



# Estonia

## Ratified the European Convention on Human Rights in 1996

### National Judge: Julia Laffranque

[Judges' CVs](#) are available on the ECHR Internet site

Previous Judges: Rait Maruste (1998-2010), Uno Lõhmus (1994-1998).

The Court dealt with 215 applications concerning Estonia in 2016, of which 210 were declared inadmissible or struck out. It delivered 5 judgments (concerning 5 applications), 3 of which found at least one violation of the European Convention on Human Rights.

Applications processed in	2014	2015	2016
Applications allocated to a judicial formation	187	190	206
Communicated to the Government	9	4	8
Applications decided:	458	186	215
- Declared inadmissible or struck out (Single Judge)	449	180	200
- Declared inadmissible or struck out (Committee)	0	1	8
- Declared inadmissible or struck out (Chamber)	2	0	2
- Decided by judgment	7	5	5
Interim measures:	5	7	7
- Granted	0	0	0
- Refused (including out of scope)	5	7	7

For information about the Court's judicial formations and procedure, see the [ECHR internet site](#)

Applications pending before the court on 01/01/2017	
Total pending applications*	75
Applications pending before a judicial formation:	62
Single Judge	33
Committee (3 Judges)	12
Chamber (7 Judges)	17
Grand Chamber (17 Judges)	0

\*including applications for which completed application forms have not yet been received

## Estonia and ...

### Its contribution to the Court's budget

For 2017 the Court's budget amounts to approximately 71 million euros. That budget is financed by contributions from the 47 member States of the Council of Europe in accordance with scales based on population and GDP; the 2017 contribution of Estonia to the Council of Europe's (EUR 328 million) budget is **EUR 485,702**.

### The Registry

The task of the Registry is to provide legal and administrative support to the Court in the exercise of its judicial functions. It is composed of lawyers, administrative and technical staff and translators. There are currently **672** Registry staff members of whom **3** are Estonian.

## Noteworthy cases, judgments delivered

### Grand Chamber

#### [Delfi AS v. Estonia](#)

16.06.2015

This was the first case in which the Court had been called upon to examine a complaint about liability for user-generated comments on an Internet news portal. The applicant company, which runs a news portal run on a commercial basis, complained that it had been held liable by the national courts for the offensive comments posted by its readers below one of its online news articles about a ferry company. At the request of the lawyers of the owner of the ferry company, the applicant company removed the offensive comments about six weeks after their publication.

The Court held that there had been no violation of Article 10 (freedom of expression) of the Convention, finding that the Estonian courts' finding of liability against the applicant company had been a justified and proportionate restriction on the portal's freedom of expression, in particular, because: the comments in question had been extreme and had been posted in reaction to an article published by the applicant on its professionally managed news portal run on a commercial basis; the steps taken by the applicant to remove the offensive comments without delay after their publication had been insufficient; and the 320 euro fine had by no means been excessive for the applicant, one of the largest Internet portals in Estonia.

### Chamber

#### **Cases dealing with prohibition of inhuman and/or degrading treatment (Article 3)**

##### Detention cases

#### [Tali v. Estonia](#)

13.02.2014

The case concerned a detainee's complaint about having been ill-treated by prison officers when he refused to comply with

their orders. In particular, pepper spray was used against him and he was strapped to a restraint bed.

[Violation of Article 3](#)

#### [Korobov and Others v. Estonia](#)

28.03.2013

The case concerned the applicants' alleged ill-treatment and detention during riots in Tallinn in April 2007 following protests against the relocation of a monument commemorating the entry of the Soviet Red Army into Tallinn during the Second World War.

[Violation of Article 3 \(ill-treatment\) – in respect of the fifth applicant;](#)

[No violation of Article 3 \(ill-treatment\) – in respect of the first, fourth and seventh applicants;](#)

[Violation of Article 3 \(investigation\) – in respect of the first, fourth, fifth and seventh applicants.](#)

The Court declared inadmissible the complaints of the other three applicants.

#### [Julin v. Estonia](#)

29.05.2012

Concerned multiple complaints about prison conditions, treatment by prison officials (strip search, confinement in restraint bed) and access to court.

[Violation of Article 3 \(on account of the applicant's confinement to restraint bed\)](#)

[No violation of Article 3 \(on account of the use of force and handcuffs\)](#)

[No violation of Article 3 \(investigation\)](#)

[No violation of Article 6 § 1 \(access to a court in connection with the complaint concerning detention conditions\)](#)

[Violation of Article 6 § 1 \(access to a court in connection with the complaint concerning the strip search\)](#)

#### [Kochetkov v. Estonia](#)

02.07.2009

Concerned conditions – notably overcrowding – of pre-trial detention in Narva Arrest House.

[Violation of Articles 3 and Article 13 \(right to an effective remedy\)](#)

## **Right to liberty and security cases (Article 5)**

### Detention cases

#### **Malkov v. Estonia**

04.02.2010

Concerned excessive length of pre-trial detention of a man accused of murder.

