United Nations S/2001/1315

Security Council

Distr.: General
10 January 2002
English
Original: French

Letter dated 27 December 2001 from the Chairman of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism addressed to the President of the Security Council

The Counter-Terrorism Committee has received the attached report from Estonia, submitted pursuant to paragraph 6 of resolution 1373 (2001) (see annex).

I should be grateful if you would arrange for this letter and its annex to be circulated as a document of the Security Council.

(*Signed*) Jeremy **Greenstock**
Chairman
Counter-Terrorism Committee

02-20742 (E) 250102 060302

Annex

[Original: English]

Note verbale dated 26 December 2001 from the Permanent Mission of Estonia to the United Nations addressed to the Chairman of the Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism

The Permanent Mission of the Republic of Estonia to the United Nations presents its compliments to the Chairman of the Security Council Committee established pursuant to resolution 1373 (2001) of 28 September 2001 concerning counter-terrorism and has the honour to submit the report requested in paragraph 6 of the same resolution in accordance with the Committee's note of 29 October 2001 (see enclosure).

The Estonian Government stands ready to provide the Committee with further reports or information, as necessary or if requested by the Committee.

Enclosure

Report to the Counter-Terrorism Committee pursuant to paragraph 6 of Security Council resolution 1373 (2001) of 28 September 2001

ESTONIA

A) General information

Estonia condemns all forms of terrorism and considers it a serious threat to peace and stability. Estonia has launched a range of measures so as to participate in the fight against terrorism in every possible way. Estonian legislation enables the full implementation of UN Security Council Resolution 1373, and Estonia has taken the necessary measures for implementation. Estonia supports the initiatives of the United Nations and other international organisations for the prevention and combating of terrorism.

Since 11 September 2001, Estonia has taken various steps in order to participate in this international cooperative effort, and to enhance its domestic readiness against terrorism. On September 24, the Government Security Commission adopted a national action plan of measures against terrorism. This action plan envisages implementation of international legal instruments; support for international efforts; enhanced readiness of Estonian state institutions and greater cooperation between them; enhanced border control; suppression of the financing of terrorism; enhanced international cooperation in police and judicial matters, including information exchange; assessment of domestic security requirements and legislation.

The Government Security Commission, headed by the Prime Minister and comprising the Ministers of Foreign Affairs, Finance, Defence, Internal Affairs, and Justice, as well as the heads of the intelligence agencies, will review the situation regularly. The Government Crisis Commission, responsible for the preparedness for and the handling of emergencies, assists in the co-ordination of the activities of the various government agencies involved.

Estonia has aligned itself with the conclusions and action plan adopted at the European Council's extraordinary session on 21 September 2001. On October 10, Estonia signed a co-operation treaty with Europol. This treaty will increase the exchange of information and enhance cooperation between the police forces of the participating countries in the fight against international crime, including terrorism.

Estonia has contributed to the process of working out regional measures for the fight against terrorism. Estonia supports the activities of the OSCE, including the Bucharest Plan of Action for Combating Terrorism, adopted at the Session of the OSCE Ministerial Council on 4 December 2001. Estonia is contributing to the efforts of the Council of Europe, including the Multidisciplinary Group on Terrorism, that held its first session on 12-14 December 2001.

Estonia has also adopted a common plan of measures with Lithuania and Latvia for preventing terrorist attacks, and for coordinated action in case terrorist attacks do take place in these countries.

B) Information regarding the questions of the Counter-Terrorist Committee

Operative Paragraph 1

(a) What measures, if any, have been taken to prevent and suppress the financing of terrorist acts in addition to those listed in your responses to questions on 1(b) to (d)?

As the analysis which was done in connection with the ratification of the International Convention for the Suppression of the Financing of Terrorism shows, the Estonian laws pertaining to this particular question meet the requirements prescribed by the convention. Although, in Estonia, the financing of terrorism is not specified as a crime *expressis verbi,* the various forms of financing terrorism are criminally punishable. For instance: money laundering, the direct financing of a terrorist act (if it can be proved) as a means of supporting terrorism (laws specifying participation), and the organising of a criminal association, or belonging to one.

Estonia's anti-money laundering policy conforms totally with EU directive 91/308 and generally conforms with the 40 recommendations of the Financial Actions Task Force on Money Laundering (FATF). Estonian regulations and practices in the field of combating money laundering have been assessed on several occasions:
(1) in the beginning of 2000 by the European Council's PC-R-EV Committee
(2) in the beginning of 2001 by the EU Commission assessment mission in the fields of Justice and Home Affairs
(3) in December 2001 by the special mission within the EU Peer Review financial sector supervision evaluation program.

