



## CONTENTS

---

03	: Foreword by Director General
06	: Establishment of Security Institutions in Estonia
08	: Staff and Training
11	: Relationship with Publicity
12	: Protection of the Constitutional Order
17	: Counter-intelligence
22	: Protection of State secrets
24	: Prevention of International Terrorism
33	: Combating Corruption
38	: Preliminary Investigation of Crimes against Humanity



09:03:22 11.09.2001



09:03:23 11.09.2001



09:03:23 11.09.2001

DEAR READER, IT IS A PLEASURE TO INTRODUCE THE FOURTH ANNUAL REVIEW OF THE SECURITY POLICE THAT GIVES ACCOUNT OF OUR MOST IMPORTANT ACTIVITIES IN THE YEAR 2001 THAT TURNED OUT TO BE SO TRAGIC FOR THE WORLD.

On March 1, 2001 the Security Institutions Act entered into force, according to which the Security Police Board changed from the police institution to the security institution with the rights of the police as provided in the Security Institutions Act and in the Police Act. The Security Institutions Act specifies the position of the Security Police Board in the legal system of the state and its authority in protecting legal order, executing counter-intelligence operations, but also carrying out the activities that restrict persons' constitutional rights and freedom, connected with gathering data. The enforced Act lays down our primary value – to guarantee the constitutional rights of the citizens above the execution of the tasks of the executive power. Simultaneously with the mentioned Act the new Statute of the Security Police entered into force, as well.

Our main task is to continue to guarantee internal security of the state. In order to anticipate, prevent and detect crimes and terrorist acts directed towards changing the state's constitutional order and territorial integrity, also to disclose and bring to account the persons committing such acts we have increased cooperation with other institutions, and every citizen's contribution into achieving these purposes is welcome.

We can observe the interest of various intelligence services in processes occurring in Estonia in connection with Estonia's integration into Europe, accession negotiations with the European Union and NATO, and concurrent political, economic and security cooperation. That is why it is one of the priorities of the Security Police to continue its counter-intelligence activity and this means ascertaining and excluding the factors that endanger information provided in the State secrets Act.



The tragic events in New York and Washington D.C. on September 11, 2001 have changed the attitude of the whole world towards terrorist acts as well as towards combating terrorism. Although international terrorism has not found any support in Estonia and no terrorist acts have been committed in the state so far, we have focused our attention on preventing terrorism and joined with the worldwide coalition against terrorism. Cooperation in anti-terrorist combat has intensified considerably on the international level as well as between our various public institutions. The multilevel cooperation should guarantee that no terrorist acts will be committed in Estonia in the future as well, and no terrorist organisations will find support in Estonia. In spite of the fact that the authorities of the Republic of Estonia have contingency plans for acts of terrorism, it is important to increase Estonia's potential in this area in connection with the processes taking place in the world. We give our best to be an equal partner with other states in the combat against terrorism.

In 2001, combating corruption, we continuously turned our main attention to exposing potential acts of corruption of high-ranking public officials. The years long experience in investigating corruption, improvement of court practice in this area, improvement in legislation, and unanimous condemnation of corruption by government officials have created good preconditions for the eventual elimination of corruption from society.

I believe that the Security Police can successfully accomplish the tasks laid for it and is able to guarantee the continuance of statehood and a safe living environment in Estonia in the years to come.

**JÜRI PIHL**  
Director General



## ESTONIA IN NUMBERS

### ESTONIAN POPULATION STATISTICS (31.12.2001)

Valid residence permits	269 489
Accepted applications for citizenship	122 740
Persons acquired Estonian citizenship by naturalization	116 854
Valid passports for Estonian citizens	1 022 584

### ETHNIC COMPOSITION OF CITIZENS OF ESTONIA

Nationality	%
Estonians	67.9
Russians	25.6
Ukrainians	2.1
Other Nationalities	4.4

### LARGEST TOWNS IN ESTONIA (by road, km)

Town	No. of inhabitants 01.01.2001	Distance from Tallinn
Tallinn	399 850	-
Tartu	101 240	185
Narva	68 538	212
Kohtla-Järve	47 484	156
Pärnu	44 978	129
Viljandi	20 718	159

## ESTABLISHMENT OF SECURITY INSTITUTIONS IN ESTONIA

---

With the Security Institutions Act that entered into force ten years after the re-establishment of the Estonian Police, on March 1, 2001, the legislation laid down the legal status of the security institutions. The security of Estonia stands on three "pillars":

- > safety and legal protection;
- > guaranteeing security with non-military measures, first of all connected with protection of the constitutional order and gathering information for national defence policy;
- > guaranteeing military preparedness against attacks by a foreign enemy.

Estonia has made progress in connection with all the mentioned "pillars" and we have formulated the priorities and aims to strive to. Legal regulation on the second pillar was not distinctly defined until 2001. The new Security Institutions Act filled this legal void.

According to the Security Institutions Act the Security Police Board (and the Information Board) is a security institution that carries out its tasks according to the provisions and in the way laid down in the Act. Simultaneously with the mentioned Act the Board's new Statute entered into force, as well.

The laws lay down six main fields of activities for the Security Police (a lot of other tasks arise from several other laws and legal acts):

- > protection of the constitutional order and territorial integrity of the state
- > protection of state secrets
- > carrying out counter-intelligence
- > investigating criminal cases as provided by the law
- > combating corruption
- > combating terrorism

A small country like Estonia must use its resources (usually limited) as rationally as possible. In connection to that the Security Police Board aims to carry out the purposes of two pillars – to guarantee legal protection on the one hand, and to collect and analyse security information on the other hand. Such tasks are set up in Article 6 of the Security Institutions

Act, as well, according to which the tasks of the Security Police Board are:

- 1) to gather and process information about activities aimed at the violent changing of the state's constitutional order and territorial integrity;
- 2) to anticipate and prevent intelligence activities aimed against the state, including the protection of state secrets as provided in the State secrets Act (counter-intelligence);
- 3) to prevent crimes, the preliminary investigation of which is the responsibility of the Security Police Board;
- 4) to carry out pre-trial investigation of the crimes provided by law.

From now on the Security Commission working at the Government of the Republic coordinates the activities of the security institutions, carrying out analysis and assessment of the state's security situation and determining the necessities of the state for security information. The law provides that the members of the Security Commission are the Prime Minister, the Minister of Justice, the Defence Minister, the Minister of Finance, the Minister

for Internal Affairs and the Foreign Minister. The Prime Minister, in his absence the Defence Minister, presides at the sessions of the Security Commission. Establishment of such a Commission refers to the legislator's will to increase the state's highest executive role in guaranteeing the security of Estonia.

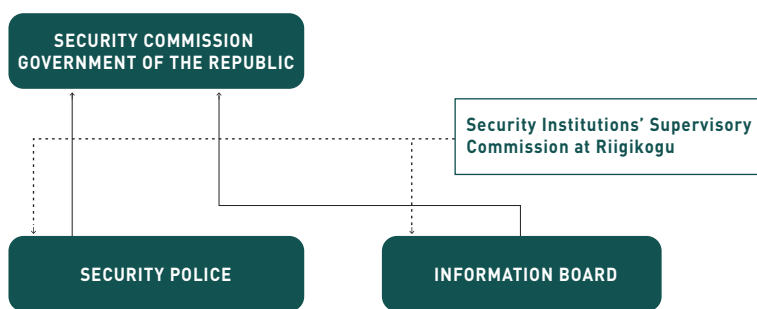
To specify the purposes of the security institutions the Government of the Republic establishes the state's information delivery preference-plan for each year, and that will be

one of the tasks of the abovementioned Commission. The details of the primary tasks and the priorities of information gathering will be planned on the basis of this plan.

In order to guarantee legal protection the Security Police Board and its officers have, correspondingly, the authority of the Police and police officers. However, proceeding from the peculiarity of the tasks of the Security Police Board, the service matters of the employees of the Security Police are in some respect regulated unlike other public officials and police officers. The Security Institutions Act provides differences in the engagement and payment matters of the officials of the security institutions. Due to the specific features of the institution (risks at executing service tasks, the amount of information containing state secrets, etc.) the Act also establishes social guarantees and service restrictions to the security institution officials who are not in police service.

Gathering information is a complex process and for this purpose the security institutions can carry out activities provided in legal acts that restrict the basic rights of the citizens. Naturally, it must always be guaranteed that gathering information will not harm a person's life, health, property or environment. Restrictions on person's right to privacy can be carried out in order to prevent crime and it cannot be done without court permission. A new activity, which extends the means of gathering information, is impersonating a person, an institution or an authority.

Supervision of the activity of security institutions is very important. Preliminary investigations carried out by the Security Police are supervised by the Prosecutor's Office, whereas the Security Institutions' Supervisory Commission at Riigikogu (Parliament) supervises the whole activity of the Security Police.



↑ SECURITY INSTITUTIONS



## STAFF AND TRAINING

Although the average age of police officers increased for more than one year in 2001 (from 31.0 to 32.7), the staff of the Security Police Board is still relatively young – more than a half of the employees are younger than 30. The average length of service, however, reaches to 5 years and 3 months. The more experienced the employees become, the greater is their contribution to executing the tasks of the Board and the more appreciation their good work meets on a public level. On February 24, 2001, the Anniversary of the Republic, two Security Police officers received state awards – the 4th degree Eagle Crosses – for the merits rendered to the state and people. On the Police Day four Security Police officers were awarded the 3rd degree Police Crosses of Merit for remarkably good and long-term execution of service. Eleven officers were awarded the Certificates of Honour of the Ministry of Internal Affairs; two of them also received gifts of value.

This year there have been great changes in staff-work and work with staff, proceeding from service rearrangements and legal acts. The most important was of course the Security Institutions Act that entered into force on March 1, 2001. However, the changes are not merely connected with the status of the Security Police (from the police institution to security institution) and with the changing of the tasks set on the Board. Requirements to our employees have changed together with renewed status and tasks. Until this year we employed first of all police officers and other officials (public servants) supported their activity. Now we can transfer service tasks, which until now were in the competence of police officers, to the other officials of the security institution and due to that the service requirements as well as the knowledge and skill requirements set for certain officials are changing.

The abovementioned circumstance sets us new requirements for staff recruiting. If most of the persons hired during previous years were the graduates of police or justice departments, then in 2001 a significant turn was made in staff selection and the majority of hired persons came from totally different specialities. The purpose of this change is to cultivate a different attitude and extend the intra-institutional point of view.

The responsible and intense work of security institutions' officials is compensated with various advantages that were the privilege of police officers so far. Thus, their salary conditions are now alike those of the police officers of the Security Police Board. The state compensates medical examination once in every three years that the officials can and must pass. The state also compensates medical care and medicines if an official has been injured or fallen ill at service or in connection with the service in a security institution, and pays one-time compensation to the injured official to the extent of one month's salary.

We consider important the changes in the Police Service Act, adopted by Riigikogu in 2001, that gives police official certainty about future. Since January 1, 2002 police officials are entitled to police officials' pension. As officials think about



↔ The summer event at Kurgjärve Sports Centre in Võru County



guaranteeing their future, the advantageous pension should become one of the stimuli inspiring a long-term and conscientious employment.

In 2001, besides legal changes, we also rearranged the activities of officials dealing with staff. On the one hand, the purpose of rearrangements was to increase the responsibility of officials; on the other hand, we wanted to bring them closer to the employees of the Board. In previous years the tasks in the staff department were divided according to the fields of activities – one was responsible for training, the other for recruiting, the third for internal supervision. Now every official is responsible for serving a certain group of officials: from recruitment to discharging, including all intermediate stages in an official's career.

We think that although the changes brought along temporary confusion and unusual situations, the new working order has already justified itself and with the help of staff-officials the wishes and problems of the employees always find solutions.

To provide our staff with necessary, systematic and effective training, the intra-institutional training has three main trends: management training, officials training and professional training. Training courses carried out in international cooperation received mainly positive appraisals. As a shortage in these trainings we would like to mention too short notification periods and quite often insufficiency of information about the contents of the courses. Timely and sufficient information about the courses would guarantee better choice of participants and better preparation.

