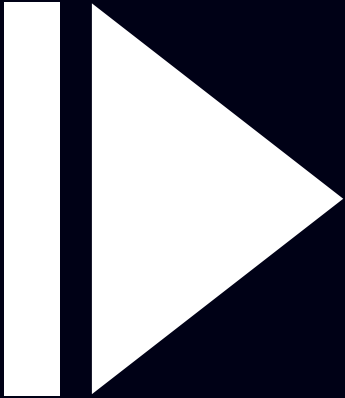




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## Dear reader,

A century is an interesting unit of time. When looking at a person's life, it is a very great age; in terms of statehood, on the other hand, a hundred years is not that long.

We have had our own country since 1918 – our ancestors fought and won the War of Independence for it. This was also the baptism of fire for many of the creators and first operatives of the Estonian Internal Security Service, or KAPO. On 12 April 1920, KAPO was established by order of Prime Minister Jaan Tõnisson and Minister of the Interior Aleksander Hellat. Its main function was to combat crimes aimed at overthrowing the democratic government and political system – a cause that is still relevant today. Let us look back for a moment in order to move on because, while living in the past is not a way forward, we certainly need to understand and learn from it so as not to repeat the same mistakes. This Annual Review also takes a look back in time. Most European nation states and security services

did not emerge until after World War I. Although we are celebrating the 100th anniversary of our service this year, the fact is that we were robbed of half this time. It is precisely by virtue of this fact that we know perfectly well to whom and in what direction to look, instinctively and vigilantly. We have to look rationally at reality, assessing the real threats and telling them apart from mere delusion.

The very nature of the KAPO Annual Review has been called to question from time to time, but the review has its established place in our security debates. All the more so in today's onslaught, or even flood, of information, which makes it increasingly difficult to understand the world around us as a complex whole. With our Annual Review, we seek to organise this abundance of information in the security sector. I recommend studying the facts as rationally as we can, rather than letting ourselves be swayed by emotion and rumour. A good example of sticking to the facts is Hans Rosling's book *Factfulness* (2018);<sup>1</sup> while not couched in certainty or aspiring to omniscience, it casts the development

of the world over the past few decades in a slightly more optimistic light than is generally accepted by pessimists.

Due to the retrospective nature of this Annual Review, I will not go into any detail explaining the main areas of responsibility of the Estonian Internal Security Service, but I would like to touch upon one issue here – corruption as a complex social phenomenon. One of the founders of our service, former prime minister Jaan Tõnisson, is said to have suggested an Estonian word for corruption: *kõlberüüste* or, roughly, “moral pillage”. Corruption is always about trust and power. It seems to me that the moral dimension has been left out of the public debate, but laws and regulations alone cannot defeat corruption. I do not wish to be the one to cast the first stone here, but it is opportune to recall the words of the late Estonian-born legal scholar Ilmar Tammelo as he discussed human rights and duties: “I do not like the one-sided emphasis on human rights. Demanding human rights would be morally much more understandable if the basic duties of

the individual were emphasised by the same token. It would not perhaps be too much to expect that, when you demand the execution of your human rights before a court, you do so standing there with ‘clean hands’ and can vouch that you have also fulfilled your human duties.”<sup>2</sup>



I wish you persistence and happy reading  
**Arnold Sinisalu**

# 1920 INTERNAL SECURITY SERVICE

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The Republic of Estonia was proclaimed in Tallinn on 24 February 1918. The next day, German troops occupied the city and nine months of occupation began, with the Germans eventually surrendering power to the Estonian Provisional Government in Tallinn. The Estonian police was formed on 12 November 1918, but as early as 28 November, the Red Army's assault and the outbreak of the War of Independence interrupted the newly launched organisation. During the war, the investigation of political crimes, intelligence and counterintelligence were the responsibility of the General Staff's Military Communications Department.

In July 1919, the Government of the Republic convened a commission to start composing a law-enforcement agency dealing with crimes against public order. The Internal Security Service, originally planned for the Ministry of Justice, was assigned to the Ministry of the Interior in January 1920. The legal foundation for KAPO was laid on 12 April 1920 with the Order on the Internal Security Service of the Republic of Estonia signed by Prime Minister Jaan Tõnisson and Minister of the Interior Aleksander Hellat. The main task under the Order was to combat crimes aimed at overthrowing the democratic republic and public order.



# 2020 INTERNAL SECURITY SERVICE

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KAPO's objective is to manage security threats in Estonia and thereby ensure the security of the population. However, in today's world, ensuring a secure environment is no longer confined to one country. Being part of the common security area of both NATO and the EU obliges Estonia to contribute to the prevention of global threats (such as terro-

rism, riot, cybercrime and proliferation of weapons of mass destruction). KAPO, which cooperates with the security and law-enforcement agencies of other countries and international organisations, has a role to play here. The aim is to protect fundamental values such as democracy, human rights and freedoms, and the rule of law.



2020




# THE RE-ESTABLISHMENT OF KAPO

The re-establishment of KAPO has gone hand in hand with the restoration of Estonia's independence. Just as restoring independence could not happen overnight, so the story of KAPO, the security service of a democracy, started earlier. The end of the Soviet occupation was clearly a necessary precondition.

In chronological terms, the first important step was taken on 1 August 1990, when the Head of Government of the Estonian SSR, Edgar Savisaar, and the Minister of the Interior of the USSR, Vadim Bakatin, signed an agreement under which the Estonian SSR interior ministry was brought under the jurisdiction of the Estonian government. Next, on 20 September 1990, the ESSR Supreme Soviet (the predecessor of the Riigikogu) adopted the Police Act, which established the State Police Board of the Ministry of the Interior as the central police authority. Within the structure of the Police Board, alongside the Field, Criminal and Traffic Police bureaus, the Security Police Bureau was also established. Its main functions were: fighting terrorism and organised crime; protecting the territorial integrity of the state; protecting state secrets and scientific, technological and business secrets; and ensuring the safety of national cultural assets, state institutions, politicians and officials. The legitimacy of KAPO had to be verified by a commission authorised by the Supreme Soviet. On the basis of these two documents, the Estonian police and KAPO were re-established.

On 1 February 1991, the structure of the State Police Board was laid down by a government regulation. On 12 February, the Minister of the Interior, Olev Laanjärv, signed a decree establishing the Estonian Security Police and the Security Police Bureau as departments of the Police Board. The Security Police was formed out of the 6th department of the Ministry of the Interior, which had been responsible for combating organised crime. On 13 February, Jüri Pihl, Deputy Head of Tallinn City Government, was appointed as the first director of KAPO. At the end of February, the first 16 militsiya employees were recruited, ten of them were deployed to Tallinn and the rest to Tartu, Pärnu, Võru and Narva. On 1 March, operations began with 33 posts (director, deputy, and inspecting staff – junior inspector, inspector, senior and leading inspector), but without an approved internal structure. A preliminary structure was established on 1 August 1991.

The task of ensuring the safety of politicians and state officials entrusted to KAPO in the Police Act was simultaneously assigned to the Special Service, which was formed under the Ministry of the Interior on 15 May 1990 in order to protect and guard the Supreme Soviet and the government, their officials, government buildings, embassies and visitors. However, the Police Act did not provide for a Special Service.



At that point, the Committee for State Security of the Estonian SSR (KGB in Russian) was also still in operation. The abolition of the committee began after the failed coup in Moscow of 20 August 1991, and its activity is considered to have officially ended on 31 December 1991.

The evolution of KAPO can be divided into three phases, while bearing in mind the situation in which political forces of the Supreme Soviet and the governments led by Edgar Savisaar, Tiit Vähi and Mart Laar argued over the role and authority of the special services, a complex subject worthy of study in its own right, and where some of the documents are classified.

### **Phase I (1991)**

The first phase can be defined as the period between the establishment of KAPO in February 1991 and the restoration of the independence of the Republic of Estonia by the Supreme Soviet on 20 August, when the attempted coup in Moscow failed. During that time, KAPO's main function was to fight against organised crime, corruption and drug trafficking, and to handle related operational work. This was followed by the investigation of crimes related to extremism and separatism (attacks on the economic frontier, blasts damaging the restored statue of Konstantin Päts at Tahkuranna and other explosions, domestic extremist groups such as the Intermovement and the United Workers' Council, which supported the August Coup – to name only a few). The era is characterised by the fact that KAPO had only one

personal computer, on which operational criminal information was stored.

KAPO proved unable to carry out its tasks effectively amid an explosive growth in crime, and interior minister Laanjärv favoured establishing a legally independent Security Police within the Police Board or a separate agency under the jurisdiction of the Ministry of the Interior. At the end of July 1991, the respective documents were presented to the minister for government deliberation, but no progress was made.

### **Phase II (August 1991–May 1992)**

After the restoration of independence in August 1991, the Savisaar government, and chiefly Edgar Savisaar himself, decided to set up an Investigation Bureau within the Special Service. The Security Police and Criminal Police Bureaus were to be merged to form the Central Criminal Police, which would deal solely with criminal offences. This caused a scandal, as the prime minister's decision was not coordinated with other members of the government. Laanjärv was now in favour of establishing an independent Security Police Board outside the Police Board, and did not support the idea of creating an Investigation Bureau within the restructured Special Service. In September 1991, Jüri Pihl submitted proposals to the Ministry of the Interior in connection with the Investigation Bureau, stating that Estonia should have one special service, which should not become a tool for any party or group.



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Due to the scandal and disputes surrounding the Investigation Bureau, at the start of 1992 the Supreme Soviet submitted a draft resolution on restructuring KAPO to establish the National Security Police, along with a corresponding amendment to the Police Act, which led to arguments during the second reading. The debate culminated on 18 March 1992 when the Supreme Soviet decided to assemble a Security Service based on KAPO, which was to guarantee independence, autonomy and democracy. Until constitutional state bodies were established, the service would come under the prime minister(I). The Security Service was to be tasked with the protection of territorial integrity and state secrets, counterintelligence, the fight against international crime, terrorism and corruption, and keeping authorities and state bodies up to date on the implementation of these tasks. Jüri Pihl has since said that it was already clear from the moment the decision was made that the plan would not come to fruition. Due to opposition, the Supreme Soviet failed to appoint a director general for the new agency by the end of May, and the creation of the Security Service was suspended in connection with the first free parliamentary elections in September 1992.

However, on 26 March 1992, on the basis of an urgent draft submitted by the government, the Supreme Soviet created an independent Estonian Special Service out of the Special Service of the Police Board. The new service was to operate within the jurisdiction of the Ministry of the Interior and protect the chairman of the Supreme Soviet, the prime minister and other officials, as well as state guests, the premises of the Supreme Soviet and the government, embassies and ambassadors' residences. In a confusing argument, the decision to abolish KAPO and the Special Service, made by the Supreme Soviet on 18 March, was provided as a reason for this. In April, the government approved the statutes of the Special Service, also establishing within it the 3rd Bureau for Information Collection and Analysis, as no service had been established to take on the work of KAPO. Combining personal protection and surveillance duties with information gathering, i.e. operational work and analysis, caused problems for the Special Service. The service had unrestricted authority and wide-ranging power but weak internal control, and there was no Supreme Soviet commission in place to oversee their operations. The Special Service was falling out of the reins of democracy, and in June 1992 it came into conflict with KAPO.

The liquidation of the ESSR KGB and the transfer of its special equipment, weapons and ammunition to KAPO also took place around this time (the end of 1991). Because of this, more than ten employees from the former KGB's 7th department (covert surveillance) and the department of operational equipment who were familiar with the specialised equipment and the specifics of this work were recruited to KAPO in late 1991–early 1992. They were technical staff. Unfortunately, one of them – Vladimir Veitman – was later found guilty of treason, and another – Uno Puusepp – acknowledged on Russian television that he had cooperated with the FSB. However, none of the KGB's operational intelligence and counterintelligence officers were recruited to KAPO. The employment of former KGB technical staff in KAPO ended long ago. It should not be assumed that the treasonous actions of Veitman and Puusepp extended to other former KGB employees who came to work for the Security Police and who swore allegiance to the Republic of Estonia. Many of them made a significant contribution to the security of the independent and democratic Estonia.

### **Phase III (May 1992–June 1993)**

At the end of May 1992, the leadership of the Ministry of the Interior ordered the expansion of KAPO's activities in accordance with the Police Act, requiring an increase in staff and the development of a new structure. Because a National Security Police was not established, KAPO was assigned new tasks, such as dealing with hostile groups and gathering information on the state of the border and in north-eastern Estonia, the movement of Soviet troops, and smuggling.

The statutes of the Security Police, approved by the Director General of the Police Board on 15 June 1992, established the following main functions: combating crimes against national independence, terrorism, smuggling, international crime, drug trafficking, high-level corruption, and organised economic crime. Key functions included the investigation of crimes within its remit and operational intelligence to prevent and detect crimes such as the recruitment of undercover agents, the use of operational equipment, covert surveillance and operational detection. Although counterintelligence and the protection of state secrets were not included in the statutes, the former was still carried out through a recruited agency. The protection of state secrets, however, could not be carried out due to the lack of applicable laws. Operational detection, covert

surveillance, special technical operations and criminal procedure were similarly hampered by the lack of legislation. There was no separate budget, and road transport and means of communication were poor. There was relief in the form of special equipment and vehicles obtained from the ESSR KGB. It is unclear whether KAPO had previously operated without a statute and followed the Police Act and the Statute of the Police Board. According to quarterly plans approved by the Director General of the Police Board, KAPO's day-to-day work was carried out according to the operational situation.

