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ANNEX

**COUNCIL OF
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Brussels, 30 May 2005

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NOTE

From: General Secretariat
To: Working Party on Terrorism

Subject : Evaluation of National Anti-Terrorist Arrangements
Report about Estonia, 31 January - 4 February 2005

Evaluation of Estonia, 31 January - 4 February 2005

SUMMARY

1.	Crime / Terrorism Situation.....	3
1.1	Domestic Terrorism.....	3
1.2	International Terrorism.....	3
2.	Structure of Authorities.....	4
2.1	General Situation.....	4
2.2	Political and Security Structure.....	5
3.	Conclusions.....	5
3.1	Good Practices.....	5
3.1.1	Security Authorities Act.....	5
3.1.2	Surveillance Act.....	6
3.1.3	Law on Telecommunication.....	6
3.1.4	Obligation of Medical Bodies.....	6
3.1.5	Competence of the Security Police.....	6
3.1.6	Border Guard Central Server.....	7
3.1.7	Tax and Customs Board Access to Passenger Lists.....	7
3.1.8	Intelligence as Evidence in Court.....	7
3.2	Recommendation.....	7
3.2.1	Border Guard's Missing Access to Passenger Lists.....	7
3.2.2	Security Polices Missing Access to Tax and Customs Databases.....	8
3.2.3	Missing Staff Exchange.....	8
3.3	Remark.....	9

1. Crime / Terrorism Situation

Estonia's participation in the international military operation against terrorism and in building up Iraq is regarded as to bring terrorism closer since Al-Qaeda has expanded the circle of its enemies and threatens all countries that support the United States.

In spite of a considerable, meanwhile decreasing number of explosive threats and attacks since 1991, mostly originating from criminals with the intention of blackmailing established companies, however, until now no terrorist related bomb explosives, brought about by political or religious views or ideologies, nor direct interests of any terrorist group to carry out attacks have been ascertained on the territory of the Republic Estonia. Thus the priority is the preventive work in order to anticipate and provide assistance to the fight against international terrorism.

1.1 Domestic Terrorism

After regaining independence of the Republic of Estonia, the Security Police regards its principle task as defending the constitutional order and the territorial integrity against jeopardising internal and external threat. Though a decrease of this threat has been assured, it has been reported as a significant task also in the future to continue to control the possible activities of extremist-minded persons (such as skinheads and chauvinism oriented extremist movements), and upon need, carrying out the pre-trial criminal treatment.

1.2 International Terrorism

For the time being, neither acts of terrorism nor warning indicators of terrorist or radical extremist activities in Estonia have been reported. However, fighting terrorism is regarded as a long-term process in which the members or supporters of national or international terrorism might locate wherever in Europe.

2. Structure of Authorities

2.1 General Structure

In the area that forms present-day Estonia, the first settlements occurred 11.000 years ago, today's capital Tallinn was first mentioned in old chronicles in 1154.

From the beginning of the 13th century, the Baltic region has been in the hands of the Teutonic knights. Under the pressure of crusaders from Germany and Denmark Estonia was incorporated into Christendom at the beginning of the 13th century, since the 17th century followed by long-standing periods of Swedish and Russian rules.

For the first time in its history being a sovereign republic as of 1918, Estonia again was occupied by the Soviet Union in 1940.

It finally succeeded in regaining independence by way of the singing revolution¹ of 1988, being fully independent once more since 1991.

The Constitution came into force in 1992.

In 2004, Estonia became member of the NATO and the EU.

The Estonian population today is about 1.35 million people. 280.000 foreigners live in Estonia, 90.000 of them having the citizenship of the Russian Federation.

¹ In 1988, while still under the rule and occupation of the U.S.S.R., hundreds of thousands of Estonians regularly gathered in public to sing forbidden patriotic songs as a sign of resistance and protest, and to cheer public demands for independence. These singing protests united all Estonians and propelled forward the desire for freedom.

2.2 Political and Security Structure

The court system is divided into the levels county and city courts, circuit courts of appeal and the Supreme Court which also functions as the constitutional court.