Altogether 70 officials attended the training courses arranged within the framework of international assistance programmes facilitated by the Ministry of Internal Affairs. Four courses on crisis management and prevention of armament by weapons of mass-destruction,

a course on interrogation methods, a course on pursuit aimed against organised crime and a seminar on racial hostility were arranged with the assistance of the U.S. Embassy. International Red Cross arranged two courses for police officials on human rights and the training programme on combating corruption was initiated with the assistance of the Dutch Ministry of Internal Affairs.

By the medium of the Ministry of Internal Affairs our officials attended the courses on the issues of the European Union and language courses. Although cooperation between the institutions of the Ministry of Internal Affairs and various schools has progressed lately, we are not wholly satisfied with the trainings arranged on the basis of the Academy in 2001. For example, we can refer to misunderstandings at the courses of penal law; until now there is no certainty who and with which funds should have initiated the studies of penal law for police officials.

Since 2000 the rate of attending the courses in Estonian training schools has increased, but usually these courses are not aimed at police officials and their participation fees are high. We have received legal training on the seminars at the Lawyers Union and at EM Development Centre. An interesting seminar was held by "Äripäev" (local business newspaper), where the main topics were tax arrangement and staff-work.



↑ Jõulupidu

- The award
  - an inscribed firearm
- ↓ The Governor of Tartu
  - Jaan Õunapuu



- ↑ The Plate of Merit of the Security
  - Police Board
- ↗ The awarded Tallinn Police Perfect
  - Jüri Kasesalu



↖↗↑ The 83th Anniversary of Estonian Police

## RELATIONS WITH PUBLICITY

The Security Police Board has a long tradition to recognize annually, on the Police Day, those public officials whose assistance to the Security Police Board in some certain area has helped to guarantee the constitutional order and security of persons in the widest meaning. With the decree of the Minister of Internal Affairs Tarmo Loodus the Governor of Tartu Jaan Õunapuu was awarded an inscribed firearm on Police Day in 2001. With the decree of Director General of the Security Police Board, the Police Prefect of Tallinn Jüri Kasesalu was awarded the Plate of Merit of the Security Police. The assistance and cooperation of the Chairwoman of Tallinn Administrative Court Tiiu Jervani, the former Director General of the Border Guard Tarmo Kõuts, the State Prosecutor Alar Kirsi, Paikuse Police School, etc., have earned this memento earlier.

Enhanced interest of journalists and news agencies that arose years ago has remained the same in 2001 as well. Estonian media mainly dealt with the topics objectively and neutrally; there were no discussions that were clearly malicious towards the Security Police. The international press has mainly referred to investigations of crimes against humanity, but also the circumstances connected with the drug smuggling case of Scottish criminals.

As in previous years, Estonian media has still great interest in the criminal cases that the Security Police has in procedure or has investigated. As the issue of corruption is continuously of interest, we have tried to carry out constant explanatory work about the role of the Security Police as well as of the Police in the area of combating corruption. Cases connected with instigating national, religious or political hostility (corresponding Internet-pages and publications, quarrels between the youths' gangs, restrictions for coloured people – the "Bikers" pub case, etc.) have also been reflected.

After the events in New York on September 11, 2001 the press became much more interested in anti-terrorist combat and the Security Police's role and preparation for this combat. With regret it should be mentioned that the journalists' poor knowledge of laws and terminology makes them seek connections with terrorism in every large smuggling case or financial crime that crosses the borders, and they speculate over various possibilities about if and how terrorism can touch Estonia. The interest of the press in criminal cases is high just at the beginning of preliminary investigation. Due to long investigation and court proceeding periods, but also because everything has been said or written already earlier, the enforced court decisions are reflected quite indifferently. However, we think that it is more important to reflect positive court decisions rather than sensational and spectacular arrests that often do not end with similarly effective court decisions.

As a positive outcome of 2001 we should mention the "Crisis Communication Manual" that was prepared with cooperation between the Ministry of Internal Affairs, its institutions and a public relations company. In the future this manual should remarkably improve the quality of press relations in potential crisis situations and provide role division in communication with media in case of certain crisis situations.

- The fundamentals of the ideology of the semi-military Russian National Unity are Russian nation and Russian Orthodox Church
- Propoganda produced by Russians who are members of the militaristic Russian National Unity and the Russian Orthodox Church

## PROTECTION OF THE CONSTITUTIONAL ORDER

---

According to the Statute of the Security Police the board has to apply measures to anticipate, prevent and disclose crimes that are aimed at changing the state's constitutional order and its territorial integrity, and to ascertain and bring to account, as provided by law, the persons who have executed such crimes. Thus, protecting constitutional order has two sides – preventing any activity aimed at changing territorial integrity and protecting the constitutional order of the state.

Only some criminal cases have been taken to court in this area during last years. As the main resources and forces of the Security Police are directed towards preventive activity, we have been able to prevent the planned crimes without applying sanctions. An important role in anticipating and preventing crimes is gathering trustworthy information in due time. For that we use mainly the measures laid down in the Surveillance Act.

Similar to the earlier years the Security Police Board continued to find out and record the potential illegal activity of the persons and organisation that support extremist Russian chauvinist and/or national socialist ideology and have negative attitude towards the constitutional order of the Republic of Estonia.

Characteristic features to extremist movements are:

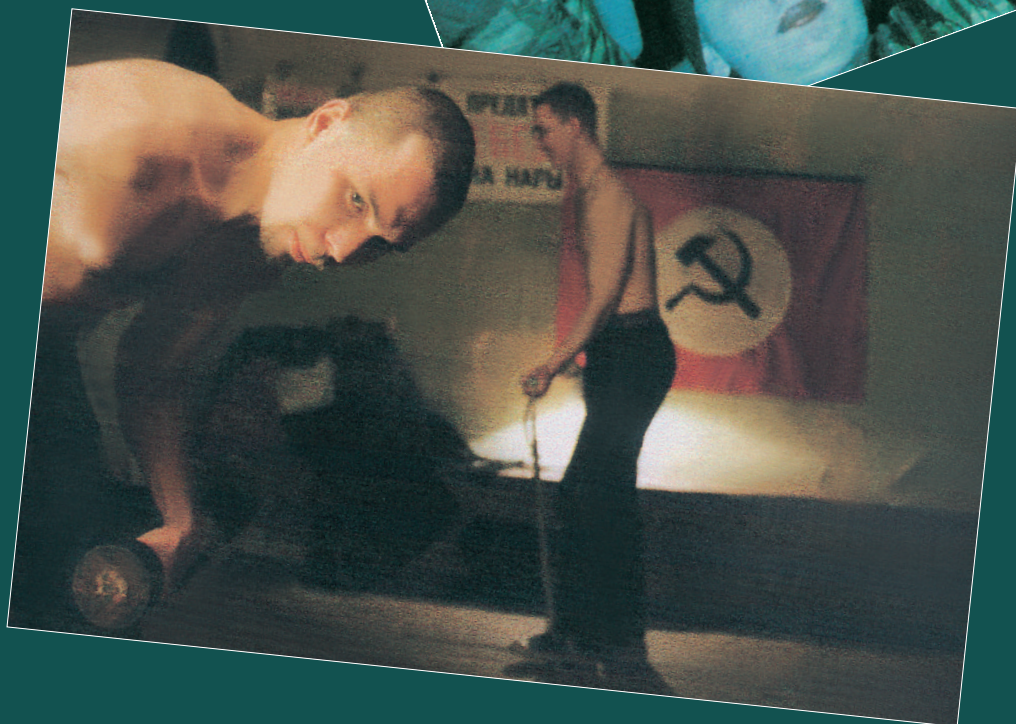
- > extremist ideas in relation to the dominating views in society;
- > active and impetuous propaganda of their views with an aim to change the political system;
- > activity directed against persons belonging to minorities;
- > the potential threat of execution of terrorist acts.

The main difference between terrorist and extremist movements are their purposes – extremist movements propagate their ideology, but they do not intend to change the structure of the state and society. Although the representatives of such movements carry out crimes proceeding from their views, these are much less dangerous than terrorism. Committed crimes are usually related to the persons who belong to some minority – contrary to terrorists who do not select their victims.

Over the years the Security Police has constantly monitored the actions of the minorities and extremist groups to find out their possible contacts with terrorists in Estonia or abroad. Until now we have ascertained their contacts with foreign groups with similar views, but we have not observed direct contact with terrorists. Extremist movements are usually associations with limited and a closed circle of members that do not advertise themselves. They propagate views controversial to the ones that are common in the society, that are directed against the persons who belong to some minor-

# О ТЕХ, КТО СПРАВА

СЕГОДНЯ ЕСТЬ ПОВОДОМ ПОГОВОРИТЬ О ФАШИЗМЕ, И ДЕЛО ДАЖЕ НЕ В ПОСТОЯННОМ ТЕЛЕВИЗИОННОМ НЬЮСМЕЙКЕРЕ ИОРГЕ ХАЙДЕРЕ, А В ТОМ, ЧТО НАША ДЕЙСТВУЮЩАЯ АРМИЯ, ПОБЕДИВШАЯ ВРАГА, НЕ ТОЛЬКО ПОБЕДИВШАЯ, РАССКОВАННО ОТПРАВЛЕННАЯ НА ФРОНТ НАКАНУНЕ ВЫБОРОВ, ПОДАРОК, КОТОРЫЙ ЕСЛИ И БЫЛ ОЖИДАЕМ, ТО ВЯД ЛИБЕ В ТАКОМ КАЧЕСТВЕ И ОБЪЕМЕ. ЭТОТ ПОДАРОК — АБСОЛЮТНО СОЗРЕВШИЙ НАЦИОНАЛЬНО-ПАТРИОТИЧЕСКИЙ ЭЛЕМЕНТ. И ТОГО, КТО ЕГО РАНЬШЕ ПОДХВАТИЛ, ЖДЕТ БОЛЬШОЕ БУДУЩЕЕ.



ity groups (proceeding from their race, nationality, sexual orientation, religion, etc.) Extremist movements that act in Estonia instigate national and racial hostility in their views.

Such movements come to Estonia from the east as well as from the west. From the east the Russian neo-Nazi organisations are trying to transfer their ideas into Estonian society. These organisations are the Russian National Unity or "Barkashovians" and the National Bolshevik Party of Russia or "Limonovians", established correspondingly by Aleksandr Barkashov and Eduard Limonov. From the west has come a rightist movement – the skin-head movement.

### COMBAT WITH LEFTIST EXTREMISTS

Eduard Limonov created the National Bolshevik Party (Natsional-bolshevistskaia Partia) in May 1993, after breaking away from the Liberal Democratic Party of Vladimir Zhirinovski. These are the Russian skinheads, disposed against Russian Orthodox Church, accusing the latter in Jewish origin and guided in their activities by Adolf Hitler's ideology. The movement is strikingly anti-Semitic in nature and directed against immigrants. In the form of Limonovian movement we are dealing with anti-Semites with anarchist inclinations, whose activity is aimed at arranging sensational violations of public order and scandals. In order to surpass the threshold of news and win public attention they do not choose the means. The National Bolshevik Party opposes itself to all other opposition forces acting in Russia, including Barkashovians. In the forefront of political extremism they arose in 2000 when they attacked Estonian and Latvian Embassies in Moscow and occupied St. Peter's Church in Riga in November. The Latvian Court of the Second Instance qualified the mentioned crime to be a terrorist act, but the Latvian Supreme Court found that it was a malicious act of hooliganism.



In Estonia the group claiming to be Limonovians, mostly consisting of young people, has never been comparable with their "brothers-in arms" acting in Russia and Latvia. In 2000 they attempted to extend their ideology to Estonia as well, by spreading leaflets with descriptions of the methods of armed resistance. Thanks to active counter-measures applied by the Security Police Board the mentioned extremist organisation had fallen to pieces by the beginning of 2001. Due to that our main attention turned to the Estonian subdivision of another Russian chauvinist organisation – Russian National Unity (Russkoe Natsionalnoe Jedinstvo).

