

Statement of the Legal Information Centre for Human Rights (Estonia)

Excellencies! Ladies and gentlemen!

I would like to present a statement on the topic „*Access to justice in Estonia. The events of April 26-29, 2007 in Tallinn*“

In recent years in Estonia there were taken important measures to facilitate access to justice and the adoption of the Law on State Legal Aid was one of them (the law became effective on March 1, 2005). According to this law, persons who are in need of legal aid but who cannot afford legal services due to their financial status, can pay it partly or by instalment by means of the government. Persons, whose financial situation does not allow them to cover both their basic living expenditures and legal aid, have the right to an assigned counsel for free.

Further opportunities are offered by the Law on Administrative Procedure, which came into force on January 1, 2002. Persons who consider that their rights had been violated or their freedoms restricted by administrative acts or proceedings, can file an oral or written objection. Thus it is enough for a person to express its disagreement orally in order to commence corresponding proceedings. However, in practice neither persons concerned nor officials are well informed about this form of protection. The Legal Information Centre for Human Rights received several complains that officials denied accepting oral objections and treated written objections as a simple inquiry.

Excellencies! Ladies and gentlemen!

I would like to put special stress on restricted access to justice for persons who suffered during the events at the end of April 2007. I am going to use information that is documented by dint of persons approached the Legal Information Centre for Human Rights.

It is well-known that in April 2007 there had been mass protests in the Estonian capital which turned into street riots. These were connected to the central government's decision to transfer away from Tõnismägi in Tallinn the monument which stood near graves of the Soviet soldiers who had fell fighting the Nazis in Estonia in 1944. The decision to exhume the remains and displace the monument was taken against the opinion of most capital inhabitants and the municipality's position. 26-29 April 2007 during the evenings and nights hundreds of people were detained, mainly members of the Russian-speaking minority. There were many cases that detention was accompanied by motiveless beatings and humiliation by police officers.

According to official data more than a thousand people passed the specially established „filtration camps“ on 26 -29 April 2007. Conditions of detention in these places have not always fulfilled minimal humanitarian standards. For example, hundreds of detainees were forced to squat with their hands bound at the back for hours on the concrete ground in one of Tallinn port warehouse premises. Detainees were not given anything to drink and were not always allowed to use a toilet. Those, who dared to ask something, demanded a lawyer or just got up to stretch their numb legs, were severely beaten up with truncheons by law enforcement officers.

The overwhelming majority of detained persons who were in the „filtration camps“ were let free without drafting a protocol of detention or facing any accusations. Being asked about the reason of detention, police officers normally answered that people were at the wrong place at the wrong time. Among these “coincidentally detained” there were people who got serious traumas at the

moment of detention or in the “filtration camps”. In the archive of our organisation we have copies of medical certificates for broken hands, for a skull broken by a truncheon, opened sutures, etc.

While putting an end to mass disturbances, the country’s highest political leaders (prime minister, minister of justice, minister of the interior) publicly declared that during the repression of the mass disturbances there were no and could not have been any legal violations by police. Such statements were made notwithstanding that information on excessive use of force appeared immediately in mass media, including photos and video recordings. By June 2007 only some ten criminal investigations have been initiated against police officers.

With the assistance of the Legal Information Centre for Human Rights some 35 persons, who had suffered from police arbitrariness, brought in claims to the prosecutor. Among the organisation’s clients there have been no famous persons or citizens of the Western countries. We assume that this might be one of the reasons why none of the claims led to an initiation of criminal proceedings nor any other kind of examination. Furthermore denials from police or the prosecutor were standardised: there was an insistence on the point; the police actions were grounded considering the situation in Estonia in end of April 2007, etc. No attention was paid to specific characteristics of each of the claims. This approach obviously contradicts the international human rights instruments: according to them there can be no circumstances justifying torture or any other treatment that humiliates human dignity.

From our point of view, more decisive measures are inevitable to solve the problem of access to justice in Estonia. Some of the persons, who suffered from police arbitrariness in April 2007, started proceedings at the circuit courts against the procurators’ refusal to initiate criminal proceedings. It should be noted that claimants faced problems to find barristers, as many of them did not want to get involved in such cases fearing to spoil relations with public authorities. Anyway the Tallinn circuit court has recently refused to make the prosecutor’s office to commence criminal investigations regarding cases of alleged police violence. Thus all domestic measures of protection were exhausted: these people have to look for justice at the European Court for Human Rights.

Thank you for your attention!

Legal Information Centre for Human Rights (Tallinn, Estonia)
<http://www.lichr.ee>

Report „*Complaints regarding the actions of law enforcement bodies in the process of mass disturbances in Tallinn on 26-29 April 2007*“:

<http://www.lichr.ee/new/apr-eng.doc> (English version)
<http://www.lichr.ee/new/apr-rus.doc> (Russian version)