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## 3 - My rights in court

### Where does the trial take place?

All criminal cases are resolved by [county courts](#). In general, the decision is made by a single judge. Criminal cases involving a crime of the first degree are heard by a court made up of the president of the court and two lay judges.

### Is the trial public?

The trial is public.

The court can declare that the trial will be held partially or fully in private:

- to protect state or business secrets;
- to protect morals, family or private life;
- in the interests of a minor;
- in the interests of administering justice, including in cases where a public trial may endanger the security of the court, the parties to the proceedings or the witnesses.

### Can the charges be changed during the trial?

Before the end of the court hearing the Prosecutor's Office may change the charges or add charges against you. If this happens, the Prosecutor's Office will draw up a new statement of charges. This will not be done if the charges are changed to your benefit. If the charges are changed, you and your lawyer have the right to request that the trial be postponed, so you can prepare your defence.

### What happens if I plead guilty to some or all the charges during the trial?

Your confession is treated as one piece of evidence of the crime. If you plead guilty, the Prosecutor's Office still has to prove your guilt with other evidence.

### Must I be present at the trial? Can it be carried out without me?

It is obligatory for the accused to participate in the trial. Exceptionally, the trial can be carried out without you in the following cases:

- where you have created a disturbance at the trial and ignored the judge's orders, and been sent out of the courtroom as a result;
- you are outside the Republic of Estonia, and have failed to appear in court and it is possible to hear the case in your absence;
- where after your interrogation in the court you are in such a state that you are unable to continue participating in the trial and it is possible to hear the case in your absence.

### If I live in another country, can I participate via video link?

The court has the right to allow you to participate in the trial via video link if it is problematic for you to appear in court. This is possible only with your consent.

## Will I be provided with translation if I do not understand what is going on?

If you cannot understand the language of the trial, the court must provide you with an interpreter during the trial. Only interpretation is provided (no written translation).

## Must I have a lawyer? Will I be given a lawyer?

[Factsheet 1](#)

## Can I speak during the trial? Must I speak during the trial?

You have the right to speak during the trial and express your opinion about all the circumstances of your case. You do not have to speak during the trial and you have the right to remain silent.

## What happens if I do not tell the truth during the trial?

The accused is not obliged to tell the truth in court. If you do not tell the truth, no sanctions can be imposed on you. If during the trial it is proved that you have lied in court, your entire testimony (including the truthful part) may be considered unreliable. In that case your testimony is not considered as evidence.

## Can I challenge the evidence which is presented against me?

You have the right to present objections to the evidence given against you to the court. The evidence will not be allowed to be used in court if it was obtained in fundamental breach of the law. You have the right to challenge the reliability of the evidence as well as whether it is legally admissible.

You and your lawyer may challenge the evidence orally and in writing during each stage of the proceedings until the end of the trial.

## What kind of evidence can I present on my behalf?

You have the right to present in court all evidence which is relevant to the case and has been obtained legally.

## What conditions apply to my evidence?

Generally, in order to present new evidence, a request must be submitted after reviewing the criminal file or at least three working days before the preliminary hearing. However, it is also possible to present new evidence during the trial if it was not possible, for objective reasons, to present it earlier.

## Can I use a private detective to collect evidence?

You have the right to use a private detective in order to obtain evidence. Evidence collected by a private detective is admissible in court if the private detective has obtained the evidence without breaching the law.

## Can I request witnesses to speak in my favour?

You have the right to request that people who have important information which is necessary for resolving your case be invited to the court.

## Can I or my lawyer ask questions of other witnesses in my case? Can I or my lawyer challenge what they say?

You, and your lawyer, have the right to question all the witnesses. You have the right to express your opinion about the relevance and truthfulness of the witness's statements. You have the right to present evidence which will prove the witness's statements wrong or cast doubt on their reliability.

## Will information about my previous offences be taken into account?

Only the information about your previous offences which is recorded in the [punishment register](#) and has not been removed from your criminal record (an offence is removed from your criminal record within 1-15 years of serving your sentence, depending on the severity of the offence) may be taken into account.

Information from other countries about your previous offences can also be taken into consideration. The offences to be taken into account in court must be set out in the statement of charges. In the case of certain crimes, the fact of having committed a similar crime previously may result in a more severe punishment being imposed.

## What are the possible outcomes of the trial?

After the hearing, the court either acquits or convicts you. You will be acquitted if, during the trial, it is not proved that the crime was committed or that you committed it. You will also be acquitted if the Prosecutor's Office drops the charges. You will be convicted if it is proved in court that you committed the crime.

If you are found guilty, the court will impose a punishment on you according to law. The possible punishments are:

- a fine, which may be 30 to 500 times your average daily income;
- imprisonment for between 30 days and 20 years, or a life sentence.

If you agree, the court can replace imprisonment with community service.

In certain circumstances, the court may also decide to grant you probation. If this is the case, you will not have to serve the original sentence or you will only have to serve part of it, unless you commit a new crime during the probation period. The probation period is 3 to 5 years.

In addition to the principal punishment, the court may impose additional punishments, such as prohibiting you from engaging in certain activities or expelling you from Estonia. Also, any property connected with the crime can be confiscated.

## What is the role of the victim during the trial?

The victim has the right to participate in the trial, make statements and present evidence, demand damages to cover losses caused by the crime and express an opinion about the sentence proposed by the Prosecutor's Office for your punishment.

### Related links

[Code of Criminal Procedure](#)

[Code of Criminal Procedure in English](#) (may not contain all the amendments)

[Penal Code](#)

[Penal Code in English](#) (may not contain all the amendments)

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