The neo-Nazi oriented organisation Russian National Unity (RNU), created and led by Aleksandr Barkashov in Russia, is also strikingly anti-Semitic and propagates hostility between nations. The ideology of the movement is based on Great Russian Chauvinism supported by Russian nationality and Russian Orthodoxy. Although RNU constantly offers

"their solutions" in Russian policy, they have not achieved actual political representation yet. The Barkashovian movement reached Estonia in 1996, when the regional centre of the RNU was created here. The main signs of the Barkashovians activity in Estonia during years was distributing their publications (the newspaper "Russki Poriadok" – "Russian order") to those interested and distributing leaflets that invite Russians to join. These publications are usually marked with a characteristic symbol, resembling swastika, that the Barkashovians call "kolovrat".

The activity of RNU became considerably more active at the beginning of 2001, when the Security Police Board confiscated from one Tallinn printing-office 1000 copies of RNU newspapers "Kolovrat", containing national and political hostility, printed for distribution. In March 2001 the Security Police Board opened a criminal case in connection with the mentioned fact with regard to RNU leaders on the features of Article 72 section 1 of the Criminal Code of the Republic of Estonia. In autumn 2001 the Security Police took the case to court and the hearing should take place in January 2002.. In connection with the

procedure of the criminal case RNU's activity has practically stopped: new members are not recruited, regional subdivisions are not acting, members (including leaders) desist from participation in RNU's activity, etc. At the same time, a more fanatic part of the members of RNU have remained faithful to their ideology and have gone "underground" to wait for better times.

More and more attention has been turned to Russian-speaking youths lately (of special interest are the wards of children's homes); the output has been found in establishing youth organisations and clubs. Taking advantage of the latter, the RNU ideology is secretly being spread among young people and simultaneously

with that their military-sports preparation is being carried out. Dangerous are the signs that refer to the interests of certain circles to take advantage of such youths in order to create instability in society. As an example we can bring the conflicts between Estonian and Russian youths in autumn 2001 that took place in different districts of Tallinn and in the towns of Ida-Virumaa, but it was succeeded to prevent them growing over into violence.

↓ Poolsõjaväelise Vene Rahvusliku Ühtsuse ideoloogia alustaladeks on vene rahvus ja vene õigeusk



↑ "Barkashovians" badge

## COMBATING RIGHTIST EXTREMISM

In 2001 the Security Police Board continued its work in finding out and preventing the illegal activity of the skinhead movement in the Republic of Estonia. The word skinhead means the head with no hair on it. In the wider meaning this word marks young and aggressive men whose cherished cause is to preserve the white race and pure nationality in the world. The skinhead movement has spread to most European states by now, especially to the states that have received great numbers of immigrants and refugees from other countries (especially from Asia and Africa). The members of the skinhead movement are youths of European race from the age of 13 to 25.



↑ Eesti skinheadid Soome aatekaaslastel külas

There are persons with very different background among Estonian skinheads. Most of them are males between 13 to 25 years of age, who study, are unemployed or take temporary jobs. Active skinheads groups function in Tallinn and Tartu, we also know about smaller groups in Pärnu, Saaremaa and Kirde-Eesti. Altogether there are about 100 active skinheads, but their number is increasing. At the moment a certain organising process is taking place in Estonian skinhead movement and the leaders are arising. Unlike Swedish skinhead and rightist extremist movements that have had great influence on Estonian skinhead movement, Estonian skinheads are not yet connected with the political circles of Estonia. In spite of that, Estonian skinheads consider themselves to be convinced patriots and on such basis certain circles may take advantage of their fanatic patriotism for the sake of their own political purposes. A dangerous tendency, that can be observed since the last months of 2001, are the contacts between skinheads and persons with extremist orientation, who try to take advantage of negative attitudes towards potential accession of Estonia to the European Union and NATO and who try to benefit by that politically.

↓ A sleeve emblem in runic writing of Tallinn skinheads



In spring 2001 the Security Police Board opened a criminal case on the features of Article 72 section 1 of the Criminal Code of the Republic of Estonia (distributing self-composed ideological materials containing national hostility) with regard to one of the leaders of Tartu skinheads, who had been particularly active. In summer 2001 Tartu District Court punished him with 6 months of conditional imprisonment with the 3-years' probationary period. Due to the abovementioned facts and due to preventive measures provided in the legislation the skinhead movement has become much less active than it was in the end of 2000 and in the first half of 2001. To restrain the further activity of the skinhead movement, one of the primary tasks of the Security Police Board is to take the contacts of Estonian skinheads with the representatives of the rightist extremist movements of the other countries to minimum.



→ A typical skinhead from Tartu





## COUNTER-INTELLIGENCE

---

Although Estonia is a small country with respect to its territory and population, its geographical position is of interest for various states and organisations that may carry out reconnaissance activity here. Every state has its economic and political interests, and proceeding from that also different priorities in reconnaissance activity. It is possible to use acquired information to influence decision-makers, but also to manipulate local and international publicity. The purpose of counter-intelligence is to protect such information from falling into the wrong hands and to avoid the consequences proceeding from reconnaissance activity.

The counter-intelligence activity of the Security Police Board is focused on preventing and disclosing the activity of foreign special services directed against the Republic of Estonia. It is often not possible or necessary to use criminal procedure, but it is possible to prevent the described activity and avoid the consequences endangering the state's security. In order to do that, the methods and measures provided in the Surveillance Act and in the Security Institutions Act should be used skillfully and the Government should be informed about potential dangers in due time.

During the past years the Security Police has ascertained in the press, especially on the pages of Russian information agencies (e.g. Interfax, etc.), several cases of "fresh news" that belong more into the world of fantasy-literature than into reality. Such news can be divided into two groups: the first group are the news that are obvious lies or fabrications, the second group is disinformation plaited around a true fact that has been torn out of its context. But independent of their degree of truth, such news always stand out with their negative attitude and they are always aimed at discrediting the constitutional order of the Republic of Estonia, public structures or some high public official in the eyes of local people, but even more in front of foreign countries. In further perspective such actions have important hidden agenda – to demonstrate to international organisations that Estonia is an untrustworthy partner and by that prevent accession of Estonia to international organisations, especially in the field of military defence.

For years it has been no secret that during the period of the "Cold War" such actions were among the ordinary working methods of the intelligence and counter-intelligence of the State Security Committee of the USSR – the notorious KGB. They were known as "active causes" or "active measures" (in Russian *aktivnyie meropriatia*) and they were directed towards subverting the morality of bourgeois and imperialist society of the West with an aim to pave the road for the triumphal march of the world-wide socialism and communism. "Active measures" contained establishing the network of agencies on enemy's territory, carrying out operative actions to give false information, compromise and destroy, carrying out campaigns of slander, etc. Luckily the attempts of that time ended at the beginning of 1990s in connection

with the decay of Soviet Union and the liquidation of the KGB. However, we may experience that the methods introduced more than half a century ago and applied in practice successfully, play an important role among the "instruments" of Russian special services even today. First of all, the measures of the past seem to become more active in Estonia, Latvia and Lithuania, since most of the Russia's political forces cannot accept the separation of the Baltic region from the Russia's so-called zone of influence.

In spite of loud public statements about how Russia is becoming more conciliatory in the matter of the accession of the Baltic states to international organisations, the flash-news about Estonia distributed by Russia in mass media and international information agencies try to create a distorted picture of Estonia and by that disseminate suspicions about Estonia's capability of any cooperation with foreign countries or international organisations. Inside the state such news raise doubts among the people about the functioning of the state and the trustworthiness of its high-ranking officials and politicians.

As an example of the operation of active measures, aimed at harming Estonia's reputation in the eyes of Western countries, we can take the case of false information distributed by Russia's information agency Interfax in May 2001, concerning possible weapon trades between Estonian Defence Forces and Chechen freedom-fighters. According to our knowledge the publication of this false information in mass media was arranged by the Federal Security Bureau of Russia (FSB) that whipped up the unconfirmed case connected with a well-known Estonian swindler Vello Kütt. Since April 2001 the Estonian citizen Vello Kütt, born in 1950, who has been repeatedly punished for illegal weapon trading and fraud in Russia (1992), Estonia (1997) and Georgia (2000), tried to contact Chechens with the purpose to sell them weapons.

According to the explanation of V. Kütt he contacted the Chechens by an Internet-page that contained information about the weapons that Chechnya needs. In his e-mails V. Kütt asked for information about Chechnya's representative in the Baltic States. V. Kütt got an answer from somebody called Roman, who finally sent him another e-mail address to where V. Kütt wrote in Russian. During June 18 to 22, 2001 three interesting e-mails came to V. Kütt's e-mail address ragnarhammer@yahoo.com from the address vainakk25@hotmail.com The e-mails were sent by a person named Anzor, who claimed to be the son of the President of Chechnya Aslan Mashadov. Had it been a real weapon transaction, the FSB would have dealt with it with respective force. As this was not the case and as the Security Police did not ascertain the execution of a weapon trade, it could be considered from the beginning a provocation of Russia (special service) aiming to harm the reputation of Estonia.



↪ An innocent midsummer snapshot in the centre of Tallinn or an equation with several unknowns? The search begins in a minute

Another example of active-measures-operation, directed towards harming Estonia's reputation, was reflecting in Russia's mass media the acts of violence that took place in Paldiski on the night of July 24, 2001. The cause of violence arose at Paldiski seaside in the evening of July 23 from the conflict between the soldiers of the Scout-Battalion, who had just returned from the forest camp for vacation, and local youths of Russian nationality. Local Russian youths provoked quarrel, first of all they spat towards the soldiers, but later they hit one soldier of Russian nationality (!) on the head with a beer-bottle. As a revenge for physical attack the squad-leader organised a violent counteraction with the participation of about 20 to 30 soldiers around midnight.

The first article concerning the event in Paldiski came out in the newspaper Molodiozh Estonii on July 25, 2001. The paper under the leadership of the editor-in-chief Arkadi Prisiazhnyi started to take advantage of the arising situation in the interest of Russia at once. Besides being an editor of Molodiozh Estonii, Prisiazhnyi is an Estonian correspondent of Interfax and the Chairman of the Estonian Union of Russia's Compatriots Associations (EURCA). On July 28, 2001 Molodiozh Estonii published the application of EURCA to the Minister for Internal Affairs, the Minister of Defence and the Minister of Population, where it was stressed that the incident had taken place on the grounds of national hostility and the Police was reproached of inability to investigate the case. On July 30, 2001 Prisiazhnyi, under the pseudonym of Aleksander Erek, published an article about the incident, where he spoke with irony of Estonia's integration policy and said that the event of Paldiski was not Russo-phobia any more, it was racism.

On July 30, 2001 Prisiazhnyi together with the contact person at Russian Embassy, the member of the United National Party of Estonia (UNPE) Viktor Andrejev visited Paldiski, where they met with the Mayor Kaupo Kallas and the leaders of the local Union of Russian Pensioners.. As a result of this meeting, on 31 July 2001, Molodiozh Estonii published the application of UNPE to the Minister for Internal Affairs and the Minister of Defence, once again stressing the national background of the incident and asking to apply measures to avoid such national-extremist incidents in the future.

On July 31, 2001 the Paldiski incident reached international level and started to harm Estonia's reputation directly. The official statement of the Foreign Ministry of Russia, presented via Interfax, supported EURCA's application. It is worth mentioning that some paragraphs of the text of the Foreign Ministry of Russia resembled the earlier statements of EURCA and UNPE remarkably. The wording of the statement of the Foreign Ministry of Russia and the rate of its presentation take us to the conclusion that Prisiazhnyi submitted EURCA's application to our ministers and to the Russian Embassy simultaneously. According to the knowledge of the Security Police we cannot exclude the possibility that the texts of EURCA's and UNPE's applications were previously harmonized at the Russian Embassy.