In the formulating of its regulations and policy, Estonia has followed the recommendations of external evaluations. Estonia has submitted its progress report on the evaluation report of the PC-R-EV 8th plenary meeting of 10-13 December 2001.

By April of 2002, Estonia will have performed the self-assessment of the 8 special measures recommended by the FATF for the fight against the financing of terrorism, which were adopted after the events of September 11.

The Memoranda of Understanding, which the Bank of Estonia's Banking Supervision Department has signed with the appropriate Finnish and Lithuanian agencies, call *inter alia* for cooperative efforts in the fight against money laundering. The MoU provides for cooperation in the field of prevention of money laundering, adhering thereat to the respective international instruments, as well as for the appropriate domestic legislation of both parties. There are plans to sign analogous agreements with the corresponding German and Swedish agencies. The agreement with Sweden is at the final stage and is waiting to be signed as soon as certain formalities have been completed.

Starting January 1, 2002 three financial sector supervisory authorities – the Banking Supervision Department of the Bank of Estonia, the Insurance Inspectorate and the Securities Inspectorate – will be unified into the Estonian Financial Supervision Authority. The statutory objective of the EFSA is, *inter alia*, to "promote prevention of abuse of the financial sector for criminal purposes".

(b) What are the offences and penalties in your country with respect to the activities listed in this sub-paragraph?

One of the main instruments for the prevention and suppression of the financing of terrorist acts is the Money Laundering Prevention Act. § 2 of the Money Laundering Prevention Act defines money laundering as the conversion or transfer of, or the performance of legal acts with, property acquired as a direct result of an act punishable pursuant to criminal procedure, the purpose or consequence of which is the concealment of the actual owner or the illicit origin of the property.

According to § 148^{15} of the Criminal Code, money laundering is punishable with a fine, or the confiscation of assets, or imprisonment for up to 4 years. The same crime, if it is committed by a group of individuals, or if it is a repeated offence, is punishable with imprisonment of 2 to 7 years. Money laundering on a large scale, or if it is

committed by a criminal association, is punishable with imprisonment of 3 to 10 years. The officials and employees of credit and financial institutions are criminally liable if they do not fulfil their prescribed duties, or do not inform the Financial Intelligence Unit about suspected money laundering, or give the Financial Intelligence Unit misinformation (§ 148^8 of the Criminal Code).

According to § 25 of the Money Laundering Prevention Act, the enactment of the law by commercial banks is regularly checked upon by the Banking Inspection Agency (Financial Inspection Agency as of 1 January 2002). If there is reason to suspect money laundering, the Agency passes the information on to the Financial Intelligence Unit.

A credit or financial institution is obliged to immediately inform the Financial Intelligence Unit of the Ministry of the Interior about transactions which have the characteristics of money laundering, and about all suspicious and unusual financial transactions and activities.

According to § 4 of the Criminal Code, all individuals who commit a crime within the Republic of Estonia, or on board a ship or airplane which is registered in Estonia, regardless of where the ship or airplane is located at the time when the crime is committed, will be prosecuted. § 5 of the Criminal Code provides for the validity of the Criminal Code in the case of crimes which are committed outside of Estonia.

(c) What legislation and procedures exist for freezing accounts and assets at banks and financial institutions? It would be helpful if States supplied examples of any relevant action taken.

At the end of September 2001, the Bank of Estonia and its Banking Supervision Department turned to all of Estonia's commercial banks, asking them to inform the authorities about any dealings that they might have with possible terrorist organisations or individuals possibly connected with terrorism.

The Banking Supervision Department asked all commercial banks to pass on any information they might have regarding the firms, organisations, and individuals listed in the annex of the United States President's *Executive Order on Blocking Property and Prohibiting Transactions with Persons Who Commit, Threaten, or Support Terrorism* (issued on September 24), and in the extensive list compiled by the United States Treasury (the initial list and the supplements of October 12 and November 2). All the banks had their attention drawn to the possible loss of reputation, and the other risks involved, if they dealt with these or any other suspicious parties.

All the commercial banks operating in Estonia informed the Bank of Estonia's Banking Supervision Department that as of 12 October 2001, they have no contractual relations with internationally identified terrorist organisations or individuals associated with terrorism. If a commercial bank develops suspicions concerning a client, they are obligated to immediately inform the Financial Intelligence Unit.

Clients' accounts, loan contracts, investment and personal banking services, and other working relationships with clients were all thoroughly scrutinised and reviewed.

The Bank of Estonia and the Banking Supervision Department supply commercial banks regularly with additional information about individuals and organisations who are connected with terrorist activities.

The Ministry of Finance and appropriate oversight agencies have supplied information to the Stocks and Securities Central Depository, insurance firms, and other financial institutions dealing with stocks and securities, about the individuals and organisations associated with terrorism. They have requested to report to the appropriate bodies if these individuals or organisations should be involved in any deals or transactions. To date, no such relations have been discovered.

