

PLATFORM TO PROMOTE THE PROTECTION OF JOURNALISM AND SAFETY OF JOURNALISTS

Reply by the Government of Estonia to the platform alert concerning the results of investigation remaining offline amid ongoing lawsuit against Estonian Public Broadcaster and Journalists Mihkel Kärmas and Anna Pihl

With regard to the alert published on the Council of Europe's platform to promote the protection of journalism and safety of journalists concerning the ongoing civil lawsuit against the Estonian public broadcaster and journalists Mihkel Kärmas and Anna Pihl, the Government of Estonia would like to state the following.

It is important to note that the pending lawsuit in question is a civil dispute in an independent court of law. Under the rule of law and pursuant to the principle of separation of powers as provided for in the Estonian Constitution, the Government is prohibited from intervening in or interfering with the administration of justice by the judiciary.

It is nevertheless the duty of the state to ensure access to justice for all persons in accordance with the Estonian Constitution and the European Convention on Human Rights. In the case in question, the court issued an order to grant interim measures requested by the plaintiff, which can be duly appealed under Estonian law. Further, under Estonian law, parties to civil proceedings have legal means at their disposal to expedite civil proceedings. For example, the Code of Civil Procedure allows a party to civil proceedings to request the court to take a suitable measure to expedite the completion of the court proceedings if the court has been conducting proceedings in a civil matter for at least nine months and the court fails to perform a necessary procedural act without good reason, including fails to schedule a court session in a timely manner in order to ensure the conduct of the court proceedings within a reasonable period of time.