[Violation of Article 5 § 3](#)

#### **Mikolenko v. Estonia**

08.10.2009

Concerned detention of a Russian national, following the authorities' refusal to extend his residence permit, for 3 years and 11 months in a deportation centre pending his expulsion.

[Violation of Article 5 § 1](#)

#### **Harkmann v. Estonia**

11.07.2006

Defendant in criminal proceedings – evasion of court proceedings – complained that he was not brought before a judge immediately after his arrest and, only released 15 days' later, was unable to obtain any compensation for his unlawful detention

[Violation of Article 5 §§ 3 and 5](#)

#### **Sulaoja v. Estonia**

15.02.2005

Concerned excessive length of the applicant's detention on remand and the failure to examine speedily his applications for release.

[Violation of Article 5 §§ 3 and 4](#)

## **Cases dealing with Article 6**

### Right to a fair trial

#### **Shuvalov v. Estonia**

29.05.2012

Concerned the complaint by a judge, accused of taking a bribe, that the prosecution's statements about his case breached his right to be presumed innocent.

[No violation of Article 6 §§ 1 and 2 \(unfairness and presumption of innocence\)](#)

#### **Dorozhko and Pozharskiy v. Estonia**

24.04.2008

Concerned the applicants' allegation that, in criminal proceedings against them, the trial judge had not been impartial as her

husband had been involved in the pre-trial investigation of their case.

[Violation of Article 6 § 1](#)

#### **Pello v. Estonia**

12.04.2007

Mr Pello complained that, in criminal proceedings against him on charges of causing serious bodily injury, he had not had the opportunity to examine two witnesses, whose questioning would have led to his acquittal.

[Article 6 § 1 and § 3 \(d\) \(right to obtain attendance and examination of witnesses\).](#)

#### **Taal v. Estonia**

22.11.2005

Mr Taal complained that his conviction and sentencing to imprisonment for having threatened, using public phones, to explode a bomb in a supermarket, was based on statements of witnesses whom he had not had the opportunity to question at any stage of the proceedings and who were never actually heard by the courts.

[Article 6 § 1 and § 3 \(d\) \(right to obtain attendance and examination of witnesses\).](#)

## **Cases dealing with freedom of expression (Article 10)**

#### **Kalda v. Estonia**

19.01.2016

The case concerned a prisoner's complaint about the authorities' refusal to grant him access to three Internet websites, containing legal information, run by the State and by the Council of Europe. Mr Kalda, the applicant, complained in particular that the ban under Estonian law on his accessing these specific websites had breached his right to receive information via the Internet and prevented him from carrying out legal research for court proceedings in which he was engaged.

[Violation of Article 10](#)

#### **Tammer v. Estonia**

06.02.2001

Concerned a journalist's conviction for using insulting words in an article about the wife of Edgar Savisaar, former Prime Minister of Estonia

[No violation of Article 10](#)

## Other noteworthy cases, judgments delivered

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### **Sõro v. Estonia**

03.09.2015

The case concerned Mr Sõro's complaint about the fact that information about his employment during the Soviet era as a driver for the Committee for State Security of the USSR (the KGB) had been published in the Estonian State Gazette in 2004.

[Violation of Article 8 \(right to respect for private life\)](#)

### **Tarkojev and Others v. Estonia**

04.11.2010

Concerned complaint by a group of former Russian (Soviet) army servicemen living in Estonia about not being able to receive a pension from the Estonian authorities unless they gave up the pension paid to them by the Russian Federation.

[No violation of Article 14 \(prohibition of discrimination\) in conjunction with Article 1 of Protocol No. 1 \(protection of property\)](#)

### **Liivik v. Estonia**

25.06.2009

Concerned former acting director general of the Estonian Privatisation Agency who was convicted of abuse of office in a privatisation agreement involving Estonian Railways. The Court found that he could not have foreseen under the criminal law applicable at the relevant time that his acts had constituted a criminal offence.

[Violation of Article 7 \(no punishment without law\)](#)

## Noteworthy cases, decisions delivered

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### **M.L. and L.R. v. Estonia (no. 13420/12)**

04.06.2012 (inadmissibility decision)

Concerned a mother and her two-year-old daughter whose father sought to be returned to Italy under the Hague Convention.

[The Court found that Estonian court's decision ordering the return of the child to Italy had not been arbitrary.](#)

[Application declared inadmissible as manifestly ill founded.](#)

## Noteworthy pending cases

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### **Rõigas v. Estonia (no. 49045/13)**

Application [communicated](#) to the Estonian Government in December 2014

Mr Rõigas complains, under Articles 2 (right to life), 3 (prohibition of inhuman or degrading treatment) and 8 (right to respect for private and family life) of the Convention, about the lack of effective investigation into her son's involuntary medical treatment, inhuman treatment and torture in the hospital, and the circumstances of his death.

### **V.P. v. Estonia (no. 14185/14)**

Application [communicated](#) to the Estonian Government in November 2014

The case concerns the suicide of the applicant's son who had been hospitalised after an attempted suicide.

The applicant complains under Article 2 (right to life) of the Convention that the authorities failed to take the necessary measures to protect his son's life and that they also failed to carry out an effective investigation into the circumstances of his death.