The Criminal Code provides for the sequestration of assets if money laundering is suspected (§ 146^1). The Criminal Code's § 33 provides for the confiscation of assets obtained by means of a criminal act. If the assets in

question have been stolen, used up, or the assets for some other reason cannot be physically confiscated, the court may order the offender to pay an amount which corresponds to the value of the assets subject to confiscation.

The property will be seized on the basis of a decree issued by the investigator (including the Financial Intelligence Unit) or prosecutor and only if sanctioned by a judge. The investigator will also seize the property that is the object of money laundering to guarantee the application for international legal aid, special seizure, or civil action.

According to the International Sanctions Act that is planned to enter into force in 2002, the Government will also be able to prohibit any financial transactions with persons and entities associated with terrorism. These powers will also include the power to freeze transactions with securities.

(d) What measures exist to prohibit the activities listed in this sub-paragraph?

The restriction prescribed in this sub-paragraph of the Resolution is fulfilled by using measures described in the Money Laundering Prevention Act and the Criminal Code.

Operative Paragraph 2

(a) What legislation or other measures are in place to give effect to this sub-paragraph? In particular, what offences in your country prohibit (i) recruitment to terrorist groups and (ii) the supply of weapons to terrorists? What other measures help prevent such activities?

Membership in a terrorist group is punishable in Estonia on the basis of the Criminal Code's § 196[1]. This paragraph stipulates the punishment which can be imposed for belonging to a criminal association, or for organising such an association, or for recruiting members into such an association, or for leading such an association or a sub-unit of such an association. A criminal association is defined as a permanent unit consisting of at least 3 individuals, each of whom have definite functions within the association, which exists for the purpose of committing, or the activities of which lead to the committing of first or second degree crimes. In Estonia, terrorism is a first degree crime.

Membership in a criminal association is punishable with 3 to 8 years of imprisonment. Organising of a criminal association, or recruiting of members for such an association, or leading of such an association or its sub-unit is punishable with 5 to 10 years of imprisonment.

The Weapons Act establishes the group of persons to whom the acquisition permit for weapons may be issued, also the circumstances precluding the grant of weapons permit. The weapons permit is not issued to a person who has been punished under criminal procedure for the intentional offence, (except, if the individual's criminal record has been erased after a required amount of time since the serving of the sentence). The weapons permit is not issued either to the person who on grounds arising from criminal proceedings, is declared to be a fugitive or a suspect or is brought to justice as the accused or accused at trial; also to a person who is not suitable to acquire or own a weapon due to his or her lifestyle or behaviour which jeopardizes the security of himself or herself or other persons.

According to the Estonian Weapons' Law, the illegal possession and sale by civilian legal entities of weapons of restricted use (including firearms), may be punished with a maximum fine of 100,000 EEK (6389,8 EUR). The legality of the import, export, and shipping of weapons is dealt with by the Customs agencies.

In the case of individuals, punishment is prescribed by the Criminal Code. The paragraphs 207, 207-1, 207-2, 208 of *Criminal Code* prescribe the responsibility for the illegal transactions with firearms. The illegal manufacture, ownership, possession, carrying, using, forwarding, transporting, selling, and passing on of a firearm or ammunition is punished with 1 to 5 years of imprisonment.

In the case of repeated offence, or if the same activity was carried out by a group of individuals, or the if the object of the activity was a large quantity of firearms or ammunition, the punishment is imprisonment from 2 to 7 years.

If the objects of these activities were firearms deemed to be combat or service weapons or their ammunition, then the punishment is imprisonment from 5 to 15 years. The Criminal Code also prescribes punishments for the theft or robbery of firearms, ammunition, and explosive substances. Also, for the illegal carrying, possessing, owning, manufacture, selling, or passing on of silencers, or night scopes. Also, for the illegal manufacture, possessing, carrying, passing on, shipping, selling, or passing on of an explosive substance, and the illegal manufacture, possessing, carrying, forwarding, selling, or passing on of an explosive device, or a component necessary for the manufacture of said device.

The export control system is an important instrument in denying terrorists access to weapons or materials that can be used for terrorist activities. According to the principles of the non-proliferation agreements and conventions, the Estonian Government introduced, in 1994, an export control system based on the guidelines of Australia Group, Nuclear Suppliers Group, Missile Technology Control Regime and former COCOM.

The current export control legislation is compatible with EU regulations, EU Code of Conduct on Arms Exports and with the principles of international export control and non-proliferation regimes. The latest version of the Estonian List of Strategic Goods, adopted on 30 April 2001, is fully compatible with the Wassenaar Arrangements munitions list and with the EU dual-use list.