On 1 August 1992, the Director General of the Police Board issued a decree granting KAPO additional posts, although it is unclear how many were actually filled. Three general bureaus were created in Tallinn, along with three regional bureaus: the Southern Bureau in Tartu, the Eastern Bureau in Jõhvi (later in Kohtla-Järve) and the Central Bureau in Pärnu, all headed by superintendents. In addition, administration, economic, staff and finance services were established, as well as an information department and office. There was a technical leap – along with case-books, the information resources were loaded onto two computers. KAPO provided the government with information on the situation in the country.

On 29 June 1992, a government committee headed by Minister of Justice Märt Rask was set up in order to clarify the functions and analyse the activities of the Special Service, the Security Service and the Security Police. The commission concluded its work in July. Its assessment was highly critical of the Special Service: it was falling out of the control of the Minister of the Interior; there was unauthorised action, violations of the law, and criminal cases against staff. The commission recommended that the Special Service's right to gather and analyse information be withdrawn (leaving it only the task of guarding government officials and official visitors) and the management should be dismissed. However, the government led by Tiit Vähi did not implement the proposals. Some shortcomings were also identified in KAPO's work (for example, an agreement with the Tallinn City Government releasing KAPO officials from income tax liability), but no violations were detected in the performance of service functions.

On 20 November, following the inauguration of the first constitutional government, led by Mart Laar, the government commission to restructure and reassign the three special services was re-formed, this time

headed by the new Minister of Justice, Kaido Kama. In December 1992, the commission proposed that an independent State Security Police Board should be established and the Special Service be abolished (assigning personal protection and building security to the police, and national security to the security police).

## **1993: Becoming an independent service**

The proposals by the Kama-led government commission were considered by the Riigikogu, and a new Police Act, which entered into force on 6 May 1993, established an independent State Security Police Board and specified its functions: protection of constitutional order, territorial integrity and state secrets; counterintelligence; and the fight against terrorism and corruption. Counterintelligence was introduced as a new task, while providing security for state authorities and individuals was removed; and the Special Service was restructured as the Personal Protection Service of the State Police Board to function as a guarding service.

On 31 May 1993, an independent State Security Police Board was established, formed out of the Security Police unit within the Police Board. This marked the beginning of a new phase of development.

On 16 June 1993, Jüri Pihl was appointed Director General.

On 18 June, the first line-up of the State Security Police Board was approved under the jurisdiction of the Ministry of the Interior.

The structure of the Security Police Board was approved by the government on 22 June and published in the State Gazette. It comprised a central agency and four departments headed by directors: Tallinn department (the city of Tallinn, and Harjumaa and Raplambiaa counties); Virumaa department along with Narva division (Ida-Virumaa and Lääne-Virumaa counties); Southern department along with Võru division (Tartumaa, Jõgevamaa, Võrumaa, Põlvamaa and Valgamaa counties); and Pärnu department (Pärnumaa, Viljandimaa, Järvamaa, Haapsalu, Saare and Hiiu counties). The departments in Rakvere, Haapsalu, Viljandi, Saaremaa and Valga had operative groups.

On 23 July, the government approved the first statutes of the State Security Police Board (including its

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main functions) and a “Temporary procedure for the application of special operational surveillance measures” (pending the adoption of the Operational Surveillance Act) as initial terms of reference for the new agency.

Some examples of growing pains: Nearly three-quarters of the staff worked in the new headquarters and the rest in the departments. Although most of the staff were transferred, staffing was still the most burning issue. By the end of 1993, only about two thirds of posts had been filled, and a third of those employees had been recruited only during that year. Many of the employees were young: 42% had less than three years’ service and 38% were under 25 years of age. Only 30% had higher education. As in the 1920s, there were violations of work discipline and other transgressions.

Until the end of 1992, only three IBM computers were used in the security service of what would become a digital e-state. In 1993, ten laptops were acquired, the third, accelerated version of the data entry programme Signaal was employed, and the entry of previously collected information was started. By the end of the year, the database contained data on 8,765 individuals. 127 groups and individuals at risk of committing crimes were actively monitored.

A major step was taken in 1994 with the adoption of laws on intelligence and state secrets.

In January 1995, investigations into crimes against humanity committed during the occupations by the USSR and Nazi Germany were launched, after a chapter on crimes against humanity and war crimes was included in the Criminal Code in force at the time. Since then, 11 people have been convicted of participating in the deportation of March 1949 or being responsible for the assassination of civilians who had resisted the occupying power in the 1940s and 1950s.<sup>3</sup>

KAPO’s first premises were located on the top floor of the 19 Pikk / 18 Lai complex, in the offices of the former 6th department in the building that was then occupied by the Ministry of the Interior (and which had also contained the Government Department of Communications of the KGB of the ESSR). The complex is now the site of the Russian Embassy and Consulate. From there the agency moved to 1 Pagari, the former headquarters of the ESSR KGB, which had been handed over to the Police Board when the committee was dissolved at the beginning

of 1992. During 1995, the agency gradually moved out of the former KGB building and into a new station on 3 Toompuiestee, which was being renovated. This is where KAPO resides to this day.

KAPO began to become more open to the wider public. 1998 was a significant year, as the State Security Police Board was renamed the Security Police Board and new statutes and structure were approved.<sup>4</sup> The first KAPO Annual Review, which can be considered one of the first of its kind in the world, was published. A work uniform was adopted, emblems such as the coat of arms were introduced and statutes were passed for the service badge, the Security Policeman of the Year badge, the certificate of employment and the badge of office. A public website was launched on the eve of Tiigrihüpe, a national project investing in the development and expansion of computer and network infrastructure that was started in 1997.

The Security Police Board was already responsible for dealing with offences linked to organised crime or involving weapons and explosives; the amendments to Section 105 of the Criminal Code adopted on 13 May 1998 granted KAPO the right to investigate corruption offences by state and local government officials. KAPO’s right to investigate corruption offences by local government officials was revoked by amendments to the Criminal Code on 16 July 2000. A government regulation on investigative jurisdiction issued on 29 July 2007 granted KAPO the right to investigate corruption offences by the authorities of the six largest local governments in terms of budget: Tallinn, Tartu, Narva, Pärnu, Kohtla-Järve and Jõhvi. A government regulation issued on 15 April 2013 extended these rights to all officials and employees who perform management duties in these six local governments.

In 2000, the flag and the slogan “Virtute et constantia” (by virtue and constancy) were adopted.

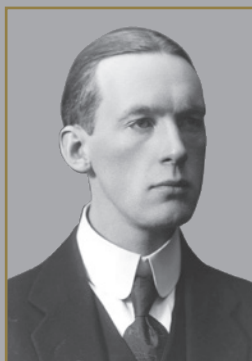
The Security Authorities Act, which entered into force on 1 March 2001, officially changed KAPO from a police authority to a security authority.

Since 2009, we have celebrated our birthday on 12 April, the date in 1920 that KAPO was established. This is also the day on which we publish our Annual Review. Celebrations previously took place in June, to mark the re-establishment of KAPO and the founding of an independent agency.

### The heads of the Internal Security Service



Helmut Veem



Eduard Alver



Eduard Lensin



Johan Sooman



August Tuulse (Tenson)



Konstantin Kirsimägi



Jüri Pihl



Aldis Alus



Raivo Aeg



Arnold Sinisalu

# DEFENDING THE CONSTITUTIONAL ORDER

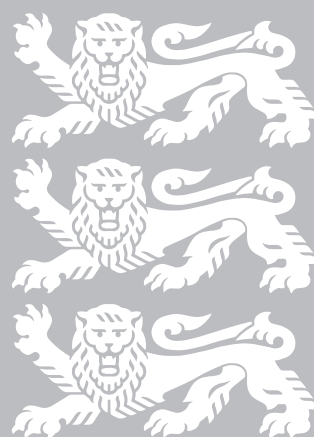
In the widest sense, the primary task and duty of KAPO is to defend the constitutional order and territorial integrity of the Republic of Estonia. In a narrower sense, dangers to the constitutional order can manifest themselves in the form of extremism and separatism that may receive criminal support from a terrorist organisation or an unfriendly state. We perceive hostile influence operations aimed at either provoking or amplifying extremism and separatism as an indirect threat. This means an effort to influence the state to make decisions that put the interests of another country above those of its own people, thereby damaging the state's sovereignty. In Estonia, this has meant threats to national security arising from Russia's aggressive foreign policy led by the Kremlin, and last year was not very different from previous years in this respect. KAPO's centenary is an appropriate time to recap the situation that has evolved in recent years. This will help to better understand the present-day situation and to mitigate future threats. Estonia has now been free for longer than it was occupied, but we must remember that it had to defend its independence and autonomy even before the occupation. While the Republic of Estonia succeeded in defeating the 1924 attack organised by the Soviet Union, it could not prevent the occupation of 1940 and the subsequent annexation. This year's Annual Review will not focus too closely on the years 1920–40, as historians Marko Tamming and Reigo Rosenthal have de-

scribed KAPO's activities during this period in great detail in their books *Sõda pärast rahu* (The War after the Peace) and *Sõda enne sõda* (The War before the War).<sup>5</sup> We will instead provide an overview of the decades since independence was regained.

## **The 1990s – a time to learn how to swim at the deep end**

From 1991, KAPO could resume its fight against subversive activities against public order, which it had started in 1920–40. As a result of the lengthy Soviet occupation, this work had to be undertaken with limited resources and in poor conditions. The constitutional order of the newly independent Republic of Estonia was under immediate pressure from hostile forces opposed to its statehood, which meant that threats had to be quickly blocked and prevented, despite the limited experience of officials and a fledgling legislature. Figuratively speaking, the new authority and the young officials had been thrown in at the deep end (in truth, they had jumped in voluntarily and enthusiastically), where they quickly had to learn how to swim and how to help the state.

The confrontation within Russia between those who were pro-innovation and those who pined for imperialism affected and threatened us as a neighbouring country. As a result of the collapse of the Soviet



Union, the immigrants brought to Estonia during the occupation period – the majority of whom were Russian-speaking – were left stateless and unemployed. Thousands of retired Russian military personnel, former professional members of the military, and former employees of the Soviet security structure remained in Estonia. This was seen by the Kremlin as an opportunity to influence our domestic politics<sup>6</sup> and accuse Estonia on the international stage of discriminating against Russian-speakers. They hoped that Estonia would fail as a sovereign state and return to Russia, at least as a member of the Commonwealth of Independent States. In its influence operations, Russia began to introduce the concept of the “near abroad”, originating from the 1992 Karaganov Doctrine, which positioned Moscow as a defender of the rights of ethnic Russians living abroad for the purpose of gaining political influence in those regions. According to this, countries in the “near abroad” should not have autonomy in matters of domestic, foreign or security policy. An example of a serious challenge faced by Estonia came in July 1993, when the Kremlin abetted separatism in the form of a referendum on issues regarding “national and territorial autonomy”, seemingly organised by the city councils of Narva and Sillamäe. More than 20 years later, in the context of the Russia–Ukraine conflict, the Kremlin used social media to try to incite separatism in the Baltic states, by sharing calls for the creation of the so-called Republic of Narva. The Kremlin failed in both attempts. The Karaganov Doctrine is also behind the Kremlin’s interest in viewing Russian-speaking migrants as forever being Russian “compatriots” and manipulating them as part of its politics of division.

In the 1990s, Pyotr Rozhok,<sup>7</sup> Oleg Morozov, Eduard Shaumyan, Yuri Mishin and Esya Shur – who were primarily active in Tallinn and Ida-Virumaa county, and who acted under the collective name of the Union of Russian Citizens – aspired to become the representatives of the Russian-speaking population. At the instigation of the Russian Embassy, they organised frequent, unauthorised demonstrations against alleged violations of the human rights of Russian-speakers, which initially went unpunished due to inadequate legislation. These activists, who dreamed of Russian chauvinism, were not capable of cooperating with each other and they lacked sufficient support, which is why they failed to achieve any success in domestic politics. The fact that Vladimir Chuikin, the then chairman of Narva City Council and initiator of the illegal 1993 referendum on autonomy in Narva, and Sergei Petinov, a former activist in the Interfront (formally the International Front of Workers in the Estonian Soviet Socialist Republic), were still marginally active in the Kremlin’s 2019 politics of division is evidence of the fact that their position continues to be weak and that the circle of people involved is limited.

Creating a democratic society and getting used to a new form of governance took time and was not without its problems. The situation created disappointment and discontent, and some of the initiatives that expressed this were more dangerous than others. Thus, in July 1993, the Läänemaa Voluntary Jaeger Company decided to withdraw from the Defence Forces. In Estonia’s recent history, this incident is known as the Jaeger Crisis. For KAPO, this became



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a touchstone of how to defuse the protest mentality among weapon-bearers in a reasonable way, to avoid a potential armed conflict.

As a new generation grew up without a personal connection with or experience of the restoration of independence, extremist phenomena also known in the West, such as skinheads and national socialism, began to gain some traction. The groups themselves did not gain wider support in Estonia, and remained mostly underground. In the second half of the 1990s, a small cell of the Russian National Unity<sup>8</sup> (RNU), a Russian neo-Nazi organisation, was active in Estonia. It was short-lived thanks to counteractions by KAPO. In 2002, three RNU members were convicted of hate crimes. One of them, the local ringleader Allan Hantsom, was found in 2019 to be employed by the propaganda portal Sputnik, run by Rossiya Segodnya<sup>9</sup> under the leadership of Dmitry Kiselyov, against whom the EU has imposed sanctions. This can be seen as an indication of some consistency.

## Post-millennium changes

During the first decade after the restoration of independence, as the Estonian legislative environment developed and state agencies became more capable, KAPO achieved a balance in both the prevention of threats to the constitutional order and pre-trial investigation of crimes against the state. By the turn of the century, Estonia had moved steadily towards strong rule of law and increasing international recognition. Accession to NATO and the European Union became the central strategic objective for enhancing national security, which Russia in turn tried to thwart.

