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Estonia

Riigikohus

Date of establishment: 14.01.1920

The Supreme Court of Estonia did not have legal basis to function due to Soviet occupation in Estonia from 29 December 1940 until the adoption of the new Estonian Constitution on 28 June 1992, the first session of the reestablished Supreme Court was held on 27 May 1993.

Address and e-mail of the court:

Lossi St 17 50093 Tartu ESTONIA,

info@riigikohus.ee[1]

website:

<http://www.riigikohus.ee/?lang=en>[2]

Link to the national database of their case law

Full database of case law in Estonian: <http://www.riigikohus.ee/?id=11>[3]

Database of case law of constitutional review: <http://www.riigikohus.ee/?id=823>[4]

The Supreme Court is the highest court in Estonia.

What does the court decide about

It shall review court judgements by way of cassation proceedings. The Supreme Court is also the court of constitutional review.

The Supreme Court is competent to:

- review appeals in cassation and protests;
- hear petitions for review filed against court judgments;
- hear petitions for constitutional review;
- resolve certain matters pertaining to court administration.

In civil, criminal and administrative cases an appeal in cassation, an appeal against a court ruling or a petition for the review of a court decision can be filed with the Supreme Court. The Supreme Court does not accept all filed appeals. The Supreme Court shall accept a matter for proceedings if:

- the appellate court has evidently applied a provision of substantive law incorrectly in its judgment or has materially violated a provision of procedural law in making the judgment and this could have resulted in an incorrect judgment;
- the adjudication of the appeal in cassation has fundamental importance with respect to guaranteeing legal certainty and developing a uniform judicial practice.

No pre-trial proceedings are required when appeals are filed with the Constitutional Review Chamber. Appeals may also be heard by Special (ad hoc) Panels or by the Supreme Court en banc. The Supreme Court en banc, comprised of all justices of the Supreme Court, is the highest body of the Court.

The principals of procedure

Proceedings in the Supreme Court of Estonia

If an appeal in civil, criminal, misdemeanour or administrative matter has been accepted for proceedings, the Chairman of Chamber shall appoint the panel to adjudicate the matter. Appeals are generally reviewed by panels of three members. Whereas, he or she shall also appoint both the justice who shall report on the matter and ensure the hearing of the matter and the preparation of the decision, and a presiding judge, and ? on the basis of the proposal of the justice who shall report on the matter ? the time of hearing.

An oral session is organised only if a participant in a proceeding has requested it or if the court deems it necessary.

As a rule, the Supreme Court adjudicates appeals in written proceedings and organises no oral sessions. All appeals against court rulings are adjudicated in written proceedings irrespective, regardless of the requests of the participants in a proceeding.

In general, the Supreme Court shall verify, by way of cassation procedure, the correctness of a judgment of a circuit court only to the extent it was appealed. The Supreme Court shall verify on the basis of the appeal whether the circuit court has followed the provisions of the court procedure act and has correctly applied the substantive law. The procedure in the Supreme Court and the judgment are based, above all, on the facts established by the judgment of the lower instance court. Generally only dispute on the points of law takes place in the Supreme Court and the Supreme Court itself does not collect or examine evidence or ascertain the facts serving as the basis of the appeal.

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The number of justices and panels:

Total number of justices in the Estonian Supreme Court is 19.

- Chief Justice
- Criminal Chamber - 6 justices
- Civil Chamber ? 7 justices
- Administrative Law Chamber ? 5 justices

How are the justices appointed

According to the Estonian Courts Act, a person who is an experienced and recognised lawyer may be appointed as a justice of the Supreme Court, he or she does not have to pass a judge's examination.

Pursuant to the Courts Act a citizen of the Republic of Estonia may be appointed as a judge if he or she

- has acquired at least Master's Degree in law;
- has proficiency of the Estonian language at the advanced level;
- is of high moral character;
- has the abilities and personal characteristics necessary for working as a judge. The following will not be appointed as a judge
- persons who are convicted of a criminal offence;
- persons who have been removed from the office of judge, notary or bailiff;
- persons who have been expelled from the Estonian Bar Association;
- persons who have been released from the public service for a disciplinary offence.

Justices of the Supreme Court are appointed to office by the Parliament (the *Riigikogu*), at the proposal of the Chief Justice of the Supreme Court. The Chief Justice of the Supreme Court first considers the opinion of the Supreme Court *en banc* and the Council for Administration of Courts concerning a candidate (subsection 55 (4) of the Courts Act).

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Links:

- [1] <mailto:info@riigikohus.ee>
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- [4] <http://www.riigikohus.ee/?id=823>