In its efforts to make the export control system more efficient, Estonia is currently focusing on the process of establishing control over brokerage activities and the industrial sector's internal compliance programs.

The Estonian Customs Service's priority is the fight against the smuggling of strategic goods, radioactive materials, weapons, and explosives. As part of the struggle against terrorism,
the Customs Service is making efforts to block the illegal shipping of large quantities of cash and other contraband, which may be meant for financing terrorism, across the country's borders. The Customs Service has concluded cooperation treaties with all the countries necessary for performing its duties. In the sphere of information exchange, the Customs Service has a working relationship with various international organisations and cooperative agencies (WCO, OLAF, RILO, OPC) and information systems (CIS, Mar-Info, etc.). The Customs Service also makes use of liaison officers for developing co-operative efforts with other countries.

To increase the effectiveness of the fight against terrorism, the Customs Service has proposed the development of a working relationship with private firms so as to enhance the exchange and utilisation of information, analysis of the importers-exporters of suspicious goods, participation in the formulation of risk profiles; participation in the establishing of systems suitable for the compiling, analysing, and disseminating of data and information needed in the struggle against money laundering and tax fraud.

In its fight against terrorism, Estonia follows the guidelines issued by the World Customs Organisation (WCO). On the basis of risk analysis, supplementary measures are being developed for increasing the security and effectiveness of border checkpoints.

(b) What other steps are being taken to prevent the commission of terrorist acts, and in particular, what early warning mechanisms exist to allow exchange of information with other states?

In Estonia, the Security Police Board is the agency responsible for preventing terrorism and obstructing terrorist acts. This agency also performs the pre-trial proceedings of criminal cases related to terrorism. The Security Police Board has, since 11 September, enhanced its endeavours for countering terrorism. For instance, it has activated surveillance as one measure for preventing terrorist acts. The *Surveillance Act* and the *Security Authorities Act* provide sufficient opportunities to organize surveillance activities in the fight against terrorism, and to capture and prosecute the persons related to such activities. The Security Police Board has activated and

increased the use of secret methods prescribed by Security Authorities Act to prevent international terrorism in Estonia. See also 3 (d).

Both the Police Board and the Security Police Board pay special attention to, and deal with, among other things, the following issues:

- exposing of sources of financing for international terrorism in Estonia;
- prevention and suppression of nuclear, chemical and bio-terrorism;
- suppression and exposing of the activities of individuals associated with especially extremist international terrorist groups;
- suppression and exposing of the activities of criminal associations;
- exposing of smuggling (including radioactive materials);
- identifying of individuals involved with manufacturing and distribution of explosive devices, and illegal sales of explosives and explosive substances.

Thorough activity in these spheres, based upon international cooperation, is of utmost importance for the prevention of terrorist acts.

Estonia's international cooperation in suppression and prevention of terrorism is described in sub-paragraphs 2 (d) and (f), 3 (a) and (c).

As a result of the terrorist attacks of 11 September, greater attention is being paid to aviation security. Immediately after 11 September 2001, stricter aviation security measures were enforced at Tallinn Airport. The Republic of Estonia will amend its laws and regulations governing domestic aviation security in accordance with the needs and requirements which arise from the dangers and threats imposed by terrorism. Presently, a special aviation security commission is being established, which plans to hold its first session in January 2002.

Estonia has acceded to the basic international legal instruments regulating aviation, and is basing its efforts to ensure aviation security on the requirements spelled out in these documents (including Annex 17 to the Convention of International Civil Aviation). On the basis of these international conventions, Estonia has adopted legal acts such as Government Decree 44 (8 February 2000) which lays down the principles of aviation security.

(c) What legislation or procedures exist for denying safe haven to terrorists, such as laws for excluding or expelling the types of individuals referred to in this sub-paragraph? It would be helpful if States supplied examples of any relevant action taken.

The Obligation to Leave and Prohibition on Entry Act provides the bases and procedure for the application to aliens of the obligation to leave Estonia and the prohibition on entry into Estonia. In the case of persons, related to terrorism, the authorities may apply either expulsion or prohibition on entry. Expulsion is the enforcement of an obligation to leave in the cases and pursuant to the procedure provided by law. Prohibition on entry is a preventive measure, the aim of which is to prevent undesirable aliens from entering Estonia and staying in Estonia, either under a certain period or indefinitely. For instance, a prohibition on entry may be applied with regard to an alien if there is information or good reason to believe that he or she belongs to a criminal organisation, that he or she is connected with the illegal conveyance of narcotics, psychotropic substances or persons across the border, that he or she is a member of a terrorist organisation or has committed an act of terrorism, or that he or she is involved in money laundering.

See also sub-paragraphs 3 (f) and (g).