In the early 2000s, the Russian Embassy, including intelligence officers, under the guidance of the Presidential Administration of Russia, led the effort to group various Russian-speaking associations in Estonia under one umbrella organisation. Whoever joined was promised funding in exchange for supporting the Kremlin's foreign policy, consolidating the Russian community and actively interfering in Estonia's domestic politics. The main goal was to organise an international smear campaign against Estonia as it aspired to join NATO and the EU, as well as creating social disruption based on ethnicity. The requirement to speak the official language and efforts to desegregate the education system were

presented as discrimination against the Russian-speaking community. Subsequently, the Kremlin has used the alleged need to protect the Russian-speaking population as a pretext for aggression against Georgia and Ukraine.

In addition, there was an effort to strengthen influence by bringing together local Russian-speaking political parties that wished to represent the Russian-speaking population. For this purpose, the Union of Associations of Russian Compatriots in Estonia<sup>10</sup> was established. However, getting caught up in intrigue and corruption had a devastating effect on them: the Russian parties lost their representation in the Estonian parliament (Riigikogu) and only a few continued their activities at the local government level. In the mid-2000s, the embassy tried its luck with the Constitution Party, formerly known as the Estonian United People's Party. Its leaders used funds received from Russia for private purposes, failing to achieve a political breakthrough. The "prophylactic chats"<sup>11</sup> with representatives of local Russian parties conducted by Anatoly Dyshkant of the Russian Foreign Intelligence Service (SVR), acting in the guise of an adviser at the Russian Embassy in Tallinn, also proved fruitless, and the political parties failed to form a united front in the 2005 local elections. Estonia declared Dyshkant persona non grata for inappropriate diplomatic behaviour and he was expelled from Estonia. Attempts by pro-Kremlin parties to use the actions of the Ida-Virumaa trade union in connection with the restructuring of the oil-shale mining company AS Eesti Põlevkivi for political purposes were also unsuccessful.

In the second half of the 2000s, in the absence of any significant progress, the Presidential Administration of Russia<sup>12</sup> passed the initiative for promoting politics of division to the Ministry of Foreign Affairs,<sup>13</sup> various state-related agencies, fake non-governmental organisations,<sup>14</sup> and the city governments of Moscow and Saint Petersburg. At the same time, their politics of division were increasingly shaped by the concept of the "Russian world" (*Russkiy mir*), which emphasises Russia's imperialist world-view. To support this, the Russkiy Mir Foundation was created in 2007, followed the next year by the Federal Agency for the Commonwealth of Independent States, Compatriots Living Abroad and International Humanitarian Cooperation (Rossotrudnichestvo). Using personal contacts, Andrei Krasnoglazov arranged for himself to become the head of both agencies in Estonia,

through the non-profit Pushkin Institute. (In 2019, a court ruling came into effect against Krasnoglazov. He was fined for counterfeiting a document and using a counterfeit document under Sections 344(1) and 345(1) of the Penal Code.)

During this period, the Legal Information Centre for Human Rights, a non-profit association founded in Estonia in 1994, developed into an important tool in the Kremlin's influence operations. For the Kremlin, this is probably considered the most successful influence project against Estonia. The rhetoric of the protection of human rights opened international financial taps, which, in turn, legitimised the centre's activities and its accusations of human rights abuses in Estonia. The existence of ethnic groups who had real reason to worry about the survival of their culture was hushed up. For the international community, ethnic minorities in Estonia had to identify with Russians. In other words, there was an attempt to create a single imaginary Russian super-minority, the preservation of whose occupation-era privileges would serve as a measure of the human rights situation. This partly succeeded, but not in a definitive and irreversible way.

There is, of course, no way around the riots of April 2007.<sup>15</sup> Retrospective reports often overlook the fact that tensions around the so-called Bronze Soldier were exacerbated by a few Russian extremists with political ambitions in connection with the 2005 local government elections. There are tensions in every society that, at worst, can be exploited, amplified and used against the state and its people. Until then, the fuelling of tensions had remained one-sided, but

when, in May 2006, the Kremlin's years of influence operations led to, among other things, a public attack against the Estonian national flag at Tõnismägi in Tallinn in front of the TV cameras, a potentially explosive situation had been created. People with differing opinions had been turned against each other and brought together in one place, and the situation needed just a few provocateurs to ensure escalation. There were so many of them in the spring and summer of 2006 that the police had to cordon off the area for six months. In the parliamentary elections of 2007, people clearly expressed their wish to resolve the situation by removing the monument. This, in turn, was met with a violent reaction from those influenced by the Kremlin's propaganda. What happened around the Bronze Soldier was similar to the actions organised against education reforms in Latvia.<sup>16</sup> In the aftermath of the April riots, a number of marginal groups remained active in Estonia for some time and sought to attract public attention through press releases and small-scale actions. There were attempts to establish the anniversary of the April riots as a regular day for action against Estonia, but the Estonian state and society managed to prevent this.

The protagonists of the April riots hoped that by later fleeing to Russia they could move up their career ladder with the Kremlin's support. However, similar to those who, years later, were exposed as working for the Russian special services, they were hung out to dry. The short-term tactical victory in respect of the build-up of tensions and the conflict around the monument has encouraged the Kremlin to seek support from the rewriting of history in



A traditional divisive policy event: the 9th Baltic Forum of Russian Compatriots. Photograph: [www.prosvet.ee/ArtNews.aspx?news\\_id=18144](http://www.prosvet.ee/ArtNews.aspx?news_id=18144)





Members of the Molodaya Gvardiya (Young Guard) with red flags at a propaganda event. Photograph: Facebook

other instances. There have been later attempts to create similar incidents around other monuments, but without any discernible success. Admittedly, the Estonian activists were acquitted in court of organising the April riots. But, to the frustration of the Kremlin, this speaks strongly of the independence of the Estonian judiciary. However, in Estonia domestic administration of justice cannot hold criminally responsible another state that exceeded the limits of tolerance in its influence operations and earned international condemnation. This is probably something for legal historians to explore further. From a strategic viewpoint, Estonian state authorities and society at large have learned a great deal from the events of April 2007, including about the importance of discerning threats, cooperation, and the state's continuing need to adequately counterbalance the Kremlin's influence operations. Furthermore, after becoming a target of, and subsequently overcoming, cyberattacks in relation to the April riots, Estonia managed to develop the incident into a success story, displaying its prowess as a digital state, which is presented as an example in international circles to this day. The most important lesson for any group in society was that Estonia is indeed a sovereign state – decisions on important issues, no matter how painful, are made in Tallinn, and not in Moscow or anywhere else.

One example of the dangers of living in a Kremlin-controlled information space and the need for a unified education system was the unauthorised demonstration by Russian-speaking students against the Iraq War in the spring of 2003 in front of the US Embassy in Tallinn. This developed into a violent breach

of public order.<sup>17</sup> Later, youth organisations obedient to the Kremlin, such as Nashi, Molodaya Gvardiya, Rossiya Molodaja and Pervyi Rubezh, along with their associates, participated in the events around the Bronze Soldier. Youth organisations led and organised by the Kremlin were, and continue to be, used for silencing domestic opposition in Russia, as well as for promoting the Kremlin's positions on foreign policy and history-related matters. If necessary, young people are also sent abroad to create tension, as was the case with the gullible "Nashi commissars" in Tõnismägi between 2006 and 2008. Sooner or later, they realise the consequences of their actions and their exploitation by the Kremlin, for example when they have problems entering the Schengen area.

In the light of the April riots, the Kremlin further acknowledged its need to work with young people abroad and to involve and influence them. Greater attention was paid to Russian-speaking school children in Estonia, who were mainly living in the Kremlin-controlled information field. For example, they were offered free participation in military camps in Russia. Young people, who are more easily influenced, are, among other things, seen as fresh blood that could replace pro-Kremlin professionals in the constant in-fighting. Such activities have not borne much fruit in Estonia, as the young are less interested in Kremlin propaganda than in opportunities to travel freely and connect with people. In order to revive the youth-oriented politics of division in Estonia, some well-known and previously failed methods were therefore reintroduced in 2019. The new generation of the Molodaya Gvardiya – the youth association of the Russian ruling political party United Russia – had clearly not learned from the mistakes of their predecessors when they arrived here.

The Kremlin also intervened directly in Estonia's domestic politics. Georgiy Muradov,<sup>18</sup> the then head of the department for external relations of the city government of Moscow, visited Estonia in the run-up to the 2009 European Parliament elections. His aim was to agree the formation of a common list of Russian candidates for the elections. Even with the proposed motivation package of over ten million kroons, Muradov failed to overcome the candidates' differences and the goal was not achieved. Muradov's activities should be assessed in the light of the fact that there are international sanctions in place against him.

While some believed that the Kremlin would carry on peacefully after the events in Georgia in 2008, any such illusions were shattered in 2014. With its aggression against Ukraine, Russia showed, for the second time in six years, that Europe has reason to be concerned about military threats. Even those who were previously sceptical now acknowledged that Russia uses non-military influence operations as a tool for military action.

### Inciting and exploiting extremism

In the 2000s, the local right-wing extremist community became younger and grew in size, and actively sought contacts abroad. Their interests included making music and the military sector. They expressed a distaste primarily for foreigners and various minority groups. This period saw a rapid spread of incitement to social hatred online, something that is now imprecisely described as hate speech. From the Russian side, the far-left National Bolshevik Party (NBP), led by Eduard Limonov, tried to establish itself in Estonia in place of the RNU. In 2002, the NBP organised violent demonstrations near Estonian representative offices in Russia. These ostensibly served to show support for former USSR security personnel prosecuted in Estonia for crimes against humanity. The NBP failed to expand to Estonia thanks to KAPO's counteractions.

Since 2010, various government-organised non-governmental organisations (GONGOs) engaged in the politics of division have become increasingly important to the Kremlin's influence operations, for example through so-called "people's democracy" and soft-power<sup>19</sup> initiatives, particularly at an international level.<sup>20</sup> Energised by the influence operations fund, which functions in the guise of legal protection, there were renewed calls, mainly spearheaded by municipal politicians, for the preservation of the Russian-language education system, originally created as part of the Soviet policy of Russification, as well as the special status for the Russian language. In lieu of public support, they managed to find sympathy and funding mainly from the Russian Embassy. With the support of the influence operations fund and the Russian Embassy, local pro-Kremlin activists began to participate regularly in the annual Human Dimension Implementation Meetings of the OSCE Office for Democratic Institutions and Human Rights. There, characteristically taking advantage of the West's freedom of speech, they regularly engage in the unilateral vilification of Estonia with messages

prescribed by the Kremlin. Mir Bez Natsizma (MBN), which calls itself an international movement for law enforcement, temporarily attracted both former members of Nochnoy Dozor and public figures with political ambitions in Estonia. A "monitoring system" was put in place with the aim to use its reports to influence international organisations. Despite years of Russian influence operations in Estonia and blatant lies in the Kremlin-controlled media, the vast majority of our Russian-speaking population is quite capable of distinguishing hostile propaganda from the facts of real life. In addition to using GONGOs, the Kremlin continued to actively seek opportunities to influence Estonian politics through political parties that had the support of Russian-speaking voters. The best-known of these, planned in the run-up to the 2011 Estonian parliamentary elections, was the funding scheme for the Lasnamäe Orthodox Church associated with Vladimir Yakunin, the then president of Russian Railways.<sup>21</sup> Similar to Muradov, Yakunin's active involvement in the Kremlin's politics of division made him the subject of international sanctions.

The influence operations fund<sup>22</sup> and the MBN<sup>23</sup> played their role in preparing the ground for the attack against Ukraine. The occupation and annexation of Crimea by Russian armed forces showed the real purpose behind the Kremlin's compatriot policy, which is a segregationist policy that aims to sow discord between ethnic groups. At the same time, developments in Estonia clearly showed that the Russian-speaking population did not go along with the provocative calls of individual pro-Kremlin activists on the subject of Ukraine.

The Kremlin readily exploits people's fears and concerns to achieve its objectives, striving to divide Western societies, aggravate problems and pit more radical or active social groups against each other. Where it fails to exploit existing divisions, it seeks to stir up artificial tensions.

The scope of the Kremlin's influence operations is characterised by the exploitation of the height of the 2015 migration crisis to fuel tensions both in Estonia and in the EU as a whole. Efforts to create opposition between the Western and the Russian Orthodox civilisations became more intense, and there was more incitement of anti-EU and anti-NATO feeling. With the help of the Kremlin and through social media, the fear of the arrival of refugees was blown out of proportion in Estonia, but it did not threaten national security.



Annual conference on the Kremlin's politics of division, 2019. Photograph: Facebook

Contemporary goals of Russia's historical propaganda. The Kremlin exploits history to achieve its objectives in both domestic and foreign policy. On the one hand, it tries to unite Russians around the world through the narrative of victory in World War II, to show Russians and Russia as the saviours of the world from Nazism. The sacrifices made and suffering endured during the war are used to justify the poor economic and demographic situation in today's Russia. On the other hand, the promotion of a general imperialist interpretation of history is becoming increasingly important, as it is well suited, for example, to justify aggression in Ukraine. Unfortunately, the official Russian interpretation of history is full of embarrassing suppressed facts and contradictions. A prime example of this is the agreement between Hitler and Stalin, known as the Molotov–Ribbentrop Pact (MRP), which unleashed World War II and made allies of the two dictators and their anti-humanity regimes for almost two years. This fact is very difficult to deny. Russia has therefore chosen an aggressive, offensive tactic of defence. All other states and nations, including victims of aggression, are blamed for triggering the war. If that is not enough, the next step is to make accusations of falsifying history, of

Russophobia and of Nazism. Concepts and politics of memory that differ from the Kremlin's dogmatic interpretation of history, with regard to World War II in particular, are labelled as falsifications of history and manifestations of Nazism.

