure requires that the facts relating to a subject of proof are explicit. It is intended for quick proceeding of less severe crimes for which the prosecutor considers a fine to be a just punishment.

**Agreement process** – this is a type of procedure where the accused person and his or her defence counsel agree with the content of accusation and the crime qualification and the type and amount of damages caused by the crime, reaching an agreement about the type and rate of punishment requested by the prosecutor in court.

The expedited procedure required that the facts relating to the crime are explicit. The consent of the suspect/accused person for the expedited procedure was not asked.

**Detainment** – the police may detain a suspect of a crime for a maximum of 48 hours without a court permission.

**Pre-trial proceedings** – pre-trial proceedings are only a preparation for judicial proceedings. In pre-trial proceedings, the investigative body and the Prosecutor's Office identify the facts acquitting and accusing the suspect and the accused person. The purpose of pre-trial proceedings is to gather evidence and establish the conditions necessary for judicial proceedings.

**Commenting jurisdiction** – only the Prosecutor's Office may disclose information relating to pre-trial proceedings.

Body conducting extrajudicial proceedings – a body which has the right to impose a punishment on a person having committed a misdemeanour, but which is not a court. (For example, the police as a body conducting extrajudicial proceedings may impose a fine on a driver who exceeded the speed limit.)

**Criminal liability** – the set of all negative circumstances entailed for a convicted person in a convicting court judgment.

**Party to a proceeding** – in misdemeanour proceedings these are the person subject to proceedings and his or her defence counsel; in criminal proceedings these are the suspect, the accused person and their defence counsels, the victim and the civil defendant.

**Procedural activities** – investigative activities and other activities for the purpose of securing the proceeding of the offence, i.e. all activities of the body conducting criminal proceedings. Every investigative activity is a procedural activity, but some procedural activities are not investigative activities. For example taking a suspect into custody is a procedural activity which is not an investigative activity. It does not result in evidence helping to identify the guilt of the suspect and is instead intended solely for ensuring that the suspect does not evade the administration of justice.

**Scene of an event** – the place where an offence was committed; the place of an accident.

**Accused person** – an accused person is a person being charged with having committed a certain crime and being the subject of a statement of charges prepared by the Prosecutor's Office, or a person with whom an agreement has been signed in the agreement process. An accused person has all the rights and obligations of a suspect, plus the right to examine the criminal file via mediation by the defence counsel. An accused person regarding whom a convicting court judgment has entered into force is a convicted person. An accused person regarding whom an acquitting court judgment has entered into force is an acquitted person.

**Statement of charges** – a statement of charges describes the facts of the crime and the provisions of the Penal Code that the prosecutor considers qualifying the crime.

**Presumption of innocence** – this is a principle of criminal procedure which dictates that criminal liability cannot be assumed before a convicting court judgement has entered into force.

**Investigator** – an official (usually a police officer, but may also be a tax official, a member of the Defence Forces, an environmental inspector, etc.) who investigates

the facts of a crime, trying to identify the person who committed it. An investigator differs from a prosecutor because an investigator performs the so-called detective work, identifying the facts, whereas a prosecutor identifies the legal provisions qualifying the crime and the punishment applicable to the criminal.

**Investigative jurisdiction** – three types of investigative jurisdiction are defined: general investigative jurisdiction, investigative jurisdiction by crime type, and extraordinary investigative jurisdiction. General investigative jurisdiction is vested with the Police and Border Guard Administration, the agencies governed by it, and the Security Police Board.

**Investigative activities** – activities by a body conducting proceedings (an investigator, a prosecutor or a court) for the purpose of gathering evidence that would help to apprehend and convict the criminal.

**Taking into custody** – this is the most severe preventive measure, entailing deprivation of liberty for up to 6 months (in extraordinary cases even longer) and applied to a suspect, an accused person or a convicted person by a court ruling.

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