(d) What legislation or procedures exist to prevent terrorists acting from your territory against other states or citizens? It would be helpful if States supplied examples of any relevant action taken.

The Security Police Board has established prompt channels for exchanging information with the appropriate services of other states via liaison officers and electronic channels. At the trilateral meetings of the Baltic states' special services, the current situation in the Baltic states has been discussed and a joint action plan for the fight with international terrorism has been drafted. Also, in cooperation with the management of Tallinn airport and the representatives of aviation companies, the Security Police Board has strengthened the security measures of international air traffic and discussed the development of joint action based upon the compiled crisis plan. The Security Police Board has checked, upon the inquiries of the appropriate services of other countries, whether persons suspected of terrorist activities have any connections with Estonia. The information related to international terrorism has been constantly gathered via international media channels and via the intelligence and security services of other countries. The Security Police Board has close cooperation with the Board of Border Guard and the Board of Citizenship and Migration, and when necessary, also with other government agencies, to exchange information operatively.

(e) What steps have been taken to establish terrorist acts as serious criminal offences and to ensure that the punishment reflects the seriousness of such terrorist acts? Please supply examples of any convictions obtained and the sentence given.

In Estonia, terrorism is deemed to be a crime against the state, which is punishable by law. According to § 64^1 of the Criminal Code, terrorism is defined as an assault upon an individual, establishment, or organisation; also, as the perpetration of acts with the aim of hijacking, destroying, or damaging of property, or the injuring of people so as to provoke war or international conflict, or for some other political or religious goal.

To date, not a single case has been prosecuted on the basis of terrorism.

Terrorism is punishable with 6 to 12 years of imprisonment. If the terrorist act creates human loss or has some other dire results, it is punishable with 8 to 15 years of imprisonment, or even with a life sentence.

According to § 65 of the Criminal Code, killing of a foreign country's representative, with the aim of provoking war or an international conflict, is punishable with 8 to 15 years of imprisonment, or a life sentence. Causing dire injury, with the aforementioned aim, to a representative of a foreign country, is punishable with 5 to 12 years.

In addition to this, § 197^1 and § 124^1 of the Criminal Code, prescribe imprisonment for the illegal seizure of an aircraft, whether it is on the ground or in flight, and for the taking of a hostage.

Acts that are related to terrorism and are punishable in accordance with the Criminal Code in Estonia include also:

- violation of the regulations of international aerial navigation,
- acquisition of radioactive material through criminal means, threatening to acquire radioactive material through criminal means, or the use of this material for criminal purposes, for the violation of the rules of the storage, use, calculation, transport or handling of the radioactive materials,
- smuggling, illegal manufacture, acquisition of explosive material and explosive devices or their necessary parts etc.

§ 180 and 181 of the Criminal Code, respectively, deal with the covering up of a crime, and not informing the authorities about an offence.

See also sub-paragraph 2 (a) and paragraph 1, dealing respectively with the illegal nature of belonging to a terrorist group and with the financing of terrorism.

(f) What procedures and mechanisms are in place to assist other states? Please provide any available details of how these have been used in practice.

The Ministry of Internal Affairs and its subordinate establishments (the Security Police Board, the Board of Border Guard, the Police Board) have close relations with the respective authorities in other countries. This cooperation also exists with international organizations (Interpol, Europol), and also within the frames of bilateral as well as multilateral agreements.

The Security Police Board cooperates with the judicial authorities of friendly states to operatively exchange information about the movement and activities of persons who are related with possible terrorist groups. The movement of persons connected with terrorist groups can be followed, and their illegal activities can be obstructed, via joint operations.

International cooperation in the field of criminal proceedings has been stipulated in the *Code of Criminal Procedure*. Pursuant to this law, legal assistance applications in criminal cases are settled on the basis of international agreements made by the Republic of Estonia. To states with whom an international agreement has not been concluded, legal assistance is provided according to the principles of the criminal conventions of the Council of Europe, that have been ratified by the Republic of Estonia,[1] and according to the principles of the aforementioned code. The legal institutions that submit legal assistance applications to a foreign state and, in compliance with their competence, settle the legal assistance applications received from a foreign state, are the courts of the Republic of Estonia, the State Prosecutor's Office, the Ministry of Justice, and the Ministry of Internal Affairs. The evidences collected in a foreign state shall be considered as evidence in the criminal proceedings in the Republic of Estonia, except, if the evidence has been obtained or received by means that are in contradiction with the principles of the criminal proceedings of Estonia.

For the quick fulfilment of a legal assistance application in criminal procedures, a method that has been applied in practice, consists of first establishing contact with the liaison officer or contact persons of the other state; or the organizing of a meeting where the content, fulfilment opportunities, forwarding of information will be discussed. After that, the official legal assistance request will be compiled, which is forwarded to the respective state institution via the procurator's office or the Ministry of Justice.