The peace marches of the pro-Kremlin activists who claimed to fight Nazism in Estonia failed to take off. Despite their repeated failure to achieve success so far, they continue to plan provocative public events in the spirit of the Kremlin's politics of division. This has been evident for many years on 9 May. There are increasing efforts to transform the commemoration of those fallen and the celebrations of the end of the war into a grand, revanchist demonstration of power. To that end, Russia fully supports campaigns distributing ribbons of Saint George as well as the organisation of events that display provocative symbols, such as the Marches of the Immortal Regiment and various motorcycle trips outside Russia. In recent years, there have been efforts to create tensions around Soviet and Russian monuments.<sup>24</sup> A new interpretation – the MRP as Russia's "pride and honour". On the eve of the 80th anniversary of the signature of the Molotov–Ribbentrop Pact,

its original Russian-language text was published for the first time at the initiative of the Russian Ministry of Foreign Affairs. Photographs of the original of the MRP appeared in a collection of documents entitled *The Anti-Hitler Coalition of 1939: A Formula for Failure*. The publication's editor and author of the foreword is Veronika Krasheninnikova, director general of Russia's Institute for Foreign Policy Studies and Initiatives, who is also an adviser to Dmitry Kiselyov, director general of the government-owned international news agency Rossiya Segodnya and part of the leadership of the political party United Russia. The collection was published by Krasheninnikova's institute as part of the series *Realnaya Politika*. In 2018, the anthology *Munich 1938: Falling to the Depths of World War II* was published.

The collection of documents dedicated to the MRP describes the pact between Germany and the Soviet Union as the last resort in a situation where an anti-Hitler coalition had failed. In the publication's foreword, Krasheninnikova writes that the "shameful" year of 1938 had been hushed up by Western experts and media outlets, but now, on the eve of the anniversary of the MRP, all "cannons of information" were aimed at Russia. She alleges that attempts were made to make the USSR responsible for the outbreak of World War II and to equate communism with fascism.

The aim of Russia's new politics of history was to rebut these "accusations". An example of this is the assertion that the MRP had been forced upon Moscow and that it provided valuable extra time to fend off future aggression, or that all the main accusers had signed similar agreements with Germany: the United Kingdom, France, Denmark, Latvia, Lithuania and Estonia. In her foreword, Krasheninnikova states that "our publications are designed to provide you with the knowledge and arguments to defend our country in the political, military and information domains".

Denial of the occupation of the Baltic states  
The liberation of European countries from fascism was covered extensively in the Russian media and the 75th anniversary of these events was widely celebrated. Several collections of documents were published that attempted to idolise the role of the Red

Army and the actions of the Soviet high command. The rhetoric has generally remained unchanged, with the Soviet occupation still not being recognised and communist repression continuously being justified. There has been a complete return to Soviet-era interpretations according to which any resistance to the occupying power was considered banditry. Files in Russian archives from the so-called Nazi trials of the 1960s and 1970s are once again highlighted in order to accuse Estonians of collaboration and crimes against humanity. These materials are referred to in the Russian and international media as "new archival findings" and "documents published for the first time". Most are well-known Soviet-era KGB propaganda stories, with dozens of articles and even books published about them at the time.

In 2019, in addition to the MRP, Russia also focused closely on the "75th anniversary of the liberation of Eastern Europe from Nazism", with several international conferences and exhibitions organised on the subject. Once again, the main purpose was to present the actions of Russia and the USSR in a positive and humane light. It is important that the Baltic states and other territories occupied on the basis of the MRP are not seen as part of the so-called liberated Eastern European countries because they are considered parts of the USSR. The focus of the 2019 Kremlin working group was Romania, Bulgaria, Hungary, Yugoslavia, Poland, Czechoslovakia, Austria, Denmark and Norway. This approach further proves Russia's policy of denying the occupation of the Baltic states and justifying later repressions. Ironically, today's Russian historical propaganda seeks to emphasise that the wartime Soviet government officially stated that the Red Army would only enter the territories of other countries with the objective of completely destroying the German armed forces, with no plans to change the political order of those countries or violate their territorial integrity. In support of these claims, in 2019 the Central Archives of the Russian Ministry of Defence published a series of documents concerning the arrival of the Red Army in Eastern Europe and the "liberation" that followed this. Clearly, this kind of selective publication of archival documents cannot offer anything new to the study of history.





Young people at a Kremlin youth event. 8th International Festival "Friends, our Union is Beautifull". Photograph: Facebook.

## 2019: A lack of ideas and resources in the politics of division

Our retrospective now brings us to last year's anti-Estonia influence operations. The Kremlin's main narrative of mass discrimination against the Russian-speaking population in the Baltic states has been disappointing for its propagators: Russia's so-called voluntary repatriation programme, launched in 2007, has failed to resonate sufficiently with its target group.<sup>25</sup> This exposes all the accusations of mass discrimination against the Russian-speaking minority as ludicrous. Last year, the Kremlin's politics of division was dominated by a lack of ideas and resources. The Kremlin is very reluctant to reduce the resources allocated to influence operations but has been forced to do so in response to international sanctions. It tries to offset this by aggressively pushing its familiar narratives, particularly its interpretation of history. The enthusiasm of the Russian Embassy and pro-Kremlin activists was largely spent on commemorations of the 1944 conquest of the Red Army across Estonia. That was seen as preparation for the grand celebration of 9 May 2020, in which the Russian authorities are eagerly trying to involve both Russian and foreign youth. In recent years, Russia has stepped up its efforts to consolidate the movement of Russian youth abroad, as it has ap-

parently understood that, instead of expanding the aging generation of its activists in the politics of division, it is more sensible to engage and train the next generation of leaders. Examples of influence activities aimed at Russian youth include Olympiads, competitions and other events, which typically include elements of ideological education. Careful attention should be paid to Russia's attempts to promote international youth cooperation, for example under the banner of voluntary work and environmental and climate protection. These topics are seen as an opportunity to include young people in a positive way in a common Russian sphere of information and action, to exploit them later for Russia's benefit, for example in anti-Estonian propaganda.

In addition to today's youth, there is also interest in people who have at some point studied at a university in Russia. Consequently, the Kremlin is coordinating efforts to engage alumni of the Moscow State Institute of International Relations (MGIMO) and other universities who are now living in Estonia. All this is ostensibly happening on the pretext of socialisation around alumni organisations. The true, deeper interest is in getting more information about people's backgrounds, contacts and current activities in order to exploit them for political, business and security interests.

Even more dangerous are the Kremlin's attempts to promote cooperation in sensitive fields and seek direct contacts with local government. For example, various educational agreements with regions and institutions in Russia may work against Estonia's educational policy goals, hinder the educational integration of Estonia's inhabitants, and promote instead the objectives of the Kremlin's politics of division. Recently, Vladimir Putin has repeatedly called for a vigorous implementation of the national programme "Support and Promotion of the Russian Language Abroad". It is in the Kremlin's interest to maintain Russian-language education in schools abroad, which is why teachers are provided with in-service training and students are offered learning environments and encouraged to continue their education in Russia.

Although the politics of division targets Estonian society as a whole, the number of people involved in it and its influence has failed to increase over the past year. From an overall perspective, it is clear that the corrupt system of the Kremlin's politics of division is still working in the interests of insiders and has little to do with representing the Russian-speaking community. In reality, increasing the Kremlin's influence and implementing its aggressive foreign policy has largely remained at the level of a few individuals funded by Russia and the groups associated with them. The Kremlin's

toolbox of influence operations seems to have a shortage of working tools, so it keeps reverting to earlier methods, albeit in updated forms. If working with Russia in 2020, we advise people to still be aware of the Kremlin's hidden objectives, so as not to inadvertently violate international sanctions or become part of the circle of supporters of the Kremlin's politics of division.

# COUNTERINTELLIGENCE

This anniversary issue provides an opportunity to look back at the threats posed by the activities of hostile special services in Estonia since the re-establishment of KAPO in 1993 and its actions in mitigating them. Since re-establishment, one of our primary tasks has been organising counterintelligence. Due to its specific nature, counterintelligence requires professional knowledge and skills, an international cooperation network and extensive experience supported by good instincts. The special services acting against Estonia have been training their staff for years in special departments and providing the state-of-the-art equipment needed for their work, so Estonian counterintelligence cannot cope without knowledge, skills and techniques either.

## **The days that confused<sup>26</sup>**

Counterintelligence was created as a separate discipline with the restoration of Estonian independence. It all started with small steps. The field was clearly new to us. We learned about our opponent and the methods of counterintelligence work. We recognised our technical shortcomings, which we had to overcome and find new solutions. At the same time, we built a national partner network and forged alliances with other countries. We certainly learned a lot from our foreign partners at the beginning and absorbed the knowledge that was shared with us on a limited basis at first. During the first few years, and perhaps the entire first decade, we were treated with a certain

amount of mistrust. This was understandable, given that Estonia had just been freed from Soviet occupation. The facts that KAPO was re-established as a successor to the pre-war security police and not as heir to the KGB, and that only a few essential personnel from the ESSR KGB – those with the necessary technical background – were taken on, certainly contributed to our acceptance. This decision later proved to be somewhat regrettable, but is now seen as a lesson successfully learned.

The 1990s were turbulent and somewhat hectic for KAPO's counterintelligence, but things stabilised in the 2000s. It was necessary to adapt to new circumstances, as joining the EU and NATO brought about the biggest change. From a geopolitical point of view, these decisions confirmed that Estonia was part of the West. This opened up new formats for us in working with other security authorities, and cooperation intensified considerably. At the same time, we cannot say that joining the EU and NATO meant merely expanding employment opportunities in counterintelligence. Estonia's status as a target of hostile services was confirmed, and the circle of intelligence services who were and are interested in Estonia expanded. At the same time, the situation was exacerbated by our main adversaries, the Russian special services. As part of the Western security architecture, our country became the target of intelligence services simply because of its access to NATO and EU information. The security of member states could be affected via

Estonia, and vice versa. Leaks in member states could damage Estonia's security. The responsibility of counterintelligence today is inevitably significantly greater than it was before membership.

## Impact of technology

Technological developments and the availability of information have transformed counterintelligence work immeasurably over the last two decades. The interest of hostile special services in information has only increased with the availability of public information. It is not just safes containing state secrets or institutions' computer systems that are at risk. Today, the smart device of an ordinary civil servant or businessman is a target similar to accessing state secrets for a hostile special service because it presents an opportunity to learn about the person and his/her contacts, and access work-related material. Cyber-espionage has become a separate field of intelligence. Most European countries have separate units in their security agencies to prevent and combat cyber-espionage. However, when talking about cyber-threats, it should always be borne in mind that, in the event of a successful attack, information is removed from computer systems in quantities that, if transposed to daily material life, would mean moving truckloads of documents out through the gates of institutions, and on a daily basis in the worst cases. It is a long time since areas of interest were confined to national defence and security.

### Intelligence services collect information in areas such as:

foreign and domestic policy

the economy and energy

scientific and trade secrets

personal information

Not only confidential information is of interest. What would be the point of ensuring Estonia's security if all information about state operations or the activities of companies operating here was freely accessible to our adversaries? It does not matter whether this is due to a poorly secured computer network, the bad habit of working on documents on a home computer, or the negligent use of smart devices and using them to process sensitive data when travelling. Changing technical solutions, improved access to information and the ability to work from anywhere require us all to critically review our cyber-hygiene. Unfortunately, security is an inconvenience.



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## A learning legal environment

The Estonian legal environment has also kept up with the times. The need for this has arisen from the crimes against the state handled here over the years. Some of these changes were brought about by the case of Herman Simm. Crimes against the state have been repeatedly revised and updated in the Penal Code to respond to the threats we face and the changed methods employed by hostile special services. Convictions in recent years show that lawmakers have been on the right track. It goes without saying that Estonia needs to keep modernising its laws in the future as the nature of the intelligence threat changes over time and space.

In 2019, the wording of crimes against the state has changed significantly. The content and title of the section of the Penal Code dealing with activities against Estonia, which entered into force following the Herman Simm treason case, changed considerably last year, with the introduction of a new Section 235<sup>1</sup>, "Relationship antagonistic to Republic of Estonia". Relations established or maintained by both Estonian citizens and foreign nationals for the purpose of committing a crime against Estonia are now punishable under criminal law. Establishing and maintaining relations against the Republic of Estonia does not require committing treason, espionage or any other crime against the state. Such a punishable relationship may be contact with a foreign representative or special services personnel, which may lead to a more serious crime against Estonia. We emphasise that contacts with foreign special services must be notified immediately to KAPO. Failure to notify a relationship, and maintaining it, may result in criminal penalties. This means that people have an increased obligation to inform the authorities, rather than waiting for KAPO to find out sooner or later about illegal communication.

In order to better prevent activities of foreign intelligence services against Estonia, in 2019 lawmakers supplemented the Penal Code with a new Section 234<sup>2</sup> ("Intelligence activities against the Republic of Estonia and support thereof"). The amendment marks a fundamental change: any assistance to a

foreign intelligence service is punishable under criminal law if it damages the security of Estonia. The information transmitted to foreign special services no longer has to be a state or trade secret or information intended for official use. Collecting, storing, sending, delivering, changing or damaging information or things in the interests or at the behest of a foreign special service directed against Estonian security is punishable under criminal law.

