



# 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)

Applications processed in	2008	2009	2010	2011
Applications allocated to a judicial formation	170	204	265	183
Communicated to the Government	5	10	11	9
Applications decided:	182	174	186	98
- Declared inadmissible or struck out (Single Judge)	0	106	175	95
- Declared inadmissible or struck out (Committee)	172	62	0	2
- Declared inadmissible or struck out (Chamber)	7	2	8	1
- Decided by judgment	3	4	3	0
Interim measures:	3	2	6	3
- Granted	0	0	0	0
- Refused (including out of scope)	3	2	6	3

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

Applications pending before the court on 19/07/2011	
Total pending Applications*	675
Applications pending before a judicial formation:	585
Single Judge	540
Committee (3 Judges)	0
Chamber (7 Judges)	45
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 2011 the Court's budget amounts to just over 58.9 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 2011 contribution of Estonia to the Council of Europe's (EUR 211.4 million) budget is **EUR 253 739**.

#### 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 **640** Registry staff members of whom **4** are **Estonian**.

**At the end of 2010, the Court had delivered 23 judgments concerning Estonia, of which 19 found at least one violation of the European Convention on Human Rights and 3 cases found no violation.**

## Noteworthy cases, judgments delivered

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### Chamber

#### [Tarkoiev 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)

#### Article 5 complaints

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

04.02.2010

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

Violation of Article 5 § 3 (right to liberty and security)

##### [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 (right to liberty and security)

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

02.07.2009

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

Violation of Articles 3 (prohibition of inhuman and degrading treatment) and Article 13 (right to an effective remedy)

##### [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 (right to liberty and security)

##### [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 (right to liberty and security)

##### [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, judgments delivered

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### Chamber, ctd...

#### Unfairness of criminal proceedings

##### [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 \(right to a fair trial\)](#)

#### **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 \(right to a fair trial\) 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 \(right to a fair trial\) and § 3 \(d\) \(right to obtain attendance and examination of witnesses\).](#)

#### **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 \(freedom of expression\)](#)

### **Noteworthy pending cases**

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#### **Julin v. Estonia**

Communicated 17.03.2011

Concerns multiple complaints about prison conditions, treatment by prison officials

(strip search, confinement in restraint bed) and access to court.

[Articles 3 \(prohibition of inhuman and degrading treatment\), 6 § 1 \(right to fair trial\)](#)

#### **Delfi AS v. Estonia**

Communicated 11.02.2011

Concerns Delfi, one of the largest news portals on the internet in Estonia, and its responsibility for the comments posted by its readers. Following an article published on its site about a company planning to destroy "iceroads" (roads linking mainland Estonia with some of its islands), offensive comments were posted on the portal about the company's majority shareholder and, as a result, he brought a civil suit against the news portal. The courts found against the news portal and awarded the plaintiff damages.

[Article 10 \(freedom of expression\)](#)

#### **Korobov and Others v. Estonia**

Communicated 14.09.2011

The applicants, Estonian residents of Russian ethnic origin, were arrested and allegedly ill-treated in April 2007 during the riots caused by the controversy over the Bronze Soldier, a statue in Tallinn in commemoration of the entry of the Soviet Red Army into Tallinn.

[Article 3 \(prohibition of inhuman and degrading treatment\) and Article 5 §§ 1 and 5 \(right to liberty and security\)](#)

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

Communicated 30.03.2010

Concerns complaint by former judge, convicted of attempting to accept a bribe in a criminal case he was in charge of, about statements made to the press by the public prosecutor before his trial

[Article 6 §§ 1 and 2 \(presumption of innocence\)](#)

**ECHR Press Unit Contact:  
+ 33 (3) 90 21 42 08**

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