(g) How do border controls in your country prevent the movement of terrorists? How do your procedures for issuance of identity papers and travel documents support this? What measures exist to prevent their forgery etc?

According to § 9 of the State Frontier Act, persons and transport means may cross the border via the frontier posts foreseen for this purpose. According to section 1 of § 11^1 of the same Act, a citizen of Estonia who crosses the border must have a travel document acknowledged by the foreign state. And according to section 3 of § 11^1, in crossing the border, the citizen of a foreign state must have a valid travel document of a foreign state when crossing the Estonian border.

To prevent the use of forged, lost, and stolen documents, and border crossing by individuals wanted by the police, or by individuals forbidden to enter the state, persons who cross the border are checked via a respective database either upon entering or departing from the state.[2]

The more important international frontier posts have been equipped with the document-control system VSC-2000 and DIXI-05 for apprehending forged travel documents and preventing their use. For the thorough checking of documents, the centre for the evaluation of travel documents has been established in the Border Guard, which

[1] In 1997, the Republic of Estonia acceded to the Council of Europe's conventions dealing with extradition, mutual assistance in criminal matters, the transferring of judicial proceedings, and the prevention of terrorism.

[2] Checks of some categories, e.g. ship or airline crews and passengers of tourist cruises are performed according to a special, simplified set of regulations.

carries out the evaluation of travel documents and compiles overviews of document samples and discovered forgeries. The centre for the evaluation of travel documents exchanges respective information between the various frontier posts, and also with other states. If necessary, the centre for the evaluation of travel documents can switch to round-the-clock work schedule.

Operative Paragraph 3

(a) What steps have been taken to intensify and accelerate the exchange of operational information in the areas indicated in this sub-paragraph?

The Security Police Board cooperates with the judicial authorities of friendly states for the operative exchange of information about the movement and activities of persons related to possible terrorist groups.

The Board of Border Guard participates in the weekly exchange of information about events and cases at the borders within the framework of the Border Guard Cooperation of the Baltic Sea countries. In addition to Estonia, the cooperation framework includes Latvia, Lithuania, Poland, Germany, Denmark, Norway, Sweden, Finland, and Russia. In November 2001, these countries started an exchange of information about the detention, at their borders, of terrorists and persons related to terrorist organizations, or about possible terrorist acts within these states. The member states have agreed to inform each other immediately about all extraordinary cases that may be of any interest.

The Board of Border Guard has received lists of possible terrorists from the Security Police Board, which are used for the checking of border crossers. The representative of the United States Federal Bureau of Investigation in Estonia has also submitted respective lists to the Border Guard. The Border Guard has provided assistance to the United States Embassy by checking for the possible frontier crossing of the persons who are suspected of terrorism.

The efforts against the movement of illegal immigrants has been intensified. On 2-7 October 2001, a joint operation against the immigration and trafficking in persons was organized, during which the possible locations and operating locals of illegal persons were checked. During this operation, no illegal inhabitants were discovered.

To exchange respective information, the Board of Border Guard uses the help of the liaison officers of other states, Europol and Interpol.

(b) What steps have been taken to exchange information and cooperate in the areas indicated in this sub-paragraph?

See previous sub-paragraph.

(c) What steps have been taken to cooperate in the areas indicated in this sub-paragraph?

Estonia is extensively cooperating with many countries in connection with obstructing terrorism. In some cases, this is stipulated in relevant bilateral agreements (Ukraine, Slovenia, Israel, India, China, Turkey, Hungary, Germany, Kazakhstan, Poland, Czech Republic, the United Kingdom, France, Romania, Moldova). In compliance with the wishes of some countries (i.e. Hungary, Turkey), Estonia has concluded specific accords with them for cooperative endeavours in the sphere of fighting against organized crime and terrorism. These agreements deal primarily with the exchange of information concerning either executed acts of terrorism or those still in the planning stage, and terrorist groups.

Estonia has also concluded agreements with several countries (Lithuania, Russia, Poland, Ukraine, United States) concerning cooperation in the judicial field, which help to expedite the processing of criminal matters.

(d) What are your government's intentions regarding signing and/or ratifying the conventions and protocols referred to in this sub-paragraph?

The Republic of Estonia treats the United Nations Security Council's and General Assembly's decisions as binding for the Republic of Estonia, as is stipulated in the Estonian Constitution and the United Nations Charter. Therefore, Estonia is, for instance, committed to enact the following UN Security Council resolutions dealing with the struggle against international terrorism: 1076(1996), 1269(1999), 1333(2000), 1368(2001), 1373(2001).