## A total of 20 traitors and collaborators caught

2019 was mostly productive for KAPO in the field of counterintelligence. In collaboration with the Prosecutor's Office, we succeeded in securing convictions in a number of cases. On 11 February 2019, Harju County Court ruled in the case of Deniss Metsavas and Pyotr Volin. Metsavas, a former officer in the Estonian Defence Forces, was convicted under Sections 232(1) and 243(1) of the Penal Code and sentenced to 15 years 6 months' imprisonment. His father, Pyotr Volin, was convicted under Sections 232(1), 243(1), 418(1), and 418<sup>1</sup>(1) of the Penal Code and was sentenced to six years' imprisonment. Metsavas and Volin assisted the Main Directorate of Military Intelligence of the Russian General Staff (GRU) in non-violent activities against the independence, sovereignty and territorial integrity of Estonia and, in accordance with tasking received from Russia, collected and transmitted classified information on national defence, the Estonian Defence Forces, the Estonian Defence League and Estonia's military allies, intended for internal use. This was certainly a significant judgment, as no EDF officer had been convicted of treason since the restoration of Estonia's independence.

On 5 May 2019, KAPO arrested Sergei Kondrat, a Russian citizen. On 29 August, Harju County Court convicted Kondrat under Section 233(1) of the Penal Code (non-violent acts committed by a foreign national against the independence, sovereignty or territorial integrity of the Republic of Estonia). He was sentenced to five years' imprisonment. Kondrat, who was living permanently in Estonia, collabo-

rated secretly with the GRU from July 2006, knowingly participating in operational agency work aimed at the non-violent undermining of Estonia's security. During the course of this collaboration, Kondrat collected information that would enable the security of Estonia to be damaged, i.e. information on objects of national defence and essential service providers. Kondrat's vocation as an electrician enabled him to collect information. This is a telling example of the fact that people do not need to have access to state secrets in order to attract the interest of Russian special services today. Often, the opportunity to interact with the person and the individual's motivation to collaborate are sufficient. Access to information of interest is just a bonus.

We also note here the case of Vladimir Kulikov, a former KAPO officer who was arrested on 26 March 2019 and tried on 9 September. Although Kulikov had not worked for KAPO for years,<sup>27</sup> the Russian Federal Security Service (FSB) deemed it necessary to persuade him to collaborate. It is, of course, dismaying that a former KAPO officer, being very aware of the danger posed by the Russian special services, was recruited and was prepared to collaborate. Fortunately, it did not go on for long. Harju County Court sentenced Kulikov to five years' imprisonment for knowingly establishing a relationship with a foreign security service and for engaging in intelligence activities against the Republic of Estonia in the interests and for the benefit of the foreign security service; these constitute criminal offences under Sections 235<sup>1</sup>(1) and 234<sup>2</sup>(1) of the Penal Code. The Kulikov case confirms that not having been in government service for years does not reduce the interest of Russian special services in a person.

## **There are now other interested parties besides Russia**

Estonians are often surprised by the fact that the special services of several countries other than Russia are also interested in Estonia. Most importantly, the interest of the Chinese special services should be noted. We first detected an increase in the interest of Chinese intelligence services after Estonia joined

the EU and NATO. This has lasted to the present day and China's intelligence-gathering has intensified. As a great power, decisions on global issues are important for China, be it the Arctic, climate or trade. Chinese intelligence services are understandably interested in Estonia due to its membership of international organisations – but not just for that reason. Estonia's geographical location as a transit country between East and West, as well as infrastructure projects currently in the planning or development phase, are equally interesting for China. Given the policy of the Chinese state, where all large-scale investments, including so-called private ones, are coordinated by the Communist Party, investments in Estonia mark the realisation of Chinese political interest. In addition, Estonia's non-permanent membership of the UN Security Council since the beginning of 2020 makes it more important for Chinese intelligence. Chinese intelligence services are not the only ones other than Russia targeting Estonia. In a globalising world, we will inevitably have to deal with a variety of intelligence threats that may seem distant at first glance.

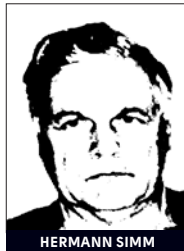
In spite of social and technological changes, counterintelligence mostly consists of people working with people. We have developed our own signature, working methods and resources. All this has only strengthened our relationship with our partners. Over the past ten years, 20 people have been convicted of criminal offenses related to intelligence activities against Estonia. They include traitors and those who have simply worked for the Russian special services against Estonia. The aggressive nature of foreign special services' activities against Estonia suggests that these cases are highly unlikely to be the last.

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# TRAITORS AND COLLABORATORS

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# 20



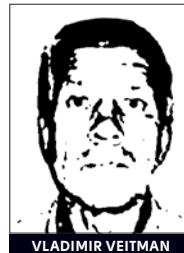
HERMANN SIMM



ALEXEI DRESSEN



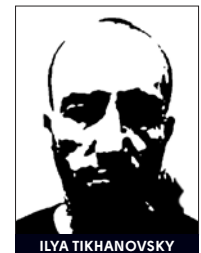
VICTORIA DRESSEN



VLADIMIR VEITMAN



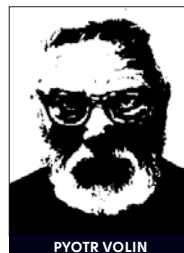
ARTYOM ZINCHENKO



ILYA TIKHANOVSKY



DENISS METSAVAS



PYOTR VOLIN



YEVGENI SLAVIN



SERGEI KONDRAT

## CONVICTED TRAITORS

- Herman Simm, convicted in 2009, recruited by the SVR in 1995.
- Alexei and Victoria Dressen, convicted in 2012, recruited by the FSB in 2002.
- Vladimir Veitman, convicted in 2013, recruited by the SVR in 2002.
- Deniss Metsavas and Pyotr Volin, convicted in 2019, Metsavas worked for the GRU for about 10 years and his father Volin less than half of it.

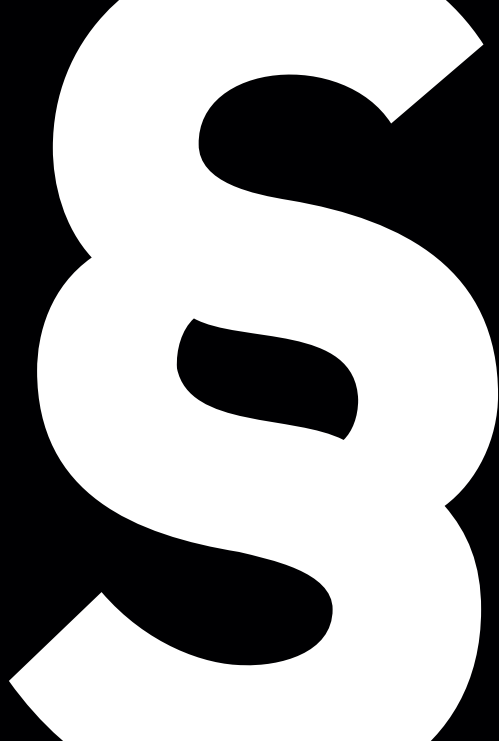
## CONVICTED GRU COLLABORATORS

- Artyom Zinchenko, convicted in 2017 under Section 233 of the Penal Code (non-violent acts against the independence or the territorial integrity of the Republic of Estonia). Recruited by the GRU in 2009, he gathered information on national defence sites and essential service facilities.
- Ilya Tikhonovsky, convicted in 2018 under Section 235<sup>1</sup> of the Penal Code (conspiracy against the Republic of Estonia). Recruited by the GRU in 2008.
- Yevgeni Slavin, convicted in 2018 under Section 235<sup>1</sup> of the Penal Code. Recruited by the GRU in 2016.
- Sergei Kondrat, convicted in 2019 under Section 233(1) of the Penal Code.



## CONVICTED FSB COLLABORATORS

- Alexander Rudnev, convicted in 2015 under Section 235<sup>1</sup> of the Penal Code. Recruited by the FSB in 2013, he gathered information on the South Prefecture of the Police and Border Guard Board and on the Defence Forces.
- Pavel Romanov, convicted in 2015 under Section 233 of the Penal Code. Recruited by the FSB in 1994, he gathered information on law-enforcement structures, border guards' methods and tactics, checkpoints, and surveillance camera locations.
- Maxim Gruzdev, convicted in 2016 under Section 235<sup>1</sup> of the Penal Code. Recruited by the FSB in 2013, he gathered information on the staff of investigative and security agencies, including KAPO.
- Artyom Malyshev, convicted in 2016 under Section 235<sup>1</sup> of the Penal Code. He gathered information on the border guard operations of the South Prefecture of the Police and Border Guard Board, as well as on movements of Defence Forces' and allied forces' equipment.
- Alik Huchbarov, convicted in 2016 under Section 235<sup>1</sup> of the Penal Code. He gathered information on the border guard operations of the South Prefecture of the Police and Border Guard Board.
- Albert Provornikov, convicted in 2017 under Section 235<sup>1</sup> of the Penal Code. He gathered information on the South Prefecture of the Police and Border Guard Board, the Defence Forces and KAPO.
- Mikhail Petrov, convicted in 2017 under Section 233. He cooperated with the FSB since 1990s. Among other things gathered and passed information on buildings, vehicles and staff of KAPO and on people having contacts with officers of internal security service.
- Alexei Vassilyev, convicted in 2018 under Sections 233 and 216<sup>1</sup>(1) of the Penal Code (preparation of a computer crime, unauthorised access to a computer system).
- Dmitri Kozlov, convicted in 2019 under Section 235<sup>1</sup> of the Penal Code. He gathered information on the border guard operations of the South Prefecture of the Police and Border Guard Board.
- Vladimir Kulikov, convicted in 2019 under Sections 235<sup>1</sup>(1) and 234<sup>2</sup>(1) of the Penal Code.



## PROTECTION OF STATE SECRETS

By protecting its state secrets by every means possible, each country seeks to prevent threats from foreign intelligence. First, these measures mean that, before anyone can be trusted with state secrets, the individual's reliability must be established. Second, the physical protection of the secrets themselves must be ensured. The measures cannot rule out treason completely, but they will make it easier to exclude individuals who are potential targets for criminal recruitment and to create conditions that allow sensitive information to be processed as securely as possible. The current situation is incomparable with the early 1990s, when the system for the protection of state secrets had to be built practically from scratch.

When Estonia restored its independence on 20 August 1991, it was immediately faced with the need to protect confidential information. It must be understood that until then we did not have a de facto state with secrets to protect, although there was no de jure interruption of state continuity. On 20 September 1990, the Supreme Soviet (legislature) of the Estonian SSR adopted the Police Act, under which the State Police Board (subordinate to the Ministry of the Interior of the ESSR) became the central police authority. Within the structure of the Police Board, alongside the Field, Criminal and Traffic Police bureaus, the Security Police Bureau was also established. Its main functions were: fighting terror-

ism and organised crime; protecting the territorial integrity of the state; protecting state secrets and scientific, technological and business secrets; and ensuring the safety of national cultural assets, state institutions, politicians and officials. The legitimacy of the security police was to be reviewed by an authorised commission of the Supreme Soviet. These two documents created the basis for re-establishing the Estonian police and KAPO. Thus, the protection of state secrets was to be the responsibility of the security police from its re-establishment, but disputes over how to set up the internal security service and the special services more broadly still lay ahead. The Riigikogu only adopted the State Secrets Act almost four years later.

The development of legal protection for state secrets. On 6 September 1991, the government issued Order No 295-k "On the assurance of secrecy arrangements and the preparation and implementation measures for the protection of state secrets". While the order did not specifically transpose any Soviet regulations regarding classified information, its wording was inspired by the spirit of the Soviet era. The order made the heads of ministries, central national authorities, county and city governments, institutions, organisations and companies responsible for preventing the leaking of confidential information. Responsible employees were appointed in institutions "to ensure secrecy



arrangements". During the Soviet occupation, the so-called first departments in ministries and institutions fulfilled this role. The heads of ministries and central authorities had to compile a list of classified information within one month. The Ministry of the Interior and the Government Office had two months to develop temporary guidelines for the assurance of secrecy arrangements until the adoption of the Protection of Confidential Information Act. The Ministry of the Interior and the Ministry of Justice were required to submit the draft act to the government by 1 January 1992.

Whether the heads of institutions were actually the ones who decided what constituted a state secret, writing "CLASSIFIED" on documents, and how the procedure worked during this period until the adoption of the first State Secrets Act is a research topic in its own right for historians. It is still unclear whether and how the government order was complied with, but it established a legal basis for declaring information to be classified. Later, information had to be retroactively classified and the legal bases had to be reviewed.

The re-established KAPO is tasked with protecting state secrets. With the new Police Act, which entered into force on 6 May 1993, an independent internal security service – Riigi Kaitsepolitseiamet or KAPO – was created under the Ministry of the Interior's aegis

and its functions set out. The statutes specified one of the main tasks as the protection of state secrets, i.e. the prevention of the unlawful distribution of state and professional secrets, with Estonian economic, political and defence interests in mind, taking measures to identify and prosecute anyone who violated this requirement.

The draft legislation prepared by the Ministry of Justice of the Mart Laar government, which took office in October 1992, took more than a year to be developed into a bill, which the Riigikogu passed as the first State Secrets Act on 8 June 1994. It contained only 11 sections and was clearly insufficient for regulating the whole new domain, but it was a start.

According to this law, the protection of state secrets was to be organised by the national government, through KAPO. During the legislative proceedings, the three levels of classification for confidential information were removed. In the explanatory memorandum at the time, the Ministry of Justice explained the decision to do without classification levels by saying it was difficult, and in practice not particularly necessary, to delineate the different levels. Indeed, in the first act, the general classification level was "state secret" for up to 50 years. It is worth noting that the existence of a State Secrets Act was one of the prerequisites for Estonia's admission to NATO.

Registreerimise number	Registreerimise kuupäev	Taotleja nimi	Loa liik	Välja antud loa number	Keeldumise alus (protokolli number ja kuupäev)
1.	16.06.1995	Jüri Pihl	ametlik.	RS 000001	
15.	19.06.95	Arnold Sinisalu		RS 000016	
31.	20.06.95	Adolf Alus		RS 000022 RS 000033	

The first national security clearances in KAPO were recorded in this book.