Taking advantage of his position as Estonian correspondent of Interfax, Prisiazhnyi published several articles about the Paldiski incident every day. The wording of these articles was intentionally hostile, thus directed against the Republic of Estonia. As a result of Prisiazhnyi's activities Russian media started to reflect the Paldiski incident actively as well. From July 30 to August 1, 2001 the news concerning the Paldiski incident and demonstrating Estonia to Russian publicity as a racist country were published in various Russian newspapers (Rossiiskaia Gazeta, Vremia Novostei), transferred in news broadcasts (RIA-

Novosti, Rosbalt) and published at Internet pages (Polit.ru, NTV.ru, Lenta.ru, Strana.ru). So, Prisiazhnyi succeeded in soiling the reputation of Estonia and its Defence Forces on the one hand, and demonstrating EURCA as an organisation that takes care of Russian-speaking population. It is very likely that the activity of Prisiazhnyi brought along the statement of the Foreign Ministry of Russia.

Estonia as a small country can do very little with its own resources to prevent the distribution of such intentionally and knowingly false or negative news. It is a widely known fact that the first version always appears more true than the second, and that is why the commentaries to false news or to psychological influencing may seem to be a mere justification and make the consumers of such information even more suspicious.

The other type of active measures is when foreign intelligence-officers, acting under diplomatic cover, influence the society's opinion-leaders or the persons close to them. The further aim of such activity is to influence certain decisions in the interest of the corresponding foreign country, while it is either useless or even disadvantageous for the local country. This kind of influencing activity can be called positive influencing, whereas the activity described above is definitely negative influencing.



Computer crimes have caused great problems to different law enforcement structures all over the world during the last years. This new crime-type has a very wide range, ranging from spreading children's pornography to illegal intrusion into the secret servers of government institutions. Disclosure and investigation of the cases of intrusion into public databases is the business of the special services. The so-called spy-cases that have reached global publicity have in smaller or larger extent been connected with the development of information technology in the world, and particularly with the development of computer systems at the disposal of the special services of highly developed countries. The general principle used in the highly developed countries, to join different IT databases into one system functioning as a whole, has inevitably created new security risks in connection with securing sensitive data, particularly data containing state secrets. Persons who are in touch daily with such huge databases or information systems have become a tempting target for the special services of foreign countries already some time ago. This is due to the fact that among these persons there are always those, who cannot resist the temptation to sell secretly such information to somebody. The situation becomes particularly dangerous, when these two groups of people meet.

Another important risk source are security risks connected with the network of the ever-developing computer systems and the complicated network of sub-deliverers, or the producers of contemporary computer hardware and software. Various subcontractors may

occur to be the hirelings of the groups whose activity is directed towards intruding into other databases with an aim to steal information. Due to security considerations it is always important to check the background and reputation of the contract partners and exclude any probability of using pirated products in IT-systems before acquiring any IT equipment. Another important security risk in using IT-equipment and transferring data lies in human carelessness and disregard. In connection with the latter it should be mentioned that state secrets may be transferred by means of IT only in encrypted form, but until now the safest way for avoiding the dissemination of state secrets is to use ordinary paper, i.e. the form of traditional document.

Closely related to the abovementioned issue is the continuous extension of global espionage in the fields of science and high technology. Some states of the world carry out intensive industrial espionage in Northern Europe. As Estonian science and industry develop, we can also forecast the occurrence of similar activities in Estonia, as its geographic proximity to the countries that play an important role in the areas of high technology has already aroused interest in connection with industrial espionage. There is a strict principle in the world practice that the import and export of certain technologies and equipment, that can be used either for civil or for military purpose, is forbidden or restricted to some regions or states of the world. In order to sneak by these prohibitions and acquire such goods, it is possible to offer highly advantageous transactions and large commissions to the businessmen of the trustworthy states. If such transaction would take place and become public in Estonia, for instance, it would harm Estonia's international reputation substantially. In order to protect Estonia against the occurrence of scientific-technological espionage that could be anticipated in the nearest future, changes have been introduced into the State Secret Acts already now.

The future perspective, for example accession to the European Union, brings along the changing of the state borders of Estonia. In connection with the formation of a united visa region and a slackening of border checks in a united Europe, Estonia has to take into consideration that the members of foreign special services as well as the members of criminal and terrorist organisations can move and act more freely all over Europe. At that moment it would be very difficult to prevent the illegal activity of the abovementioned persons if we do not have well-functioning special services and good international cooperation in this field. This, without doubt, will bring along the necessity to increase the resources of security institutions. Otherwise we will come to a moment when Estonia is not capable of having control over the persons, staying in the country at some specific time, and over their activities.

## PROTECTION OF STATE SECRETS

---

Parallel to counter-intelligence, one of the priorities of the Security Police Board is to protect state secrets that is a guarantee of the state's security. Here the main task of counter-intelligence is to protect from the foreign special services the processes of accession to international organisations and information concerning Estonia's defence capability. As the Republic of Estonia wants to become a member of various international organisations, one of the preconditions to accession is the existence of a functioning State secrets Act, because otherwise it is not possible to exchange secret information with the partners. Thus, weak protection of state secrets would endanger Estonia's economic and political interests.

Integration to the European Union and NATO requires that Estonia, including the Security Police Board, must have extensive responsibility in the sphere of security. This means effective cooperation in the field of security with all the member states of the mentioned organisations and with other partner-states now and in the future. The only chance to guarantee the security of one's own country in the contemporary world is by confidential international cooperation, including exchange of secret security information. One of the criteria of international confidence and acceptability is guaranteeing and organising the protection of state secrets. In 2001 Estonia concluded bilateral contracts on exchanging and protecting secret information with Germany, Italy and Norway. From before we have similar contracts with Finland, Latvia, Lithuania, USA, NATO and WEU. Negotiations over the contract have been closed with Poland, Greece and Sweden, and negotiations are in process with Czech Republic, France, Hungary, Netherlands, Slovakia, Switzerland, Turkey and Great Britain.

When Estonia integrates into NATO and the European Union we must be ready to protect the secrets of our partners on unitary grounds. This means that Estonia must guarantee the protection of state secrets on equal conditions with these organisations. Making the level of state secrets protection uniform plays an important role in the integration process, because not a single state or international organisation will trust its secrets in the hands of a state that is not capable of protecting them sufficiently. On the other hand, it is not possible to be a member of an organisation and not have full access to the organisation's records, including secret documents.

Estonia had a certain lead well before the unification process of the laws started, as the State Secrets Act had been drafted so that unification of the state secrets protection with the standards of the abovementioned organisations would be as easy as possible. The lead

was achieved due to taking into consideration the principles of protection of state secrets in force in NATO, the European Union and other international organisations to which Estonia is striving to join. Both, the system of state secrets levels and the introduction of the order of state secrets protection proceed from the principles of the European Union and NATO. The future unification means that we have to add some provisions to the Act and Application Acts, and take the security control of the persons applying for or owning access permits into absolute conformity to the principles valid in NATO and the European Union. As the role of the Security Police Board is to guarantee the protection of state secrets for public institutions, we participate in the work of the unitary working-group of the Ministry of

Internal Affairs and the Ministry of Defence, preparing laws that should unify Estonia's state secrets protection legislation with the corresponding acts of WEU and NATO. The amendment draft has been sent to the Riigikogu (Parliament) already. The Security Police Board, as the main applicant of the State secrets Act, plays an important role in the unification process.

The tasks of the Security Police in protecting the state secrets are:

- > to carry out security controls in relation with the permit applicants;
- > to decide the necessity for the permits and to issue them;
- > to control the existence and order of the state secrets protection programmes and systems;
- > to carry out the training on the topic of state secrets protection.

Besides carrying out the security control of the persons who apply for or extend the access permit, or who already hold on the access permit, the Security Police, in cooperation with government institutions in possession of state secrets, constantly controls the execution of conditions provided in the State secrets Act by the institutions and persons in possession of state secrets. It can be considered a positive result that since 1994, i.e. during the period of creating the system of the state secrets and its application, not a single violation of the State secrets Act or other acts issued on its grounds, that would have brought along the punishment of some person in accordance with the Criminal Code, has occurred in Estonia.

An important and new area in 2002 will be the arrangement of industrial security in the state. This will create an opportunity for Estonian enterprise, scientific institutions, etc. to participate in international deliveries in the field of security.

Salastatud Riigisaladuse  
seaduse  
§...7... punkti 4... alusel

Salastatud Riigisaladuse  
seaduse  
§...6... punkti 9... alusel

Salastatud Riigisaladuse  
seaduse  
§...5... punkti 1... alusel

TÄIESTI SALAJANE

SALAJANE

KONFIDENTSIAALNE

## PREVENTION OF INTERNATIONAL TERRORISM

---

The tragic events in the United States of America on September 11, 2001 made the whole world outrageously conscious of the word "terrorism".. Although this time Estonia and its citizens were not the victims of the rage and violence of Islamic terrorists, and although not a single crime that could be qualified as international terrorism has been committed in the territory of Estonia during the ten years of our re-independence, we consider it our moral duty to deal with the issue of combating terrorism more thoroughly in this year's Annual Review.

Article 64-1 of the Criminal Code gives the definition of terrorism as follows: attack on a person, enterprise, institution or organisation, also performance of actions aimed at seizing, destroying or damaging property, or killing or injuring people with the purpose of provoking war or international conflict, or with political or religious purpose. An important feature here is the last section – an act can be considered to possess the features of terrorism if its purpose is:

- to provoke war;**
- to provoke international conflict;**
- any other political purpose;**
- any other religious purpose.**

It should be mentioned that the definition of terrorism in the jurisdiction of Estonia has essentially changed during time. In the Criminal Code of the Estonian SSR the definition of terrorism was tightly connected with the activity of subverting Soviet regime and provoking political conflict. The objective side of the crime included killing or seriously injuring a state or public figure, a representative of state authority or a representative of a foreign country.

On May 7, 1992 the Supreme Council of the Republic of Estonia introduced the Criminal Code. The definition of terrorism was quite peculiar there – to make the then actual combat with organised crime efficient, terrorism was connected with the establishing of a criminal group. According to the Code, terrorism was forming a criminal group with the purpose to attack a person, enterprise, institution or organisation, also perform an action aimed at seizing, destroying or damaging property, or killing or injuring people, or participating in such a group, or participating in the crime committed by such a group.





YEAR	1992	1993	1994	1995	1996	1997	1998	1999	2000	2001
Calls	78	228	624	896	820	947	838	1444	1369	1301
Explosions	3	41	71	81	44	40	41	35	31	25
Perished	2	5	1	10	6	6	7	5	2	3
Injured	2	10	11	26	24	20	6	16	18	9
Bomb threats	7	97	125	221	161	150	184	445	454	214
of them: at schools	6	45	28	63	45	56	91	251	235	112
Bomb suspicions	-	-	-	-	135	102	100	148	222	206
Bomb technical checking	-	-	-	52	58	86	278	296	537	384
Liquidated explosive devices	228	1466	1958	4046	1898	10,949	2152	2340	1437	1347
Explosive devices seized										
by the Security Police Board	-	-	-	22	-	60	7	4	7	4
Ammunition seized by										
the Security Police Board	-	-	110 kg	3343,3 kg	over 600 kg	over 100kg	98 kg	46 kg	25,5 kg	16,2 kg

↑ Calls concerning demination, explosive devices and ammunition liquidated by the Rescuing Board and seized by the Security Police Board during surveillance work.  
25.05.1992-31.12.2001

As it was very difficult to prove the commitment of the crimes qualified in this Article, changes were made in the Criminal Code in 1996 – crimes connected with criminal groups were transferred to the other Article and terrorism received the present definition that is in accordance with international definition. Proceeding from the crime and its essential elements of offence Estonian Criminal Code prescribes a punishment of 5 years to life imprisonment for terrorism. With the changes made in 1998 the death penalty was abolished in Estonia – until then there were five crimes that were subject to death penalty, two of them included essential elements of terrorism.