Dealing with international terrorism mostly concerns the Security Police and the other law enforcement authorities Police and Border Guard within the responsibility of the Ministry of the Interior, and the Tax and Customs within the Ministry of Finance. The Ministry of Justice manages the Public Prosecutors Office and the courts of first and second instance.

3. Conclusions

The clear regional and organisational structure applied to all competent authorities dealing with the fight against terrorism as well as the leading role of the Security Police in the fight against terrorism and the established cooperation tools which appear to work without any competition or mistrust within the security machinery lead to the conclusion that Estonia has a very well functioning system in place.

Estonian authorities reported that, after the attacks of 9/11, the budget and staff of security authorities has been increased in order to improve the effectiveness of counter-terrorist activities. Special equipment has been procured for the Security Police Board, the Police Board, the Board of Border Guard and the Rescue Board. More attention has been paid to the area of terrorism in the collection of information, on which the Security Commission of the Government of the Republic has set relevant tasks to security authorities in designing the general priorities of the government.

In addition, the effectiveness and extent of cooperation with international partners has been substantially increased.

3.1 Good Practices

3.1.1 Security Authorities Act

The Security Authorities Act, created in December 2000, establishes the legal framework about the Security Police as the domestic security service and the Information Board as the foreign security service, describing their competencies, powers and functions, and dealing with the supervisory Ministries and political bodies.

3.1.2 Surveillance Act

The Surveillance Act, which passed the Estonian Parliament in 1994, gives the definition of surveillance, names the surveillance agencies, their powers and duties and the framework of using and storing surveillance information, as well as the bodies competent for the supervision over the legality of surveillance.

3.1.3 Law on Telecommunication

The Estonian Law on Telecommunication obliges communication services providers to grant access - when necessary online - to security services and law enforcement agencies to the billing data of their customers. This possibility is complemented by the use of appropriate IT tools by the respective services.

3.1.4 Obligation of Medical Bodies

The legal obligation of hospitals and doctors to report all injuries possibly caused by firearms and explosives to the competent authorities is regarded as a good practice to detect the illegal use of such material.

3.1.5 Competence of the Security Police

The Security Police Board cooperates with other state authorities, bodies and institutions of local government and natural and legal persons, and with the police and security authorities of other states and international organisations.

The leading role of the Security Police in fighting terrorism is acknowledged and accepted by all other national security and law enforcement agencies. Consequently, cooperation with all national agencies (Police Board and local police prefectures, Border Guard, Tax and Customs, General Staff of the Defence Forces) is reported to be functioning without problems

3.1.6 Border Guard Central Server

The Border Guard Central Server is directly linked to the Citizen Register, the Passport Register, the Entry Ban Register, the Penal Register, the Visa Information System, the Police Register and the Motor Vehicle Register, and thus provides a full scope of available information without delay.

3.1.7 Tax and Customs Board Access to Passenger Lists

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3.1.8 Intelligence as Evidence in Court

The Criminal Procedure Act does not exclude intelligence gathered for the purposes of national security from the list of admissible evidence to be used in court, and foresees the possibility to gather evidences in the course of pre-trial investigation by using surveillance activities.

3.2 Recommendations

3.2.1 Border Guard's Missing Access to Passenger Lists

Different from the Tax and Customs Board, the Border Guard does not have the direct access to the information provided by carriers. Estonian authorities are recommend to provide the Border Guard with this access too in order to help them fulfil their task as the main responsible force for the control of borders and migration.

3.2.2 Security Police's Missing Access to Tax-and-Customs Databases

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3.2.3 Missing Staff Exchange

As an appropriate means to enhance cooperation among law enforcement and security services some Member States have developed common training programs and a structured exchange of staff.

To continue the efforts, already undertaken in the different common training programs², to improve the mutual knowledge and acceptance of the tasks and needs of the respective bodies, regardless of the reported good cooperation, Estonian authorities should reflect about a structured exchange of staff wherever appropriate.

3.3 Remark

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² A good approach is the common training for the analyst working of the Security Police and the Information Board, and, moreover, the common training program in crisis management, which is in place with the participation of all security related agencies and bodies. Other programs are in place e.g. in the areas of criminal investigation and surveillance activities, negotiators trainings, weapons of mass destruction.