

THE SUPREME COURT OF ESTONIA

The Supreme Court of Estonia is functioning as a court of cassation, acting at the same time as a supreme administrative court as well as the highest court instance in civil and criminal matters. The Supreme Court of Estonia also fulfills the functions of a constitutional court.

The Supreme Court is competent to:

- * review appeals in cassation (in civil, criminal and administrative law matters) and protests(in criminal cases);
- * correct court errors;
- * hear petitions for review filed against court judgements ;
- * hear petitions for constitutional review;
- * resolve certain matters pertaining to court administration.

ORGANISATION OF WORK OF THE SUPREME COURT

The activities of the Supreme Court are governed by the Chief Justice, who is an *ex officio* Chairman of the Supreme Court en banc and of the Constitutional Review Chamber.

The highest body of the Supreme Court is the Supreme Court en banc. The Supreme Court en banc consists of all the justices (19) of the Court and it has a quorum if at least eleven justices of the Supreme Court are present. The Supreme Court en banc is competent to:

- * review the judgments of courts in the cases prescribed by law;
- * appoint the chairmen and members of Administrative Law, Criminal and Civil Chambers of the Supreme Court;
- * elect the members of the Constitutional Review Chamber;
- * review the applications of candidates for judicial office and make proposals to the President of the Republic for the appointment to office of the candidates for judicial

office;

- * decide on the removal from office of a judge on the proposal by Disciplinary Committee;

- * review complaints submitted against the decisions of the Disciplinary Committee;

- * commence disciplinary proceedings and hear the disciplinary matter against the Chief Justice of the Supreme Court.

According to the Constitution the Supreme Court en banc may declare a member of the Riigikogu or the President of the Republic incapable of performing his or her duties for an extended period.

The Supreme Court decides on granting leave to appeal in the composition of at least three justices one of whom changes every three months on the principle of rotation. A matter is accepted for proceedings if the hearing thereof is demanded at least by one justice of the Supreme Court.

ADMINISTRATIVE LAW, CRIMINAL AND CIVIL CHAMBERS

For the hearing of matters of cassation, petitions for review filed against court judgments and matters of correction of court errors the Supreme Court has **Civil, Criminal and Administrative Law Chambers**.

On the basis of a decision of the Supreme Court en banc the justices belong to one of the three chambers: Administrative Law, Criminal or Civil Chamber. On current moment 5 justices belong to the administrative law chamber, 6 into criminal chamber and 7 to the civil chamber.

The work of a Chamber is directed by the **Chairman of the Chamber**. The Chairman and members of a Chamber are appointed by the Supreme Court en banc on proposal of the Chief Justice. On the request of the Chairman of a Chamber a member of some other Chamber may temporarily join the hearing of a matter.

Cases are heard in **panels of at least 3 justices** within the time limits provided for by procedural laws. If justices disagree on principle in matters concerning application of law or if the panel finds it necessary to change the former point of view of the Chamber on application of law, the matter shall be transferred to the **whole membership of the Chamber** for decision. If the full composition of a Chamber, upon examining a case and with regard to application of law wants to assume a position different from that of any other Chamber of the Supreme Court in its last decision, the matter shall be transferred to a **Special (ad hoc) Panel**.

If during the hearing of a matter a Chamber comes to the conclusion that the applicable law or other legislation is in conflict with the Constitution, it shall not apply it, and if necessary, shall suspend the proceeding by a ruling. The ruling shall be transferred to the **Constitutional Review Chamber** for decision and to the Legal Chancellor, Riigikogu and Minister of Justice for information.

Constitutional review petitions are heard by the Constitutional Review Chamber which consists of 7 members.

Cases may also be heard by Special (ad hoc) Panels composed of the members of different Chambers or by the Supreme Court en banc.

Chambers have their assisting personnel, the composition and procedure of work of who is determined by the Chief Justice of the Supreme Court and whose daily activities are governed by the Chairmen of the Chambers. Each chamber has 1 secretary and 4 or 5 councillors who support the work of justices drafting the judgements and giving their opinions in the questions of granting leave to appeal.

PUBLICATION OF JUDGEMENTS

All reasoned judgements of the Supreme Court are published in Part III of the *Riigi Teataja* (Official Gazette). Up to 1999 all reasoned judgements of the Supreme Court were published in a yearly collection entitled "Judgements of Supreme Court". Since

2000 the collection contains a selection of reasoned judgements together with commentaries (generalisation of judicial practice). Supreme Court judgements are also accessible at the Court's homepage <http://www.nc.ee/lahendid>.

ADMINISTRATION

Matters pertaining to the administration of the Supreme Court are managed by the director of the Supreme Court. Five departments have been set up by the Supreme Court to support the main function of the court. The legal information department is one of them managing the information and public relations.