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## 2 - Reporting a crime and my rights during the investigation or trial

### How do I report a crime?

You can report a crime by calling the police emergency number 112 (if you also urgently need police assistance), submitting a written report at the nearest police station or emailing a report to the appropriate police prefecture. More information on how to report a crime is available [here](#).

### How do I find out what's happening with the case?

After you have reported a crime, you will be contacted and informed about any further procedures (e.g. you will be asked to give testimony, provide information on possible witnesses, help with collecting evidence, etc.). If necessary, you will also receive information on possible victim support and other protection measures.

After your questioning, write down the number of the criminal matter and the investigator responsible for the case. This will make it easier for you to request information from the police at a later date.

### Am I entitled to legal aid (during the investigation or trial)? Under what conditions?

You have the right to have a lawyer present during the proceedings. If you do not have the means to hire one, you may make a request to the court for state legal aid.

All victims who are minors whose interests are in conflict with those of their legal representatives are entitled to state legal aid free of charge.

### Can I claim expenses (for taking part in the investigation/trial)? Under what conditions?

Victims and witnesses are entitled to compensation for expenses incurred or income not received because of the criminal proceedings. For example, you can claim for travelling expenses or loss of earnings incurred from going to give evidence. To claim expenses, notify the authority that summoned you and you will receive instructions on how to submit your claim.

### Can I appeal if my case is closed before going to court?

When criminal proceedings are terminated, a copy of the relevant ruling will immediately be sent to you or your representative. As a victim you can request access to the criminal file within 10 days from receiving the ruling terminating the criminal proceedings. Within those 10 days, you are also entitled to request that the prosecutor's office review the ruling.

### Can I be involved in the trial?

As a victim, you are a party to the trial on equal terms with the other parties and are entitled to be involved in the trial.

## What is my official role in the justice system? For example, am I or can I choose to be a: victim, witness, civil party or private prosecutor?

If a crime has been committed against you, then you are a victim in the criminal proceedings. However, you are also entitled to file a civil action as part of the same proceedings. The concept of private prosecution does not exist in Estonian law.

## What are my rights and obligations in this role?

[Under the Code of Criminal Procedure](#), a victim is entitled to:

1. contest a refusal to commence or a termination of criminal proceedings;
2. file a civil action through an investigative body or the prosecutor's office;
3. give or refuse to give testimony against persons close to him or her;
4. submit evidence;
5. submit requests and complaints;
6. examine the minutes of the proceedings and make statements on the conditions, course, results and minutes of the proceedings (your statements will be taken down in writing);
7. examine the contents of the criminal file after the preliminary investigation of the case is completed;
8. participate in the court hearing;
9. give consent or refuse to consent to the application of a settlement procedure and give an opinion concerning the charges and punishment, the amount of the damages specified in the charges and the civil action;
10. give consent to the application of a temporary restraining order and request the application of a restraining order;
11. request to be questioned by a person of the same sex in the case of sexual violence, gender violence or a criminal offence committed in a close relationship, except where the questioning is conducted by a prosecutor or judge or if it would hinder the course of the proceedings.

A victim is required to:

1. appear when summoned by an investigative body, prosecutor's office or court;
2. participate in procedural acts and obey the orders of the investigating body, the Prosecutor's Office and the court.

## Can I make a statement during the trial or give evidence? Under what conditions?

You are entitled to make statements and express your opinion during the trial. You have the right to give testimony in court if the prosecution requests that you be questioned.

## What information will I receive during the trial?

The court will inform you about the time and place of the court sessions and you will also be informed about the court ruling, which will be delivered to you unless you are personally present in court when the ruling is pronounced.

## Will I be able to access court files?

You are entitled to examine the court files in the prosecutor's office after the preliminary investigation is completed or when the criminal proceedings are terminated. The prosecutor's office will inform you about this right and provide instructions on how you can examine the files.

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