On 9 August 1994, pursuant to the law, the government established a 13-member interagency expert committee for organising the protection of state secrets; the statute it produced was approved in September 1994. The committee discussed almost all government regulations based on the law and approved in 1995, such as approving the procedure for granting, refusing and revoking permits related to the use and protection of state secrets at work; approving the procedure for the protection of state secrets; identifying information as a state secret and establishing the duration of the data medium's period of classification; and approving the list of posts related to the use and protection of state secrets.

In November 1994, a seven-member authorisation committee headed by Jüri Pihl, Director General at the time, was set up in KAPO; its responsibility was to issue permits for working at posts related to the use and protection of state secrets, and authorisations for using state secrets. In July 1995, KAPO approved the working instructions for the committee, which were revised in subsequent years as necessary.

With its first decree, of 19 June 1995, the committee issued 21 KAPO employees with state secret permits. The first permit, No SS 000001, was issued to Jüri Pihl. The committee began issuing state secret

permits to applicants from public and private institutions. Since then, thousands of state secret permits have been issued.

The main disadvantage of the first State Secrets Act was the absence of classification levels, because it is unreasonable to treat confidential information of varying value with the same level of protection. By law, KAPO had limited powers to check the trustworthiness and loyalty of the permit applicant, so the checking process may well have been only cursory. The State Secrets Act should also have allowed KAPO to refuse the grant of a permit for reasons such as drug or alcohol addiction, gambling, personal vulnerability and other risks to be prescribed by government decree. The time allowed for deciding whether to grant a state secret permit (ten working days) was clearly insufficient for a more thorough check. The grounds for refusing and revoking permits did not leave KAPO many options for withdrawing authorisation from a person who should not, in fact, have access to information classified as a state secret.

10 July 1995 Government Regulation No 258 (State Gazette I 1995, 60, 1022) "Classification of information as a state secret and determining the duration of the classification period of the data medium": specifies the categories of state secret and the maximum duration of the classification of a data medium in years.



5 June 1996 The Riigikogu decided that the General Staff of the Defence Forces should be in charge of organising the protection of state secrets in the Defence Forces, in collaboration with KAPO (State Gazette I 1996, 42, 809).

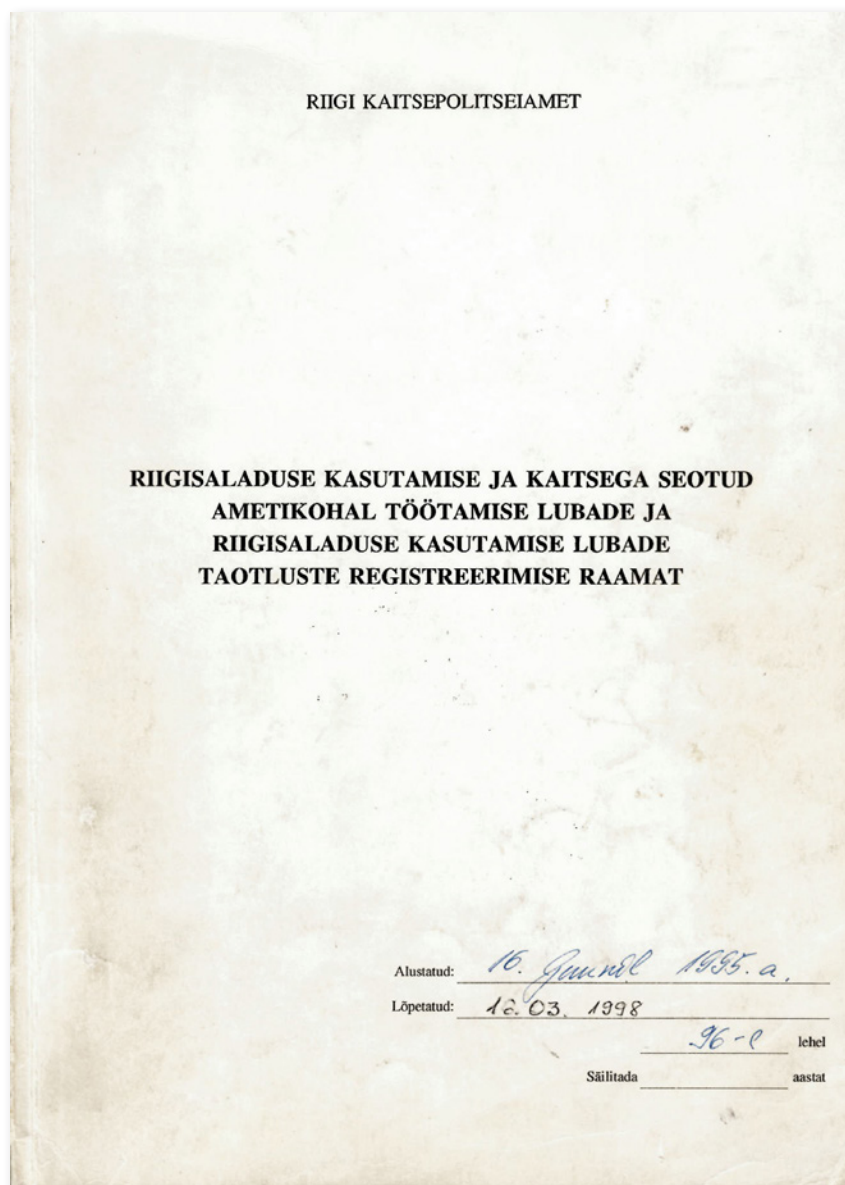
The same legislative amendment introduced the concepts of “the right to use state secrets”, “authorisation to work at a post related to the use and protection of state secrets”, and “authorisation to use state secrets”. For the first time, the term “refusal to grant authorisation” was introduced, and the mandatory and discretionary grounds for refusing to grant authorisation were specified. There was no obligation to disclose the reasons for refusal to an unsuccessful applicant. However, applicants did have the right to appeal a refusal in court.

### The new State Secrets Act – a leap in quality

In October 1997, a new and considerably more comprehensive State Secrets Act was finally passed.<sup>28</sup> Under this act, the protection and supervision of state secrets would be carried out by KAPO nationwide and by the General Staff within the Defence Forces. Classification levels of state secrets were introduced – “top secret”, “secret” and “confidential” – and a procedure was established for marking documents appropriately. The terms “security clearance” and “security vetting” were introduced, the latter being a prerequisite for the former.

The institution conducting the security vetting was KAPO, except for the Defence Forces, where the security vetting was conducted by the General Staff. It was decided that security vetting would be carried out under the Surveillance Act. The Code of Administrative Offences and the Criminal Code defined the offences and crimes related to the protection of state secrets and the applicable punishments.

In an important milestone, the government adopted Regulation No 65 on the implementation of certain provisions of the State Secrets Act,<sup>29</sup> which was a precursor to the current procedure for the protection of state secrets and the classified information of foreign states.<sup>30</sup>





#### **The Regulation laid down the following:**

- the procedure for the use, transmission and protection of state secrets and for the marking, storage and destruction of the relevant data media;
- the procedure for granting authorisation for access to state secrets;
- security clearance application form;
- authorisation form for granting access to information.

The regulation introduced concepts of which some are still in use today – such as classified information, classified media, agency organising the protection of state secrets (KAPO and the General Staff of the Defence Forces) and the registrar. The regulation includes the concept of classified waste, which denotes a classified medium that has become unusable.

The regulation also specified requirements for the marking of classification levels on documents and data media, and for the preparation of classified documents. For example, the cover or packaging of a volume, file or other collection containing classified documents was required to be of the following colour, according to its classification level:

**1. top secret – orange**

**2. secret – red**

**3. confidential – blue**

The regulation also specified the concept of security areas;<sup>31</sup> the requirements for a security area; requirements for individuals handling classified information; requirements for holding discussions, meetings and so on involving classified information; requirements for access to classified information; accounting for classified data media; reproduction, transmission and transportation of classified information; and transmission of classified information by technical means of communication.

The regulation established the procedure for granting access to state secrets, describing the actions entailed in the application for security clearance

and security vetting. Security vetting is conducted under the Surveillance Act, requiring a surveillance procedure to carry out a security vetting. The regulation also indicated that applicants for security clearance were to be interviewed. The duration of and activities involved in security vetting were not specified.

26 January 1999: the Riigikogu adopted a new State Secrets Act, which came into force on 28 February 1999.

This act, as amended, was in force until 1 January 2008, when the current State Secrets and Classified Information of Foreign States Act entered into force.<sup>32</sup>

#### **Several amendments were made between 1999 and 2008:**

- 2003 – the concept of a “restricted” state secret is introduced
- 2003 – the Estonian Foreign Intelligence Service is made responsible for organising the protection of state secrets, including for the security vetting of its staff
- 2003 – security vettings are also conducted under the Security Authorities Act
- 2004 – the organisation of the protection of classified information of a foreign state becomes regulated by law (national security authority)

Today, the protection of state secrets rests on a solid legal footing, is much more systematic, and can prevent modern threats: we have come a long way from square one. With more efficient bureaucracy (in a positive sense), and the availability of physical as well as software-specific security solutions, the main concerns regarding the protection of state secrets continue to be about individuals and their behaviour. The most common security risk we have been detecting in the security vetting process is living beyond one’s means, which leaves such individuals open to influence by the special services of unfriendly countries. Estonians can generally keep a secret about having a secret to keep.<sup>33</sup>

**RIIGISALADUSE KASUTAMISE LUBA**

Eesnimi \_\_\_\_\_

Perekonnanimi \_\_\_\_\_

Isikukood \_\_\_\_\_

Töökoht \_\_\_\_\_

Ametikoht \_\_\_\_\_

Kaitsepolitsei peadirektor \_\_\_\_\_

Kehtiv kuni \_\_\_\_\_

**KS 000248**

**RIIGISALADUSE KASUTAMISE JA KAITSEGA SEOTUD AMETIKOHAL TÖÖTAMISE LUBA**

Eesnimi \_\_\_\_\_

Perekonnanimi \_\_\_\_\_

Isikukood \_\_\_\_\_

Töökoht \_\_\_\_\_

Ametikoht \_\_\_\_\_

Kaitsepolitsei peadirektor \_\_\_\_\_

Kehtiv kuni \_\_\_\_\_

**RS 001000**

In today's digital world, such paper clearances no longer exist.



# PROVIDING CYBERSECURITY

In cybersecurity, KAPO's job is to detect and respond to cyberattacks. Foreign countries use their offensive capabilities consistently, purposefully and at a high technical level. Internationally, this type of cyberthreat is known as the advanced persistent threat (APT).

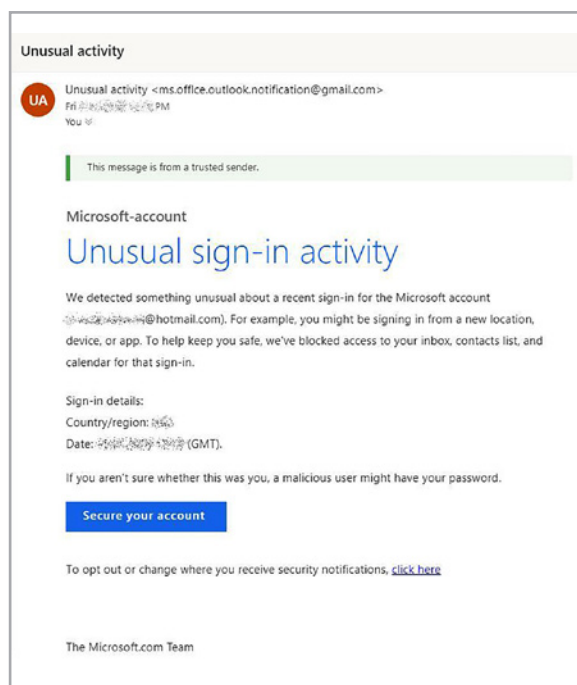
## Dangerous phishing emails

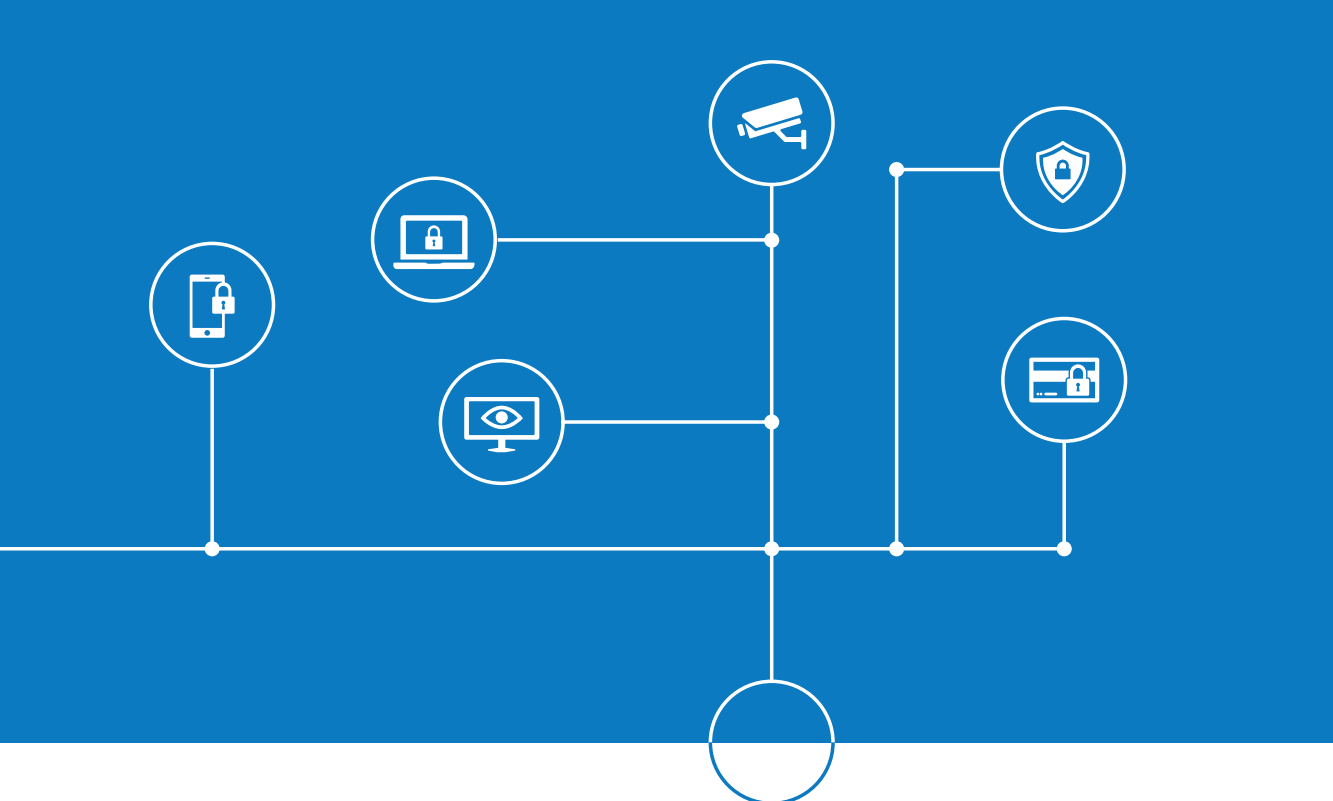
With regard to cyberattacks of foreign origin or which threaten national security, we must once again address the danger of phishing emails. Last year, malware hidden in fake emails was used to access the data of many Estonian individuals and institutions. While phishing scams pose a threat to the general public, attempts by foreign intelligence services have a narrower range of persons of interest: diplomats, politicians, scientists in certain fields, people involved in military and national security – in other words, anyone who could have access to information that is of interest to the special services. Last year, the private email accounts of such individuals continued to be targeted.