In the new Penalty Act terrorism has been classified as offence against the state power. In the draft law terrorism is defined as execution of an act aimed at causing physical injury or death, or seizing, damaging or destroying property with the purpose of provoking war or international conflict, or with political or religious purpose. The penalty for terrorism is 3-12 years imprisonment or life imprisonment.

If we compare the mentioned revised version of the Criminal Code, we see no substantial difference in the essential elements of an offence. But, the new law allows the courts more extensive powers in deciding the punishment, regardless of the consequence of the crime or the fact, whether the victim of the crime was the citizen of a foreign state or not. However, it must be stressed here that, as the new penalty law is still in procedure, the wording of the quoted article may change before entering into force.

If we compare the definition of terrorism provided in the Criminal Code of Estonia with the legislations of other states and international law, then it should be said that the United



↑ Kohe algab läbiotsimine

Nations Organisation has adopted more than ten conventions on anti-terrorist combat that deal with various sides of international terrorism and give the states guidelines for combating terrorism and improving their legislation.

Nowadays more and more new crimes could be placed under the definition of international terrorism. The definition is constantly growing and has expanded from traditional explosions, acts of violence and plane hijacking to such areas as nuclear terrorism, cyber-terrorism and also the financing of terrorism. On the one hand, peoples fight for freedom and their right of self-determination sets limits to the definition of terrorism. On the other hand, the part of international organised crime that takes place on economic purposes cannot be put together with terrorism. Today, according to international sources, we can define terrorism as illegal activity:

- > that lies in using power or in threatening to use power;
- > that is directed against state, persons, organisations or their property;
- > that aims at achieving changes in a state's political or social structure.

The definition of terrorism in the Criminal Code of Estonia is generally the same as the definition given above.

When we speak about the legal basis created for combating terrorism, we must stress yet another circumstance – the importance of international cooperation – that the terrorists have brought along themselves, as their activity has become international and crosses the state borders. It is a pleasure to experience that there exists the legislative base for Estonia's

cooperation on the international level. Estonia has joined with the European Convention on Prevention of Terrorism, adopted in Strasbourg on January 27, 1977. This Convention establishes the fundamental principles for the mutual extradition of terrorists and the obligation to give thorough mutual help in procedure of the crimes with essential elements of terrorism. The Riigikogu (Parliament) ratified the mentioned Convention on 29 January 1997.

On November 22, 1995, in order to enhance anti-terrorist combat, the Riigikogu (Parliament) ratified the Convention on Marking Plastic Explosives for Detection, adopted in Montreal on March 1, 1991. On July 11, 2000 the Government approved the UN Convention on Prevention of Financing Terrorism

that was opened for signing in New York on January 10, 2000. In addition to that there are several bilateral friendship and cooperation agreements that provide for cooperation between Estonia and foreign countries in the sphere of preventing terrorism the Riigikogu (Parliament) has ratified such agreements with Poland, Hungary, The Ukraine, France, Turkey, Czech Republic, Kazakhstan and Moldova). Estonia has concluded special cooperation agreements on combating organised crime and terrorism with some countries (Hungary, Germany), that provide for exchanging information on prepared or committed terrorist acts and terrorist groups. With several states Estonia has also concluded agreements on mutual legal assistance in criminal cases in procedure.

The purpose of all the mentioned international legal acts is to guarantee better domestic cooperation in combating terrorism. On the other hand, by taking international commitments, Estonia has shown willingness to make its contribution to global fight against terrorism.



↑ The car belonging to a liquor-smuggler, who was having a party at the nightclub "Dekoltee", "decorated" by competitors with trotyle and hexogen at 02.07 a.m. on 15 December 2001

According to the Security Institutions Act that entered into force on March 1, 2001, it is the task of the Security Police Board to combat terrorism and prevent crimes with essential elements of terrorism in Estonia. In the situation where crimes qualified as terrorism do not occur, it is substantial to continue to make efforts to prevent terrorism also in the future by attempting to anticipate and assess potential terrorist threats as precisely as possible. On the one hand, some local extremist groups may develop the need to commit terrorist acts, but on the other hand, we cannot exclude the execution of orders given by the so-called foreign terrorist organisations. Thus, in order to plan counter-terrorist activities, we need to be well informed about the activities of the largest threat groups of the world and the constantly renewing fighting methods of terrorists. In cooperation with friendly foreign services we check the contacts of foreign terrorist groups and persons within Estonia. Taking into consideration the historical-geographical position of Estonia we must observe potential threat factors proceeding from the east, especially in connection with the war in Chechnya and Islamic terrorists acting in the region of Central Asia.

In assessing terrorist threats it should be said that criminals play an important role in carrying out terrorist acts, let us call them the hirelings of terrorists, who participate in planning and executing terrorist acts mainly because of money. Due to that, besides the terrorism article of the Criminal Code, the following crimes are the jurisdiction of the Security Police:

- > murder committed by using explosive device or explosive material (CrC. § 101, p.9);
- > intentional destruction or violation of property by means of explosive device or explosive material, that caused the death of a person (CrC. § 144, sec.2);
- > illegal production, possession, delivery, sale or transfer of an explosive device or a part necessary for preparing it (CrC. § 207-4);
- > participation in a criminal group, organising it, recruiting members for it or leading such group or a part of it, if the purpose of the group is terrorism or executing a terrorist act directed against a representative of a foreign state (CrC. §§ 196-1, 64-1, 65);

The last crimes have essential elements of crime contiguous to terrorism, although the common concept and even media consider such crimes terrorism. The reason for such a concept may proceed from the changed legal definition of terrorism in Estonian legislation, as was mentioned above. Also, such acts as explosions, bomb-threats and kidnapping, the common activities of terrorists, are often connected with the definition of terrorism, but it is not legally correct, because according to the Criminal Code a crime qualifies as terrorism by its purpose and by the criminal's motive.

The legislator has given the obligation to investigate the so-called essential elements of crime contiguous to terrorism to the security institution combating terrorism, because the disclosure of such crimes (e.g. combating the producers of explosive devices) includes activity directed towards preventing terrorism. On the other hand, organised criminal groups who carry out explosions are potential local executors of potential orders of foreign terrorist organisations in case they should need to carry out terrorist acts in Estonia. This is why identification of persons with potential terrorist inclinations, disclosing the activity of groups and, if possible, deporting terrorists from the state is important.



↑ One of the simplest self-made explosive devices together with clockwork

Producers of explosive devices are often connected with criminal groups who use them to carry out bombings. The person who orders and organises an explosion, the person who makes the bomb and the person who executes the bombing are often different persons, and identifying every person connected with the explosion, also proving their guilt can be quite complicated. On the other hand, local minority and extremist groups, who stand to gain politically by executing terrorist acts, should be observed as well.

If we analyse the statistics on explosions in Estonia during the last decade (1991-2001) we see that the number of explosions, the number of the perished and the amount of material damage has decreased. If in 1995 the amount of explosions was the highest – 81 (10 persons killed) – then in 2000 only 31 explosions were recorded (2 persons killed), and that is the smallest number after the year 1992. In 2001 the amount of explosions decreased even more (23 explosions), but one more person than in 2000 got killed. Besides the three perished persons, 9 were injured. 205 bomb-threats were made in 2001, 104 of them to schools. According to statistics, this number has decreased two times in comparison with the last year.

Although detecting the circumstances of a complicated explosion can take years, the immediate activity of law enforcement agencies and as quick an investigation into the explosion as possible is essential for domestic security. It is always pleasant to give examples of the cases, where law enforcement agencies have been able to solve the crimes with suspicion of terrorism while the topic is still "hot" in society.

Without doubt, the most prominent event in 2000 were the two explosions that took place within an interval of six hours in Stockman Department Store in the centre of Tallinn on May 19. Although the shockwave was not very strong (one person was badly injured and one lightly injured), the crimes were committed in a public place and due to that the circumstances of the explosions and the preliminary investigation were under enhanced attention of the media. As the version of a terrorist act was possible, the Prosecutor's Office transferred the preliminary investigation of this criminal case to the Security Police. As a result of surveillance and investigation activities three young persons, who organised and executed these explosions with an intention to extort 2 million kroons from the Department Store, were identified. Charges were laid on three more persons, who supplied the criminals with explosives. Preliminary investigation of the criminal case of the Stockman explosions was finished on 10 October 2000 (less than 5 months after the occurrence of explosions). The criminal case is ongoing at the moment. On the one hand, the Stockman case indicated that explosions with the essential elements of terrorism are possible in Estonia. On the other hand, the immediate disclosure of the crime and prompt identification of the guilty, verified that law enforcement agencies are ready to combat potential terrorists. This was an important sign to the persons who plan such acts in the future.

In this case it was determined that it was a criminal act rather than a terrorist act, which is an important fact. A notable comparison is a similar incident in the Department Store "Centrs", located in the centre of Riga, the capital of Latvia, where on August 17, 2000 one person was killed and 35 injured in two explosions. Although the investigators consider it a case of a business competitors' revenge more probable than terrorism, the executors of these explosions have not been identified. The investigation carried out in Estonia ascertained that there were no connections between the explosions of Stockman and "Centrs".

The other priority of Estonia in combating terrorism, besides the detection of explosions, is identifying and arresting persons who produce and sell explosive devices and explosives,



← ↓ An example of confiscated illegal firearms ("Saiga 20K") and ammunition

and persons who deal in the illegal weapons trade. Here we can draw connections between the criminals who execute explosions and organised criminal groups.

In 2001 the Security Police initiated 19 criminal cases, concerning illegal producing, possessing, keeping, transferring, selling or delivering of an explosive device or any part that is necessary for preparing such device, of these cases 7 were already taken to trial, another 5 will be taken to trial soon, 3 cases were closed and 4 are investigated. 4 self-made explosive devices were detected and rendered harmless. In the course of executed operations were confiscated 16.244 grams of explosives (for comparison: 25.5 kilograms in 2000), 15 grenades, 11 detonators and 17 dischargers. In addition to that 3 explosive devices that were in working order were confiscated from criminals (8 devices in 2000).

In connection with the decrease of the number of crimes connected with explosives, it should be taken into consideration that explosive materials, left on military bases, vacated by the Soviet Army, which were successfully used for making bombs at the beginning of 1990s, are running out. Due to that a new tendency has occurred – criminals, in order to obtain explosives, have become interested in contacts with in the Defence Forces of Estonia. Thus, a former soldier, serving his term in Tartu Single Infantry Battalion, Aleksandr Frunze secretly stole explosive material (floculent trotyle/TNT) – all together at least 250 grams, also some detonating fuse from which he detached 2 grams of highly explosive material (pentrite/TEN). Explosive material was given to him for preparing blasting charges, i.e. for using in service, at blasting-drill in Kuperjanov Battalion, Võru County in April 2000. Later A. Frunze illegally produced an explosive device and kept it in his car VAZ-2104 until the end of June 2000, after which he delivered it illegally to Aleksandr Ivachenko. Both, Aleksandr Frunze and Aleksandr Ivachenko were convicted of crime and their sentences have taken effect already, as on October 23, 2001 the Tartu District Court did not alter the decision and the Supreme Court did not grant permission for further procedure.

As another example we should mention here the case of corporal Jan Ojala, a driver in the Meegomäe Battle-school of the Defence Army. In spring 2001 J. Ojala acquired 3.6 kilograms of industrially produced explosive trotyle (TNT), forbidden for civil use, and about 400 grams of ammonite, also explosive devices and parts necessary for producing them: one type F-1 and eight type RGD-5 grenades, nine grenade detonators, about 5 meters of



fuse, four dischargers and eight fuse-detonators. J. Ojala kept and transferred the mentioned explosives and items to the house of Andrei Sumerkin, located in Meegomäe village, Võru County, where he sold and delivered these items to Jaanus Muts and Andrei Sumerkin. In the evening of May 15, 2001 the officers of the Security Police arrested Jaanus Muts and Andrei Sumerkin in Võru as a result of imitation of a crime, during which the latter attempted to sell and deliver the abovementioned explosives and items to the witness assisting in the imitation of the crime. Final sentence with respect to Jaanus Muts and Andrei Sumerkin took effect on October 10, after the Tartu District Court left the decision of the Court of the First Instance unchanged.