§ 3 of the Constitution of the Republic of Estonia stipulates that the generally accepted principles and norms of international law are an inseparable part of the Estonian judicial system. The general principles of international law, as one of the bases for the international judicial system, are spelled out in sub-point 1 of article 38 of the International Court's statute, and are therefore binding for the Republic of Estonia as a nation which recognizes the jurisdiction of the International Court.

The International Sanctions Act, drafted by the Ministry of Foreign Affairs, is to enter into force in 2002, creating a judicial basis for enacting the domestic measures necessary for the application of international sanctions.

Estonia has acceded to the following international conventions and their additional protocols:

United Nations Convention against Transnational Organized Crime
New York 15.11.2000

European Convention on the Suppression of Terrorism (ETS 090)
Strasbourg 27.01.1977

Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime (ETS 141)
Strasbourg 08.11.1990

Convention on Mutual Assistance in Criminal Matters and its additional protocol
Strasbourg 20.04.1959, protocol 17.03.1978

Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation
Montreal 23.09.1971

Convention on Offences and Certain Other Acts Committed on Board Aircraft
Tokyo 14.09.1963

Treaty on the Non-proliferation of Nuclear Weapons
Washington, London, Moscow 01.07.1968

Convention on the Assistance in the Case of a Nuclear Accident or Radiological Emergency
Vienna 26.09.1986

Convention on the Physical Protection of Nuclear Material
Vienna 28.10.1979

Convention for the Suppression of Unlawful Seizure of Aircraft
The Hague 16.12.1970

Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents
New York 14.12.1973

Protocol for the Suppression of Unlawful Acts of Violence at Airports Serving International Civil aviation, supplementary to the Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation
Montreal 24.02.1988

Convention on the Marking of Plastic Explosives for the Purpose of Detection
Montreal 01.03.1991

Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxic Weapons and on their Destruction.
London, Moscow, Washington 10.04.1972

Convention on the International Recognition of Rights in Aircraft
Geneva 19.06.1948

Convention on Offences and Certain Other Acts Committed on Board Aircraft
Tokyo 14.09.1963

Convention for the Suppression of Unlawful Seizure of Aircraft
The Hague 16.12.1970

Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation
Montreal 23.09.1971

Protocol for the Suppression of Unlawful Acts of Violence at Airports Serving International Civil Aviation, supplementary to the Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation
Montreal 24.02.1988

Vienna Convention on the Civil Liability for Nuclear Damage
Vienna 21.05.1963

Convention on the Physical Protection of Nuclear Materials
Vienna 28.10.1979

Convention on the Assistance in the case of a Nuclear Accident or Radiological Emergency
Vienna 26.09.1986

Convention on Early Notification of Nuclear Accident
Vienna 26.09.1986

European Convention on the Transfer of Proceedings in Criminal Matters
Strasbourg on 15 May 1972

Additional Protocol to European Convention on Extradition
Strasbourg on 15 October 1975

Second Additional Protocol to European Convention on Extradition
Strasbourg on 17 March 1978

Additional Protocol to the Convention on Mutual Assistance in Criminal Matters
Strasbourg on 17 March 1978

Additional Protocol to the European Convention on Foreign Law
Strasbourg on 15 March 1978

Recently, the *Riigikogu* has also ratified the following conventions:

Convention for the Suppression of Unlawful Acts Against the Safety of Maritime Navigation
Rome 10.03.1988
Approved by *Riigikogu* 24.11.2001

International Convention against the Taking of Hostages
New York 17.12.1979
Approved by *Riigikogu* 07.11.2001

Rome Statute of International Criminal Court
Rome 17.07.1998
Approved by *Riigikogu* 05.12.2001

Estonia has also signed the following conventions, which are presently in the process of being ratified and have passed the first reading in the *Riigikogu*:

International Convention for the Suppression of Terrorist Bombings
New York 09.12.1999

International Convention for the Suppression of the Financing of Terrorism
New York 09.12.1999

Estonia has not joined and does not intend to join regional conventions on terrorism. Estonia has not joined the protocol of the Convention for the Suppression of Unlawful Acts Against the Safety of Maritime Navigation.

The Government of the Republic of Estonia also adopted, during its 18 September 2001 session, the decision to adhere to the anti-Taleban measures adopted by the European Union within the framework of the CFSP (common positions 2001/154/CFSP and 96/746/CFSP), which is also an indirect application of resolution nr.1333 (2000).

(e) Provide any relevant information on the implementation of the conventions, protocols and resolutions referred to in this sub-paragraph.

Estonia has implemented the relevant international treaties and followed up on the relevant UNSC resolutions. See also General information and sub-paragraph 2 (d).