For example, a person in Estonia who uses a hotmail.com account was sent a highly plausible fake email, luring the recipient to click on a link in the

message and enter their password on a website very similar to Hotmail but controlled by the attacker (see example below).

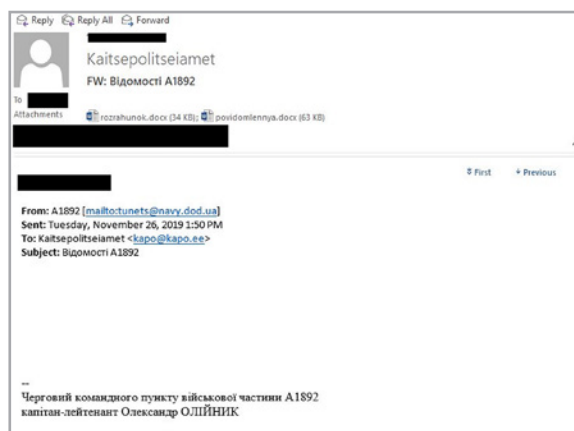
Attempts targeting private email accounts were also made with mail.ee accounts (see description below).





It is probably self-evident that the contents of a private account of a person who has access to sensitive information provide necessary information to hostile intelligence services even when they do not include anything work-related. A private email account is a private matter and the user is responsible for its security. Although phishing emails generated by foreign services look very much like genuine messages, they are not incomprehensibly high-tech. If the user is alert and aware of security issues, they can avoid being compromised by such emails or detect any security breaches that have already occurred. Below are our suggestions for raising security awareness.

In addition to phishing emails directed at private email accounts, we also identified attempts by national-level attackers to access institutions' email services and thereby also their computer networks. For example, the following phishing email about Ukraine was sent to Estonian state authorities (see example). This is a national-level offensive campaign known in the cybersecurity community as the Gamaredon advanced persistent threat (APT) group.



A phishing email was also used to try to gain access to some email accounts connected to the University of Tartu (see below). This was probably a campaign organised at the behest of the Iranian government by an actor also known as the Silent Librarian or the Mabna Institute.<sup>34</sup> Thanks to its proficiency, the University of Tartu was able to identify the attack and prevent any major damage.

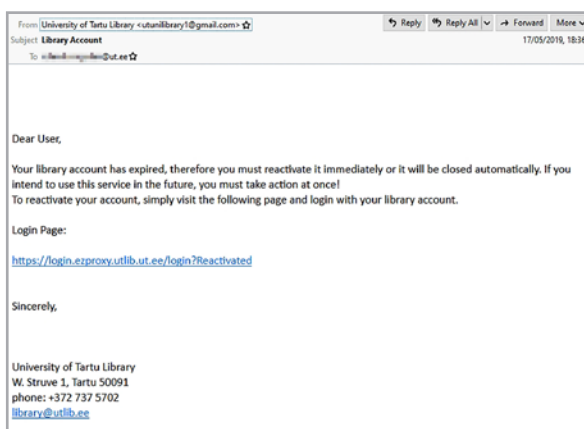
## Security vulnerability scans

The cyber operations of foreign special services use many of the same methods as cybercriminals or malicious activists. Scanning the services and devices of a prominent online target for security vulnerabilities is one of these. Notable vulnerabilities with the highest and broadest impact are VPN firewall weaknesses (CVE-2018-13379 - Fortigate and CVE-2019-19781). Worldwide, 500,000 devices are vulnerable and known to be potential targets for an advanced persistent threat. Attackers operate intensively under the cover of other noise. Ongoing campaigns have also identified vulnerability patching to secure an exclusive online presence. It is therefore advisable, especially for those responsible for security, not to rely solely on a vulnerability checking tool, but also to investigate the logs for a possible attack.

## The service provider's importance for ensuring security

Private individuals, businesses and institutions have to choose a service provider for using digital services, be it a free personal email account (e.g. online.ee, mail.ee, gmail.com) or a data hosting and management service (email, files, website) for business clients.

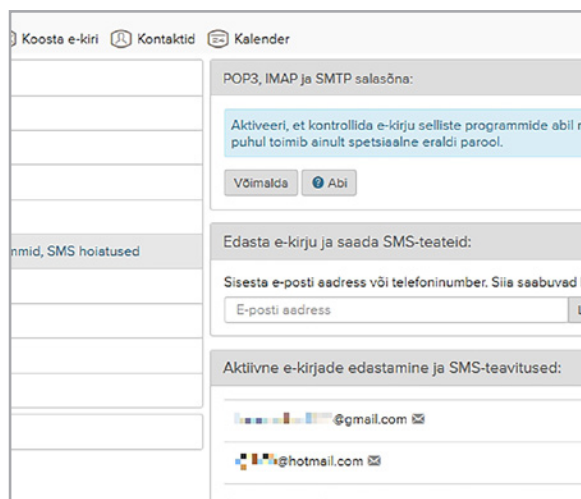
For critical and restricted data, the state assesses and manages the related risks. We encourage all individuals, businesses and institutions to do the same. Often, there are no good options in this regard, but in any case, it is strongly recommended to find out in which country the data will eventually be hosted and how security is ensured, and to implement reasonable security restrictions. We know from experience that businesses and research institutions are often unaware that their data could be of interest to foreign intelligence services working in the economic interests of their country.





## Critical security vulnerability in the application of free email provider mail.ee

An as-yet-unidentified critical security vulnerability in the mail.ee application, which is extensively used by people in Estonia, was exploited, allowing the attacker to launch a malicious software code on the target's account. Among other things, the attackers were able to redirect to themselves all emails sent to a mail.ee account. Specifically, when the target opened an email sent by the attackers (see example below), this triggered a malicious code contained in the message, which set up email forwarding. From the moment the email with the malicious code was opened, all of the emails sent to the target were redirected to an email account controlled by the attacker. We wish to emphasise that simply opening the email message was enough: the code was triggered without having to open an attachment or clicking on a link in the message. Afterwards, the user's email settings showed the mail forwarding (see screenshot below). Unfortunately, not many users regularly check their email account settings. The most important aspect of the case in question is that,



as a result of efficient action by the Estonian Information System Authority (CERT-EE) and the owner of mail.ee, the vulnerability was removed and the circumstances were identified. Importantly, this vulnerability was only exploited with regard to a small number of email accounts belonging to persons of interest to a foreign country. The general public and users of mail.ee need not worry.

Recommendations for choosing email and other service providers and setting up accounts

- Find out in which country the data of the email or other service are stored and in which country the (parent) company is located or registered.
- Choose a service provider that stores data and is located in a country that respects people's rights and privacy.
- Choose a service provider with various methods for ensuring security: two-step authentication, displaying the IP addresses of the last log-ins, allowing/restricting logging-in with IMAP and POP3, and linking to a specific device.
- Every now and then, review the IP addresses used for logging in, and check whether the IP-WHOIS data corresponds to the IP you use at home, at work etc.
- Every now and then, check whether your emails have been redirected to other email addresses, or which other email addresses are linked to your account.
- If you see a news story about a leak of email user data connected to Estonia, check whether it is relevant to your email account, and if so, change your password or authentication method.





# PREVENTION OF INTERNATIONAL TERRORISM

## **How the concept of terrorism has changed over time**

There is no internationally agreed definition of terrorism. It is the broad applications and diverse methods that make terrorism difficult to define. Attempts have been made since the French Revolution but have always been limited depending on the reasons and location of the terrorist acts, the terrorist organisation, the provider of the definition or other factors. The earliest meaning of terror in the 18th century referred to the actions of French revolutionaries against their opponents. Over time, the meaning of terrorism has evolved from describing crimes committed by the authorities against their domestic opponents to crimes against the state by either domestic or foreign individuals or groups.

Current Estonian law defines terrorism in Section 237 of the Penal Code.<sup>35</sup> Subsequent sections in the same division of the Code also define a terrorist organisation<sup>36</sup> and the various forms of support for terrorism. An act of terrorism can be a crime against persons or property or other form of crime, an essential element being its purpose – to force a state or an international organisation to act or refrain

from acting in a certain way, to seriously interfere with the state as an institution and its population, to spread fear, and/or to cause death or great economic damage. Consequently, Estonian legislation defines an act of terrorism as a crime against the state. Terrorist crimes – the committing and facilitating of acts of terrorism – form a wide spectrum of activities. To provide a more precise legal definition, an amendment to the Penal Code entered into force in 2019, specifying the following types of offence: preparation of and incitement to acts of terrorism (Section 237<sup>2</sup>), travel for terrorist purposes (Section 237<sup>5</sup>), and organising, funding and supporting travel for terrorist purposes (Section 237<sup>6</sup>). The amendment of the Penal Code helps to prevent and investigate crimes more effectively. It also sends a clear signal to individuals whose criminal behaviour was previously not very clearly defined by law despite being aimed at terrorist purposes.

## **To put pressure on the state, the people are made to suffer**

The victims of terrorism are generally people. It is through these victims that the actual attempt is made to influence one or more states to act.



Precise targets are already determined by the terrorists' ideology, which may be directed against public policy, religious or ethnic groups or any other object/subject defined as an enemy. Like their goals and methods, the locations and influence of terrorist organisations also change over time. The previously anti-colonial and anarchist wave of terror in Europe has now been replaced by terrorism based on Islamist ideology. Studies have shown that different violent extremist ideologies can have similarities and help one another to gather supporters.<sup>37</sup> Terrorist organisations can operate locally or internationally. The perpetrators of terrorist acts also include individuals who have no direct ties with any particular organisation but support the ideology and goals of an organisation, and commit a crime based on that. The international reach of terrorist organisations has expanded significantly as information exchange and travel opportunities increase. Information technology is harnessed for recruitment, organising attacks and financing. A terrorist attack need not be linked to the perpetrator's country of residence or nationality. Terrorist organisations need money and the tools to spread their ideology and organise attacks; these are acquired through legal channels as well as illegal ones.

## **The European and global situation**

Here we discuss Islamist terrorism in Estonia, as it may pose a threat to us. We will not discuss any other movements that have used terrorism in other countries. Counterterrorism activities have significantly weakened international terrorist organisations such as Daesh and al-Qaeda. The territories under their control in Iraq and Syria, and with this their income, have shrunk dramatically compared to previous years. This has reduced their ability to fight and their capability to organise attacks in Western countries. Nevertheless, the terrorist threat has not diminished significantly. The two terrorist organisations are in the process of restructuring and their international networks will ensure their survival in the near future. They are seeking new solutions to increase their impact. The Daesh and al-Qaeda branches in Africa and in Central and South-east Asia only have regional influence, but they provide the opportunity to demonstrate their operational capability and show they are working towards their goal of forming an Islamic Caliphate.

In Europe, the threat of terrorism is unlikely to diminish in the coming years, and terrorist attacks will continue. Islamist terrorism is currently the most



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dangerous brand of terrorism in Europe, as has resulted in deaths and injuries on a scale that presently outweighs the impact of right-wing and left-wing terrorist attacks. However, there are countries in Europe where the number of attacks by right-wing extremists is on the rise.

Terrorist organisations have been weakened and, as a result, they are channelling their resources into propaganda in the West, to find individuals able to carry out attacks in the name of the organisations' ideology without requiring direct contact or guidance. Attacks launched with a low degree of organisation are primitive but can lead to fatalities and injuries. As a rule, attacks using cut-and-thrust weapons, firearms or a vehicle target vulnerable public spaces, public transport and hubs. Targets of symbolic value include synagogues and Christmas markets, police officers and soldiers as representatives of state authority, and institutions associated with insults against Islam. Depending on the attacker's skill level and equipment, improvised explosive devices and toxins may also be used. In contrast to the past, suicide attacks tend not to be used in Europe today. This change reflects a conservative approach to organising attacks, which allows a successful attack to be followed up with new ones.