From the described case the materials for independent procedure with respect to Helene Leis were separated. She, serving in the weapons and ammunition store at the Battle-school of the Defence Army as a storekeeper, committed neglect of official duties by enabling the abovementioned Jan Ojala to acquire from the store explosive materials, forbidden for civil use. At preliminary investigation H. Leis admitted her guilt and on 31 July 2001 the Võru County Court condemned H. Leis in way of common procedure.

Lately we have observed the distribution of a new type of explosive devices – letter and beeper bombs. On 6 March 2000 a female artist from Tartu received a suspicious package from one Tallinn museum. The alarmed experts found from the package a real letter-bomb with high destructive power that would have exploded in case the package would have been opened. The preliminary investigation ascertained that the bomb was produced and sent by the artist's ex-boyfriend Peeter Kõiv. On 6 June 2001 Riigikogu found the producer of the bomb guilty of attempted murder in aggravating circumstances and he was punished with 9 years imprisonment.

The only regrettable case after the tragic events in the United States on September 11., affecting Estonia's reputation, was a threatening e-mail letter sent to George W. Bush to the White House at the address president@Whitehouse.gov from Ahtme Gymnasium, Ahtme quarter, Kohtla-Järve at 01.57 p.m. on 17 September 2001. The letter was sent from a hotmail.com e-mail address with an obscene name huitebe@hotmail.com and it contained verbal threats to the President of USA. The President was accused of the events on



← The battle ammunition stolen from the Battle School of the Defence Army

September 11, and there was a threat that he will be murdered just as President Kennedy was. The letter emphasized that the attack was from us and asked, how the President feels after what has happened. The letter also warned him from actions against Afghanistan.

The Security Police managed to identify the author and sender of the letter. This person happened to be an 11th grade student of Ahtme Gymnasium – a good student, a young man from a nice family. According to the youth's words he wrote the letter just for fun, done on the spur of the moment. He has no bad feelings towards the USA and he did not take anything he said seriously. He was certain that this letter would not get to the addressee. Before sending the letter off, just in case, he made himself a new e-mail address in hotmail.com server with a name huitebe@hotmail.com, the password being "pederast".. After being disclosed the young man felt truly sorry about his unworthy act and promised that nothing of the kind will ever happen again.



↑ Pyromaniacs and criminals are eager to use anything – even trotyle from the time of the II World War

Regretfully, the globalisation of the world and the development of an information society have given new cards to terrorists as well. Thus, it is very likely that in the future more and more terrorists will abandon traditional methods – bomb explosions and firearms – and, in order to paralyse the activity of public structures, will pass over to much more concealed and effective methods, for instance biological and nuclear terrorism and computer hacking. In Estonia private and public structures, also people at home use computer networks, Internet and e-post for exchanging information more and more, also. It is obvious that the network disturbances and problems with interactive environment would harm the functioning of Estonian state and economy as much as would do large-scaled bombings.

This is why it is important to anticipate the threats accompanying the computerisation of Estonia and potential cyber-terrorism. Terrorists may threaten the Government with exposing secret information stolen via the network, but also with the breaking into some important structure. We had a case in Estonia, where an "entrepreneur", hiding behind a company-name Small Business Capital, put up a homepage on the Internet and sent letters to small entrepreneurs, offering them protection from criminal violence for 3000 kroons per year. In case of refusal he threatened the companies with a fine and physical revenge. Luckily the Police caught the blackmailer computer-expert soon. It is a pleasure to say that we were dealing with an unstable individual, not a person connected with some foreign terrorist organisation or local criminal group.

In brief, we may say that the threat of potential terrorist acts in Estonia can still be assessed as minor. The activity of the Security Police in the field of combating terrorism has a dual character in a certain sense. On the one hand, we gather information about persons and organisations that would be interested in executing terrorist acts in Estonia. On the other hand, we investigate crimes connected with explosions and explosive devices as a preventive activity. Estonian law enforcement agencies give their best to preserve stability in Estonia.



## COMBATING CORRUPTION

The factors endangering the security of Estonian economy can be divided into foreign and local ones. The latter can be connected with several types of crimes. Successful functioning of organised crime is impossible without corrupt contacts in public institutions. It is no news or any secret that organised crime achieves its real strength and power only when it has arranged trustworthy relations with corrupt officials. Criminal groups are interested in single contacts for committing some certain crime, as well as in constant corrupt relations or so-called "their man" in public institution.

So far, the Estonian criminal community has been quite cautious in establishing contacts. They often use mediators, so the cooperative officials will not know personally the criminal leaders who organise the crimes. There is another way as well – criminals try to find a job in a public institution via trustworthy or previously recruited persons. Corrupt officials may either be the collaborators of organised crime or they may be the members of some group, by that creating a criminal group in the meaning of Article 196-1 of the Criminal Code.

In Estonia the following areas can be pointed out that are more sensitive to corruption and where organised groups are more interested in cooperation with corrupt officials:

### **Establishment of corrupt contacts in law enforcement institutions with a purpose to receive assistance if "problems" should arise and to have access to police information.**

Here we are dealing with a typical domestic security risk against which the internal supervision services and special services of the law enforcement agencies all over the world combat. Every criminal is interested in confidential contacts at law enforcement agencies. On the other hand, the police and the surveillance officials need co-operators in criminal circles as well, in order to combat with organised crime successfully. The mentioned surveillance work as a specific field of activity includes in itself the danger of corruption. Criminals are interested in information concerning planned police operations and methods used in combating organised crime. They also hope that they have the protection and patronage of their surveillance official during preliminary investigations of criminal cases.

Contacts between criminals and police officers can be well functioning and mutually useful. Ascertaining the character of these contacts is complicated and this also aggravates disclosure of potential bribery cases in this field. The Security Police is investigating a case of bribery, where an inspector of Tallinn Criminal Police, connected with organised crime, tried to mediate a bribe in an amount of tens of thousands of kroons to his acquaintance in the Security Police in order to influence preliminary investigation of a criminal case dealing with the smuggling of 105 kilograms of rare metals

from Russia to Estonia. The corrupt activity of the police officer was exposed by means of imitating the crime.

### **Illegally obtaining various advantages or licences from the state or local municipalities.**

An official, using his/her official position, may create advantageous conditions for one company, while he/she himself/herself, or via a shell company or some close relative, belongs among the owners or board of this company. At the same time the corrupt official receives official information due to his/her position and this creates advantages for him/her compared with competitors. In this crime economic loss may not be directly observable, but we can estimate the loss caused by guaranteeing monopolistic status for one company. This restrains the principle of free competition and prevents free entrepreneurship. The wronged parties here are the state (un-received income from enterprise taxes), a legal company (that has worse conditions in comparison with the competitor who uses the assistance of a corrupt official) and the consumer (who has to put up with higher price or worse conditions due to unfair or non-existent competition). The paralysing influence of corruption to the state's economy in the whole should not be underestimated.

### **Concluding contracts economically advantageous for criminal groups, participating in municipality orders and deliveries.**

In the sphere of corrupt schemes in public institutions the most corruption-sensitive persons are the heads of various subdivisions of public institutions, who have publicly or covertly established business associations in the same field of activity as is under their administration, to which they sell public projects or orders. Various public delivery competitions and public investments include constant threat of corruption. Often a public delivery is not arranged and the structural divisions divide the orders among several companies either under the limit price of the public delivery or without publishing public delivery competition at all.

Secondly, the officials take advantage of official information that enables them to direct public deliveries to the companies that are connected with them via shell companies or close relatives. In case of specific jobs and services the official information gives essential advantage before competitors. In this area there have been cases, where the official has changed the conditions and terms of the public delivery just because the company, the official was connected with, did not manage to submit its bid in due time. We also cannot exclude the cases, where corrupt officials announce the winner of the competition to be the company that bribed them, or influence the decision-makers in the necessary direction.

### **Giving the functions of a municipality over to private persons creates additional opportunities for corruption.**

Problems that occur in connection with giving public tasks over to private sector are continuously topical in Estonia. The accompanying corruption and security risks have got less attention. The tendency to transfer public functions over to private sector in itself is pos-



↑ Korruptsiooniteema Eesti ajakirjanduses karikaturistide pilgu läbi nähtuna

itive, as private sector is a better in running business in the conditions of market economy. However, it is important to observe the process of transfer and guarantee effective supervision and financial control over already existing units. In order to have better results, legally correct and economically effective models should be worked out. Public funds and special funds is the field of activity in Estonia where misuse of finances has occurred. In perspective we can predict that corruption moves on to other sectors, to the area of using public money assigned to private legal persons or to public legal persons.

**Criminal groups are interested to have access to money coming from international funds, among others the EU funds.**

The mentioned area includes carrying out international projects and assistance programmes. As the funds assigned via European structural funds increase in perspective, the occurrence of corrupt transactions would be obvious repulse to integration process. The problems will be direct corruption – transactions with oneself or with close relatives – as well as creation of unequal economic environment.

**Concluding corruptive contacts with an aim to carry out smuggling and excise frauds.**

Organised groups are first of all interested in cooperation with corrupt customs, border guard and revenue officers. Organised crime takes advantage of corrupt customs and border guard officers in smuggling, but also in executing excise frauds. Tax frauds organised by organised crime and corrupt schemes that they use become more complicated year by year. The danger of the mentioned crimes, on the one hand, lies in the fact that the economic position of criminal structures becomes better and they try to legalise obtained means via money laundering.

On the other hand, economic crimes bring along great economic loss. Such acts restrain the development of entrepreneurship and weaken the efficiency and trustworthiness of the state power, independent of the fact whether it is the state or a private company that suffers losses. The common types of tax fraud, where criminals use the assistance of corrupt officers, are internal as well as on-border turnover tax frauds, but also trade with excise goods. Besides executing frauds that are financially useful, criminals need protection in case there is a danger of getting caught. That is why the criminal community is interested in working out constant corrupt schemes and systems.

The state can apply counter-measures in abovementioned areas subject to corruption, such as disclosing corrupt officials by intra-institution supervision and by making the activity of law enforcement institutions more effective. According to the Code of Criminal Procedure, several offences in office and corrupt crimes are in the jurisdiction of the Security Police. Corruption in the wider meaning includes such crimes as misuse of official position, neglect of official duties, official forgery, taking and mediating bribe, corrupt act, dispossession by abuse of official position. Defrauds, smuggling and tax frauds executed in cooperation with officials also belong here.

Besides officials who act as assistants of criminal groups, there is another group of officials who take advantage of their official position in their own interest or in the interest of their relatives or friends, and by that earn corrupt profit. Such schemes function primarily in local municipalities, which stay more out of law enforcement agencies' sight. Corrupt contacts between some municipality officials and entrepreneurs have often become firm. It can be said that the interests of municipality officials and entrepreneurs have mixed.

For example, the head of local municipality alone passes decisions concerning municipality fund investments into suspicious business activities. By another scheme they give or secure loans even in case they themselves do not gain any profit.

In 2001 the priority of the Security Police in the area of combating corruption was to disclose corruption in public institutions. The main attention in information gathering and surveillance was turned to disclosing corruption in ministries and their subdivisions, and in the institutions that deal with taxes, but also to identifying and bringing to account corrupt officials of the law enforcement agencies. At the same time we also paid attention to disclosing corruption in municipalities and municipal subdivisions of Ministries. At first it seems that we are dealing with a limited amount of areas, but in reality, these priorities include almost all public structures. We are pleased to say that public opinion and the officials' attitude towards the persons who offer bribe and favour corruptive activity is becoming more and more negative from year to year.