(f) What legislation, procedures and mechanisms are in place for ensuring asylum seekers have not been involved in terrorist activity before granting refugee status? Please supply examples of any relevant cases.

Decree no. 263 of the Government of the Republic of 31 August 1999 established regulations for the application procedure for asylum in relation to aliens who apply for asylum at a border checkpoint of the Republic of Estonia before entering into Estonia or during the preventing or proceeding of the alien's illegal frontier-crossing. According to the regulations the Border Guard officials conduct the expedited procedure of the application for asylum. On the basis of clause 3 of the decree, the expedited procedure of the application for asylum together with the initial interview must be conducted within seven days.

According to § 8 of Refugees Act, an alien who has given notice of his or her request to apply for asylum at a border checkpoint of the Republic of Estonia prior to entering Estonia or during the prevention or proceedings of

an illegal entry, is prohibited from leaving the territory of the border guard authority or the premises assigned for him or her during the expedited procedure, except in the following cases:
1) upon the withdrawal of the request to apply for asylum;
2) to receive emergency medical care;
3) the alien has a legal basis for staying in Estonia.

In conducting expedited procedure the Border Guard shall cooperate with the Citizenship and Migration Board and other competent authorities. The Security Police Board has close cooperation with the Board of Border Guard and Citizenship and Migration Board, also with other authorities, if necessary, for the operative exchange of information. The lists of persons who are related to international terrorism are forwarded to the aforementioned authorities by the Security Police Board. The Security Police Board provides aid in controlling the information of the background and objectives of the persons who have arrived in Estonia illegally, also of the persons applying for asylum, to find out their possible relation to terrorists.

As a result of expedited procedure it is decided either to deny the application for asylum or start the profound procedure of application and issue the person a certificate of the applicant for asylum with the validity period of 6 months.

The Board of Border Guard or the Citizenship and Migration Board will conduct the initial interview with the applicant for asylum within 48 hours after being notified about the request to apply for asylum (after conducting the expedited procedure, a profound procedure will be conducted within one month). If it cannot be conducted due to some preventing circumstances, the Director General of the board may prolong the deadline of conducting the initial interview. During the initial interview the person who applies for asylum is identified according to the existing evidences and documents, he/she is photographed and fingerprints are taken, he/she is asked about the trip and reasons for applying for asylum and the standard format application for asylum is accepted.

During the proceedings of applying for asylum, according to § 9^1 of Refugees Act, the applicant is obliged to reside in the reception centre (the applicant is obliged to stay in the reception centre at night, from 10:00 p.m until 06:00 a.m), except if the alien has a legal basis for staying in Estonia and he or she wishes to reside somewhere else. During the initial interview and expedited procedure, the applicant shall be obliged to stay in the initial reception centre.

In exceptional cases, according to section 2 of § 9^1 of Refugees Act, the applicant for asylum may reside outside the reception centre on the permission of the Citizenship and Migration Board, if the applicant has sufficient financial resources to ensure his or her accommodation and support or the accommodation and support of the applicant is ensured by a person legally residing in Estonia or it is necessary for the applicant to reside outside the reception centre in order to ensure his or her safety. If living outside the reception centre, the applicant shall be obliged to inform the Citizenship and Migration Board about his/her place of residence and its change. The aforementioned provision is not applied and the person has no right to leave the reception centre if the applicant's identity has not been ascertained, applicants with respect to whom there is good reason to believe that his or her stay outside the reception centre may pose a threat to the security or public order of Estonia or applicants with respect to whom criminal proceedings have been commenced and the persons have not been placed in preliminary confinement (Refugees Act § 10, section 3, cl. 2, 3 and 4).

(g) What procedures are in place to prevent the abuse of refugee status by terrorists? Please provide details of legislation and/or administrative procedures which prevent claims of political motivation being recognised as grounds for refusing requests for the extradition of alleged terrorists. Please supply examples of any relevant cases.

According to clause 4 of § 6 of the Refugees Act, the applicant is refused asylum if there are serious reasons to believe that he or she has committed a crime against peace, a war crime, or a crime against humanity, as defined in international instruments, or a serious non-political crime or that he or she is guilty of acts contrary to the

purposes and principles of the United Nations. Also, on the basis of clause 4 of § 6 an applicant is refused asylum if there are serious reasons to believe that he or she may pose a threat to the security or public order of Estonia.

An asylum that has been given to an alien in Estonia can be revoked from the alien according to section 1 of § 22 of Refugees Act upon the ascertainment of a basis for denial of asylum or if the person has been convicted of a serious criminal offence by a court and whose continued presence in Estonia poses a threat to the security and public order of Estonia.

At the present moment, the Border Guard lacks concrete cases concerning the denial of giving asylum to possible terrorists and persons related to terrorist organizations.