On January 15, 2001 the Tallinn District Court did not alter the decision of the Tallinn City Court concerning the former Vice Chancellor of the Minister of Finance Peep Lass and the former Chancellor Agu Lellep, who were convicted of corruption and misuse of position. The former Chancellor A. Lellep procured the Ministry a car "Audi A6", which he later bought for himself at a lower price than was the real value of the car, and by that he caused financial and moral loss to the state. Peep Lass was convicted of taking advantage of his position as a public official and of violation of public property sale law, by which he caused financial loss to the state. The former Chancellor Agu Lellep was punished with 1-year conditional imprisonment with 1-year probationary period, Peep Lass was punished with a fine in an amount of 600 daily wages.

On October 18, 2001 the Riigikogu (Parliament) made the final decision in the corruption case on the former Chairwoman of the Board of Eesti Maapank Malle Eenmaa. She, being a member of the Board of the American Assistance Fund of Agriculture, received the decision of the Board to transfer its funds in an amount of 29 705 000 kroons to the bank, on the head of which she herself was. The Riigikogu did not alter the decision of the Tallinn District Court – 1,5 years imprisonment.

Throughout years the employees of law enforcement agencies constitute a highly sensitive category of officials in the area of corruption due to their extensive professional power. In spite of the great number of condemnatory sentences, both, the Security Police Board and the Internal Supervision Office of the Ministry of Internal Affairs have still in procedure several criminal cases on bribery – police officers taking or extorting bribe for neglecting official duties. At the same time we may observe the attempts of private enterprise to take advantage of the officials of law enforcement institutions to prevent or influence their business competitors or partners. The number of the cases dealing with the matter of police officers who cross their authority or act unjustifiably violent is increasing, as well.

Such phenomena influences the reputation of the state and creates negative attitudes in the society that in their turn influence confidence towards public institutions.



↑ ↗ Ekspankur Malle Eenmaa  
1996 ... ja 2001



On February 8, 2001 the Security Police, after carrying out a police operation, detained the police inspector of the Investigation Office of the Ida-Viru Police Prefecture Sergei Razguliaiev. S. Razguliaiev extorted bribes in the amount of 8000 kroons from a citizen of Sillamäe, who was a suspect in a crime qualified in the CrC. §195 sec.3 (malicious act of hooliganism, in the course of which two persons were badly injured), for stopping or closing the criminal case. Court evidence was obtained by means of secret observation and audio-recording of the conversations and activities of the police officer during the imitating of the crime in S. Razguliaiev's office at the Sillamäe Police Station. Immediately after receiving the bribe the corrupt police investigator went to the local bank office and put a part of that money in his account. He hid the rest of the money in an old TV-set standing in the ground-floor corridor of the Sillamäe Police Station. After additional investigation and surveillance activities the mentioned sum of money was seized and fixed to the criminal case as evidence – currency notes that were given to the investigator as a bribe.

On March 19, 2001, as a result of a long surveillance, the senior inspector of the Police Department at the Tartu Police Prefecture Aleksander Sõrnitsar was arrested in the course of imitating a crime.

On February 23, 2001 Sõrnitsar extorted 2000 kroons and men's perfume for freeing three suspects in theft from the Tartu Police Prefecture. Sõrnitsar was accused on the bases of the CrC. §164 sec.2 p.4 – extorting and taking bribe. The Tartu County Court punished Sõrnitsar with 1 year 6 months imprisonment. The Tartu District Court did not alter the decision of the Court of First Instance.

Although among the East and Central European countries Estonia is considered to be a state with the lowest level of corruption, we cannot draw a conclusion of this assessment that corruption is liquidated and problems are solved here. Corruption has become more concealed in Estonia. Tax-free companies, "dummies" and "shelf-companies" are used for executing illegal transactions. Corrupt officials go along with law amendments, looking for the ways to by-pass the laws and to enrich themselves on account of their position.

Distribution of corruption may bring along the society's distrust of public structures. Such a situation can turn the society against power and bring along a situation, where citizens hope to get help from criminal groups or non-governmental institutions. Another regrettable phenomenon is the fact that in case of corruption cases publicity often condemns only the guilty official. Persons, who proceed from their own pragmatic needs or business interests, do not think that inciting low-rank officials to commit an offence is also an act of corruption or violation of administrative law. At the same time, the direct financial loss may not be noticed at once.

Corruption harms the state's trustworthiness, decreases the citizens' faith in the efficiency of the state and scares off foreign investments. If a non-competitive and inefficient company obtains public delivery as a result of dishonest competition, it is the state that suffers direct losses due to the lower quality of the job. However, the interests of all legally functioning entrepreneurs suffer from such act indirectly.

## PRE-TRIAL INVESTIGATION INTO CRIMES AGAINST HUMANITY

---

In 2001 the preliminary investigation of a criminal case, initiated on August 17, 1999, dealing with the 1949 March Deportation in Saaremaa, came to conclusion. In the mentioned criminal case, charges were laid on 12 intelligence and militia officers of that time. They were the task agents of the Saaremaa Department of the Ministry of State Security (RJM) of the ESSR Boris Loho, Stepan Nikejev and Rudolf Sisask, the collaborator of the Saaremaa Department of the RJM of the ESSR Albert Kolga, the investigator of the Investigation Department of the RJM of the ESSR August Kolk, the employees of the Saaremaa Department of the Ministry of Internal Affairs of the ESSR Pjotr Kislõi, Viktor Martson and Nikolai \_erebtsov, and the employees of the Saaremaa Militia Department of the Ministry of Internal Affairs of the ESSR Osvald Adamson, Vladimir Kask, Heino Laus and Leonid Maikov.

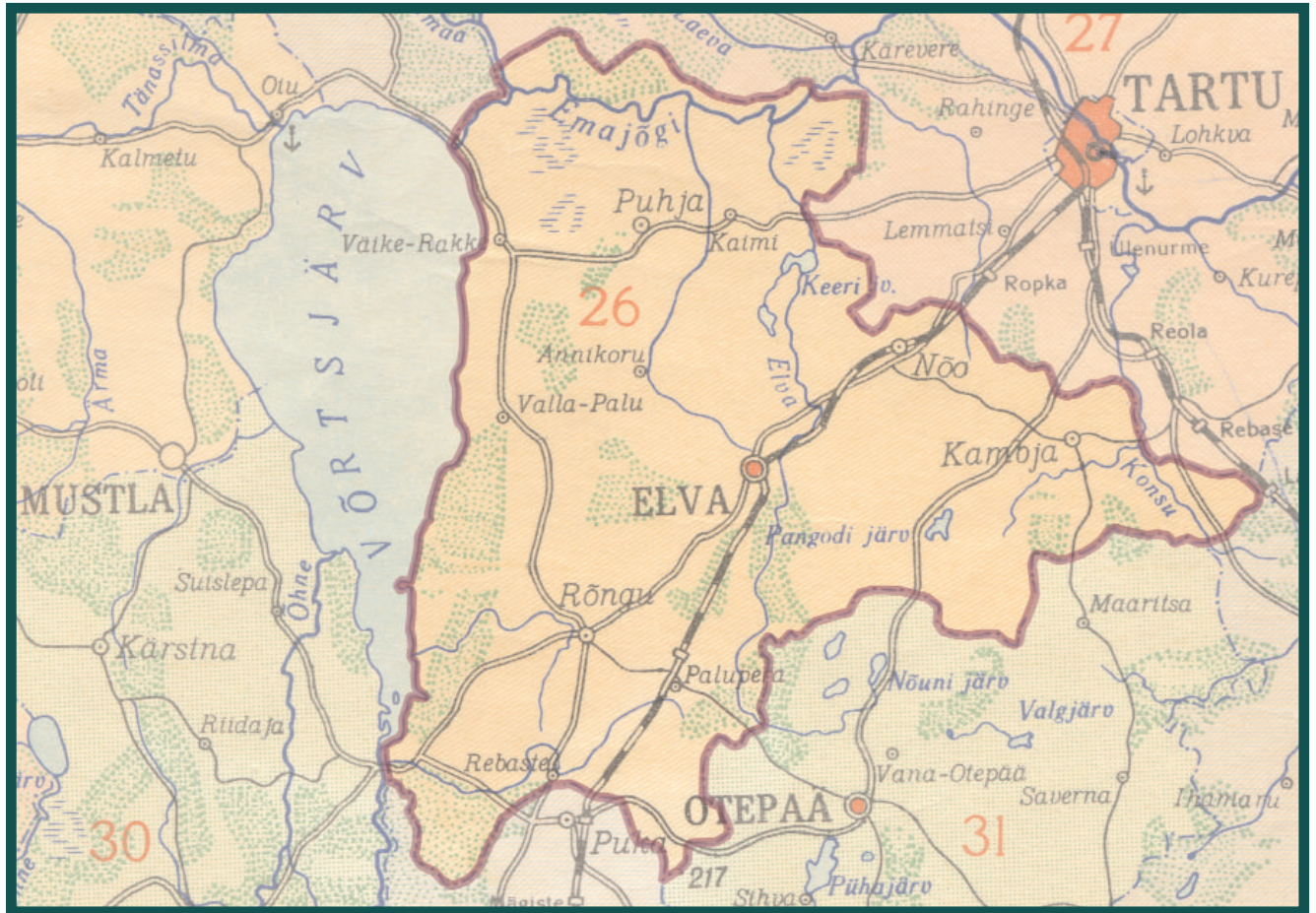
The former employees of the Saaremaa Department of the RJM of the ESSR are accused of preparing and carrying out the deportation operation in Saare County from March 25 to 27, 1949. Preparation meant ascertaining the composition and dwelling places of deportable families, also ascertaining the facts that would exclude deportation (service in the Red Army during the Great Patriotic War, owning any Government rewards or having deserved well of the Soviet Union). All the mentioned employees of the Saaremaa Department of the RJM of the ESSR acted as the leaders of the task units or the chief task agents in the parishes (supervised the execution of the operation in the parish) during the deportation operation from March 25 to 27, 1949. Each task unit had a certain number of families they had to convey from their dwelling places to the places of meeting or straight to the ships waiting at Jaagurahu Port. The groups usually consisted of 1 or 2 soldiers or fighters of the National Security Battalions, 1 to 3 so-called Soviet activists and their group-leader. The group-leaders were the employees of the Ministry of State Security, the Ministry of Internal Affairs or the Militia.

The former investigator of the Investigation Department of the RJM of the ESSR August Kolk is accused of making deportation propositions about 38 persons. Such propositions were put together at the central office of the Ministry of State Security (located at Pagari Street 1, Tallinn) on the basis of information received from its county departments. The abovementioned former employees of the Saaremaa Department of the Ministry of Internal Affairs of the ESSR and the Saaremaa Militia Department, who took part in the deportation during March 25 to 27, 1949 as the leaders of the task units, are also accused of taking the deportable persons from their homes to the places of meeting or to Jaagurahu Port.

The voluminous criminal case with several accused persons, dealing with the 1949 March Deportation at Saaremaa, should be evaluated as a unique case from the Security Police's point of view, because in Estonia it was the first time in



the Soviet Union in the process of suppressing the movement of forest brothers. On November 29, 2001 the Tallinn Prosecutor's Office verified the indictment of the criminal case that made public the murders committed in the then Elva District during 1953-1954. It should be mentioned as an explanation that during 1950-1962 the then Elva District, an administrative unit with a district centre Elva, included the south-west part of the present Tartu County and the north-east part of the present Valga County. The following reflects the facts that were ascertained by the Security Police during preliminary investigation, but the Court has not assessed them yet.



According to preferred charges the Head of Elva District Department of the Ministry of Internal Affairs of the ESSR Vladimir Penart is responsible for murdering three forest brothers during 1953-1954. Rudolf Tuvi, a special agent-shocktrooper (in Russian – agent-bojevik) of the same District Department, is accused of perpetrating one of the murders and assisting in the other murder. Rudolf Tuvi has confessed to the Security Police Board that he was an agent and committed a murder. He has also testified that the person, who recruited him, gave him the weapon and the task was Vladimir Penart.

↑ Elva District (1184,0 km<sup>2</sup>) with its centre in Elva that existed as an administrative unit during 1950-1962

The Elva District Department of the Ministry of Internal Affairs of the ESSR was a structural unit of the Ministry of Internal Affairs of the Soviet Union that had occupied Estonia. Suppressing of opposition to the occupying regime, including the activity of the forest brothers, in the Soviet Union was mainly the task of state security organs. After World War II it was the National Commissariat of State Security, in Russian Narodnyi Kommissariat Gossudarstvennoi Bezopasnosti (acronym NKGB), later called the Ministry of State Security,





➤ Mihhail Krassman - ENSV siseminister 27. 05.-22. 09.1953, kes isiklikult sanktsioneeris R.Tuvi värbamise mõrvaragendiks ning O.R.Rummi tapmise. Selle "eduka" korraldamise eest määras ta V.Penartile 500-rublase preemia.

in Russian Ministerstvo Gossudarstvennoi Bezopasnosti (acronym MGB). In 1953 the Ministry of State Security was temporarily united with the Ministry of Internal Affairs, but merely after one year the same structure and functions were separated again and the Committee of State Security, in Russian Komitet Gossudarstvennoi Bezopasnosti (acronym KGB) was established.

In summer 1953 the security officer Vladimir Penart made preparations and organised the murder of Oskar Rudolf Rumm who was hiding from the repression of the occupation power in the forest. On 23 June 1953 Vladimir Penart met with Rudolf Tuvi who was hiding from criminal liability in the forest, recruited the latter to become an agent-shocktrooper (agent-bojevik) of the Ministry of Internal Affairs of the Soviet Union with the codename "Aus" ("Honest") and gave him the task to kill Rudolf Rumm. He gave Rudolf Tuvi a pistol TT and 16 live cartridges for the execution of the task. Vladimir Penart instructed Rudolf Tuvi thoroughly on how Tuvi must act to execute the murder,

how he will intercommunicate with the representative of the Ministry of Internal Affairs and how he must achieve contact with the victim. As a result of the mentioned activity Rudolf Tuvi killed Oskar Rudolf Rumm by shooting him to the back of his head on August 3, 1953, using the pistol given to him by Vladimir Penart as a murder weapon.

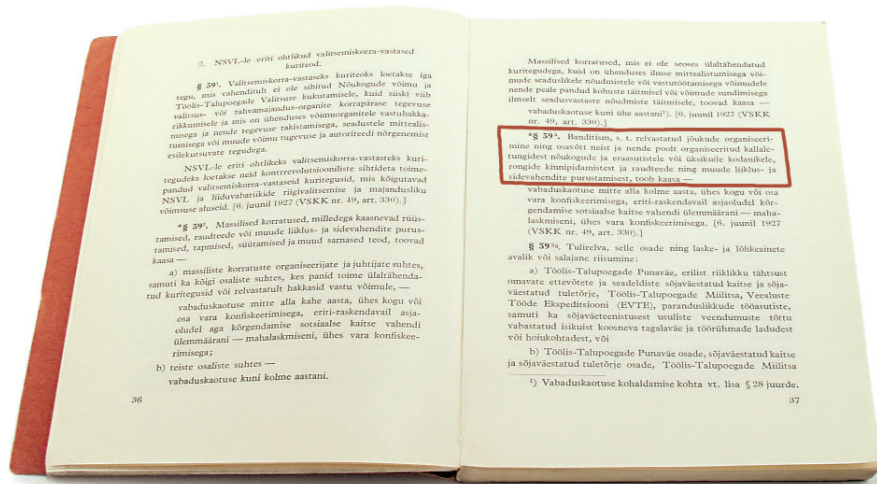
The next task given to the agent-murderer Rudolf Tuvi by Vladimir Penart who had personal contacts with the agent was to find out the location of Vendo Saks, hiding from the occupation powers' repressions in the forest, and to ascertain the persons who helped him. And again Penart gave Rudolf Tuvi detailed instructions. On the basis of the information received from Rudolf Tuvi the Elva District Department of the Ministry of Internal Affairs of the ESSR carried out a "chekist-military operation" in the Kasemäe farm, Kure village (now Kähri village), Palupera Parish on September 17, 1953 with the purpose to arrest or kill Vendo Saks. In the course of the operation Vendo Saks, who did not refer to any resistance, was intentionally killed with the shots from a firearm.

As the third task, Vladimir Penart, who had personal contacts with the agent-murderer Rudolf Tuvi, obliged the latter to find out the location of Paul Miks, who was hiding from the occupation powers' repressions in the forest. Under the leadership of Vladimir Penart and with his personal active attendance the Elva District Department of the Ministry of Internal Affairs of the ESSR carried out a "chekist operation" in the Piiri farm, Astuveri village, Palupera Parish on February 17, 1954. In the course of the operation Paul Miks, who did not offer any resistance, was killed with a firearm, whereby Vladimir Penart personally took part in the shooting.

Rudolf Tuvi as a former special agent-murderer (agent-bojevik) of the Elva District Department of the Ministry of Internal Affairs of the Soviet Union is accused of committing the following crimes against humanity:

On August 3, 1953, as a part of the systematic activity of the occupation powers and on behalf of the Elva District Department of the Ministry of Internal Affairs of the ESSR, he murdered Oskar Rudolf Rumm, who was hiding from the occupation powers' repressions in the forest, with shots to the back of the head.

In August-September 1953, carrying out the task of the Elva District Department of the Ministry of Internal Affairs of the ESSR, he found out that Vendo Saks, hiding from the repressions of the occupation powers in the forest, was staying in the Kasemäe farm, Kure village (now Kähri village), Palupera Parish and informed the Elva District Department of



the Ministry of Internal Affairs of the ESSR of this fact with the purpose to contribute to arresting or killing Vendo Saks. On the basis of the information acquired and transferred by Rudolf Tuvi, Vendo Saks, who did not offer any resistance, was killed with a firearm in the course of the "chekist-military operation" carried out on September 17, 1953.

↑ Various legislations of Soviet occupation powers used to provide legal covering for the crimes against humanity committed on the territory of Estonia

From the Security Police's standpoint, taking to court the crime episodes of Vladimir Penart and Rudolf Tuvi is even more unique than the criminal case dealing with the Saaremaa Deportation. For the first time in Estonia and according to our knowledge in all of Eastern Europe, where preliminary investigations are being carried out in connection with the Communist regime's war crimes and crimes against humanity, with the help of archive materials and witness testimonies, we managed to disclose and verify the guilt of a special agent-murderer and an intelligence officer, who recruited, equipped and instigated the first to killing, in murdering several persons.

The Elva District Department of the Ministry of Internal Affairs of the ESSR executed the described murders during a little more than half a year. But there were 39 districts in Estonia at that time. Active suppression of the forest brothers' movement in Estonia lasted over ten years, while at the dealt period it was already waning. Historians have ascertained the names of more than 1,700 murdered or perished forest brothers, but the total amount of the victims is estimated to be higher at least by a thousand.

In the context of Karl-Leonhard Paulov's crimes the Supreme Court of the Republic of Estonia (on March 21, 2000) has qualified a murder of a forest brother by an agent-mur-



➤ Photos of the building of Elva Security-Militia Department (the so-called "White House") in the middle of the 1950s

derer to be a crime against humanity. Intentional shooting in the course of a raid without trial does not differ from the activity of an agent-murderer in essence. Unlike deportation, which was an extraordinary operation even for the Ministry of Internal Affairs of the ESSR, the combat against the movement of the forest brothers was a daily routine for the security organs, and for the rural districts it was their main activity for a long time.

The persons who worked for occupation powers have justified the outlawing and murdering of the forest brothers by claiming that it was anti-terrorist combat. To these, who are aware of the Red Terror, it seems to be inappropriate to compare the movement of the forest brothers with terrorism, but in the interests of objective investigation this argument cannot be ignored. Besides, it is possible to illustrate such argu-

ments with examples that some forest brothers turned into criminals or some criminals joined with forest brothers. The possibility that among the forest brothers who fought for Estonia's freedom there were persons who poured out their anger to civilian collaborators or even to their family members, innocent women and children, cannot be excluded.

Combating terrorism is a measure of protecting innocent civilian population. If Soviet power had really wanted to protect civilian population from the forest brothers, the most effective and the only legal measure would have been making an end to the occupation. Above all, the state security organs, as even the name indicates, had to protect the state, i.e. the occupation power. However, to speak about protecting the latter is incorrect, because the occupation itself, from the beginning to the end, was an illegal attack against the Republic of Estonia and its citizens.

We cannot exclude the cases where the activity of the security organs prevented the forest brothers, who had lost their common sense or who had obviously crossed the limits, from killing innocent civilians, but it does not justify the suppression of the movement of the forest brothers as a whole.

The Criminal Code of the Russian SFSR helps to clarify the situation – the forest brothers were accused of the so-called counter-revolutionary crimes prescribed there. The part of counter-revolutionary crimes includes 22 different essential elements of an offence. Only one – §58 sec. 8 – mentions terrorist acts. As for the forest brothers, it was typical for a prosecutor to sanction arrest on the grounds of §§ 58'a and 582 – correspondingly treason and armed revolt. Thus, even in the meaning of the Stalinist criminal law the forest brothers were not terrorists. However, the security organs had the power to outlaw the forest brothers and organise operations with an aim to destroy them physically.

Suppression of the movement of the forest brothers was propagandistically called the anti-banditism combat, which was an incorrect term even proceeding from the Criminal Code of the Russian SFSR. The Code treated banditism as a crime against the regime, not as a counter-revolutionary crime – accordingly as non-political. An essential difference lay in the fact that counter-revolutionary crimes were considered to be more serious and more

dangerous. For instance, in January 1950, when the death penalty was temporarily abrogated in the USSR, it was permitted to apply it exceptionally for certain counter-revolutionary crimes, but not for banditism. One of the articles that deserved death penalty was the mentioned §58'a – treason, the most frequently used political Article in the Criminal Code. Thus, if the Soviet power really considered the forest brothers to be bandits as it claimed, then the cruel measures applied against them would have been more limited.

The more exact term in the official language of the security organs of the USSR "combat with national underground movements" included persecuting and surveillance of all persons from the so-called unarmed illegal persons (e.g. persons concealing in the forests in fear of deportation) to the persons declared to be "terrorists". Common to the forest brothers was the abovementioned counter-revolutionary attitude or actually non-subordination to the forced ideology of the foreign power. That is why extremely brutal measures, including agents-murderers, were applied against them.

This reveals the actual tendency of the combat against the movement of the forest brothers. It did not serve the purpose of ensuring public order. It was directly and unambiguously aimed at suppressing resistance (including passive resistance) against the occupation power and eliminating that part of population that was difficult to subordinate. Deportation and other inhuman methods served the same purpose. Together they formed a system that functioned with depressing consequences. It would be naive to consider the total effect of deportation and anti-forest-brothers' combat accidental.

Systematic and en masse arrests, murders and deportations organised by the Soviet state with the purpose of political persecution and ensuring occupation power are exactly the features that form crimes against humanity. Thus, even if we rely on the written sources of the occupants, we may state with certainty that violent suppression of the movement of the forest brothers could by no means have been an anti-terrorist combat. It was terrorism organised by the state and according to the international court practice it is considered to be a crime against humanity.

Neither the former Union of Soviet Socialist Republics nor its legal successor Russia has not once admitted, regretted or apologized for the crimes committed in Estonia and in the Baltic States during the Stalinist era. That is why the Security Police Board has set the purpose to establish with the help of enforced condemnatory sentences the disapproval of the legal system of the democratic Estonia as well as of the whole society towards all crimes of Soviet occupation regime committed in Estonia. By the crimes of the accused we also want to indicate to Europe and to the other countries of the world again and again the bloody and destructive nature of communism in order to avoid the rise of amnesia that would shade the crimes of communism.