Islamist terrorism and its supporters are mostly located in countries with an ongoing armed conflict, but also in countries with conflict areas of only local importance, such as countries in North and Central Africa or Central and South-east Asia. Launching attacks against the citizens and interests of Western countries is one of the objectives of the organisations operating in these regions. The possibility of such attacks should be considered when travelling to these countries.

In Syria and Iraq, thousands of individuals have been detained following the seizure of areas under the control of terrorist organisations. Not all have been directly involved in combat but they may have contributed to the objectives of terrorist organisations. Ongoing hostilities and armed conflicts may make it impossible to detain such individuals and prosecute them for crimes against humanity or war crimes, although these do not have a time limitation.

Syria, Iraq and Turkey seek to send detained jihadis<sup>38</sup> of foreign nationality and their families back to their countries of origin. These include the wives and children of the fighters, who have lived for years under the ideology of a terrorist organisation, and in the long run represent a threat when they return to their countries of origin. Such individuals tend to be radicalised, easily manipulated and recruited to carry out terrorist attacks or to support terrorism. In its propaganda, Daesh has also described the returnees as a new generation of jihadists in the West. Failing to integrate in the community after their return, even those who now regret their earlier choices may radicalise again. Western countries, when accepting these individuals back, have a duty to ensure the safety and security of their population. The process of re-socialisation is only successful if returnees themselves are motivated.

As a result of its loss of territory, Daesh's propaganda is no longer as successful in attracting foreign recruits, but it continues to inspire radicalisation and attacks. Terrorist organisations use social media platforms, taking every possible precaution to hide the content. Detection is difficult for security authorities. The providers of social media and data transfer solutions<sup>39</sup> have taken the necessary steps to limit the spread of Islamist propaganda and instructions for organising terrorist attacks.

To prevent terrorism, the spread and influence of radical Islamist propaganda must be limited, thereby reducing the number of potential attackers. In addition to the security authorities, society as a whole and the focused work of all the relevant authorities play an important role. Radicalisation is largely caused by the propagandists and recruiters of Islamic extremism. Case studies often show that they search for like-minded people and in this way expand their networks. Western efforts to strengthen border controls, to prevent money laundering and terrorist financing, to curb terrorist propaganda online, and in many other areas, are directly helping to save lives.

## Preventing radicalisation and terrorism in Estonia

In Estonia, KAPO is the leading authority in the fight against terrorism. We mainly focus on prevention, creating defences and deterrents to make Estonia an inconvenient target for terrorists and to limit their potential freedom to act.

The level of terrorist threat in Estonia remains low, which means that the likelihood of an attack is low but not non-existent. Given the methods used and the means available to conduct them, opportunistic terrorist attacks are impossible to rule out completely in any democratic country. There are no terrorist organisations active or based in Estonia. At the same time, Estonia has not escaped the effects of international terrorism. One Estonian individual has gone to fight for a terrorist organisation in Syria and two have been convicted of supporting Islamist terrorism. Estonians have been killed and injured in terrorist attacks abroad. As a supporter of the fight against international terrorism, Estonia is on the radar of terrorist organisations, but not a key target.

It is important to remember that, in terms of a terrorist threat, Estonia's security is affected not only by local radicalisation but also by radicalised individuals visiting the country. KAPO has identified several dozen individuals living in Estonia or with close ties to the country who, if further radicalised, could become a threat to public order and national security.

At present, the main causes of radicalisation in European countries are considered to be terrorist propaganda spreading over the Internet and purposeful influence activities by followers of radical Islam. Radicalisation taking place in European prisons poses problems. Hundreds of planners and organisers of terrorist acts have been convicted. While in prison, they have generally not given up their beliefs and have instead radicalised other prisoners. When released from prison, they are likely to continue to pose a threat in the future. While we have found some signs of radicalisation in Estonian prisons, this scenario remains a minor concern for the time being.

Our main terrorist threat is the possibility of an act of terror carried out by a radicalised individual or small group. The organisers of terrorist attacks in Europe typically fall into two broad categories, distinguished by their background:

- individuals of Islamic origin by birth who have not integrated into society;
- self-radicalised converts.

With the threat of Islamist terrorism, it is important to keep an eye on the converts who have embraced Islam and a particularly strict adherence to an Islamist world view. In their extremism, they interpret Islam in a way that the majority of the adherents of Islam would deeply disagree with, and in this way, they strongly contradict modern lifestyles and values. The process of radicalisation is particular to the individual – while it may take years, there are also cases where a person becomes radicalised and dangerous in a matter of just a few months.

Preventing acts of terrorism requires increased awareness of radicalisation as a phenomenon and social problem. Unfortunately, preparations must be made for responding at the level of operational services as well as social services and victim support.

## Foreign fighters and travellers to conflict zones

There are about 20 individuals associated with Estonia who are or have been in the Syria-Iraq conflict zone. They may want to return to Estonia as the fighting reaches areas previously under terrorist control. Although fewer foreign fighters are now moving into this conflict zone, there are individuals in Estonia who have taken real steps to travel to the conflict zone over the past few years. Collaboration between security services prevented them from arriving. These cases are the exception, as other European countries tend to be faced with individuals returning home from the conflict zone.

Similar to previous years, in 2019 KAPO identified nearly 50 individuals linked to Islamic extremism or

terrorist organisations who either arrived in or transited Estonia. Representatives of organisations promoting Islamic fundamentalism regularly visit Estonia, but their activities here have not achieved the desired effect. These are not internationally wanted criminals.

Before leaving Estonia, we recommend that you familiarise yourself with the situation in the country you are visiting and stay alert while there. It is prudent to avoid areas of conflict, where local authorities may not be able to provide adequate protection. In 2019, no Estonian civilian was a victim of an act of terrorism in another country. However, in July 2019, jihadists attacked a military base in Gao, Mali, where troops of the Estonian Defence Forces mission were stationed. Five Estonian soldiers were injured in the attack.

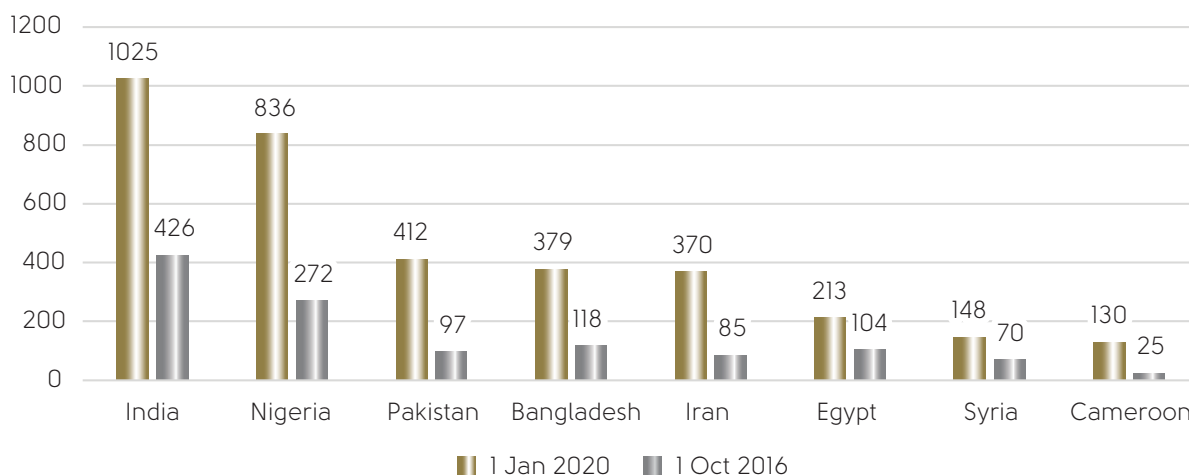
### More individuals from high-risk countries for international terrorism arriving in Estonia

The number of Estonian residents coming from countries at a high risk of international terrorism has increased significantly. We are more and more exposed to international influence because of economic and personal contacts. KAPO considers high-risk countries to be those that have com-

bat units of or areas controlled by Islamist terrorist organisations, an Islamist political system, or widespread Islamic fundamentalism. A social order built on Islamist ideology runs counter to the Western social order based on universal human rights and freedoms and secular laws. Increased attention to people from such countries is due to the goal of preventing people who are a threat to national security from arriving in Estonia. This is necessary to prevent radicalisation, support for terrorism and recruitment for an attack.

Due to its relatively small Muslim community and the country's economic situation, Estonia was not particularly attractive to the citizens of at-risk countries during the first decade after regaining its independence. The fact that Estonia only joined the Schengen visa-free area at the end of 2007 played an important role. Formerly a transit country, Estonia has seen a significant change in migration patterns in recent years. Migration to Estonia has been affected by the global changes since 2014, involving countries in North Africa, the Middle East and Central Asia. Estonia's economic situation has improved and the demand for labour has increased. Changes in migration legislation simplified and accelerated access to the right to live and work here. The higher education reform also had an impact. All these circumstances taken together – the push factors of the countries of origin and the pull factors of Estonia – have transformed Estonia into a destination country for migrants.

**Top eight high-risk countries by number of immigrants**



The growth of the Muslim community in Estonia is directly linked to the number of new immigrants. An increasing number of individuals from risk-group countries are applying for Estonian residency, visas and e-residency. Over the past three years, the number of Estonian residents coming from these countries has more than doubled (growing by 112%). In 2019, Estonia received 20,629 visa applications from citizens of the risk-group countries. The growth rate over the past three years is 187%. The noticeable growth of domestic Islamic communities piques the interest of conservative and radical Islamic organisations in Estonia. Larger communities may inevitably lead to societal isolation and reduced openness. A community's inward focus reduces the likelihood of integration and may increase radicalisation. The non-acceptance of Estonian customs may be followed by a violent enforcement of its own world view. In order to address the segregation and concentration of immigrants, it is considered a potential security threat when drafting migration, integration, employment and education policies.

## Preventing the financing of terrorism

Islamic extremist terrorist organisations operating in the Syria-Iraq conflict zone have lost a significant part of their sources of income in the area, and are therefore seeking outside funding. Muslim communities and non-profit organisations in Europe are among the sources used for this purpose. Calls for support of jihadists and their families in the conflict areas are mostly circulated through social media and messaging applications. In the hope of anonymity, virtual currency exchange providers are also used to collect support. More than 1,000 virtual currency service providers are licensed in Estonia.

In cooperation with the Estonian Financial Intelligence Unit, KAPO has updated risk- and suspicion-based indicators to better identify and report transactions involving suspected financing of terrorism. The financial transactions related to Estonia identified to date have not yet given KAPO grounds for criminal proceedings.

We also need to address the risks of the e-residency programme. There is considerable interest among



A fatwa (ruling) by Dr Shaker Abuhatab of Jordan is spreading across the Muslim world endorsing the virtual currency Dagcoin, which is also offered by Estonian providers, as being compliant with Islamic law. From a counterterrorism point of view, this ruling is significant, as it increases the likelihood that a virtual currency with ties to Estonia will be used for terrorist financing. (Above: the fatwa; below: instructions by Dr Shaker Abuhatab explaining the fatwa.)



Estonia's e-residents in the virtual currency industry, which offers anonymity. E-residency is seen as an opportunity to obtain a Schengen visa and various schemes are used for this purpose. Background checks on applicants in high-risk countries continue to be a problem. KAPO has identified individuals with extremist and terrorist ties among applicants for e-residency. There is no effective judicial, law-enforcement or security cooperation between most of the risk-group countries and Estonia. Failure to take these factors into consideration would damage the image of the e-residency programme, the Estonian economy and the country in general – not to mention the security risks and the threat of criminal activity.

### Managing other risks related to the threat of terrorism

International experience in recent years has shown that groups or individuals acting on terrorist motives prefer to target civilians, using methods that are readily available – vehicles, cut-and-thrust weapons or firearms. Although explosives are becoming increasingly difficult to obtain, due largely to the work of law-enforcement agencies, terrorists' interest in using them has not disappeared. KAPO collects information on the illegal handling of explosives and firearms, and investigates related criminal offences.

The largest accident involving explosives in Estonia occurred in June 1936 at a munitions factory in Männiku, Tallinn. The explosion claimed almost 60 lives. The incident was investigated by the internal security service, known as the Political Police at the time, and was initially suspected to be a politically motivated terrorist act. However, the investigation concluded that it was an accident.

Over the past few decades, the focus of explosives-related crime has shifted away from explosions to the illegal handling of explosives and, with few exceptions, the quantities of explosive substances and devices discovered in illegal use have fallen from year to year. The use of explosives for suicide, settling rivalries or intimidation – for example, among criminal gangs – seems to be a thing of the past. Currently, we can focus on preventing explosions and removing illegal explosives from civilian circulation. At the European level, explosives are considered a priority precisely for the prevention of terrorism. On 20 June 2019, Regulation (EU) 2019/1148 of the European Parliament and the Council on the marketing and use of explosives precursors entered into force. The regulation tightens controls on precursors: it aims to limit their availability to the general public and regulate the appropriate reporting of suspicious transactions. Unfortunately, the previous legislation was not sufficient to prevent illicit activity.





Unauthorised possession of weapons or explosives:

1920 – 8 individuals arrested  
 1921 – no information  
 1922 – 8 individuals arrested  
 1923 – 5 individuals arrested  
 1924 – 13 individuals arrested<sup>40</sup>

As a notable exception, the quantity of explosives seized in 2019 was one of the highest in the past two decades. Most of it came from searches conducted in one criminal case against persons arrested at the end of 2019, who out of an unhealthy interest had been collecting World War II munitions and engaging in very dangerous experiments with explosives.

The Estonian Rescue Board's ordnance disposal unit has, in cooperation with KAPO and the Prosecutor's Office, organised campaigns for the surrender of explosives since 2008.

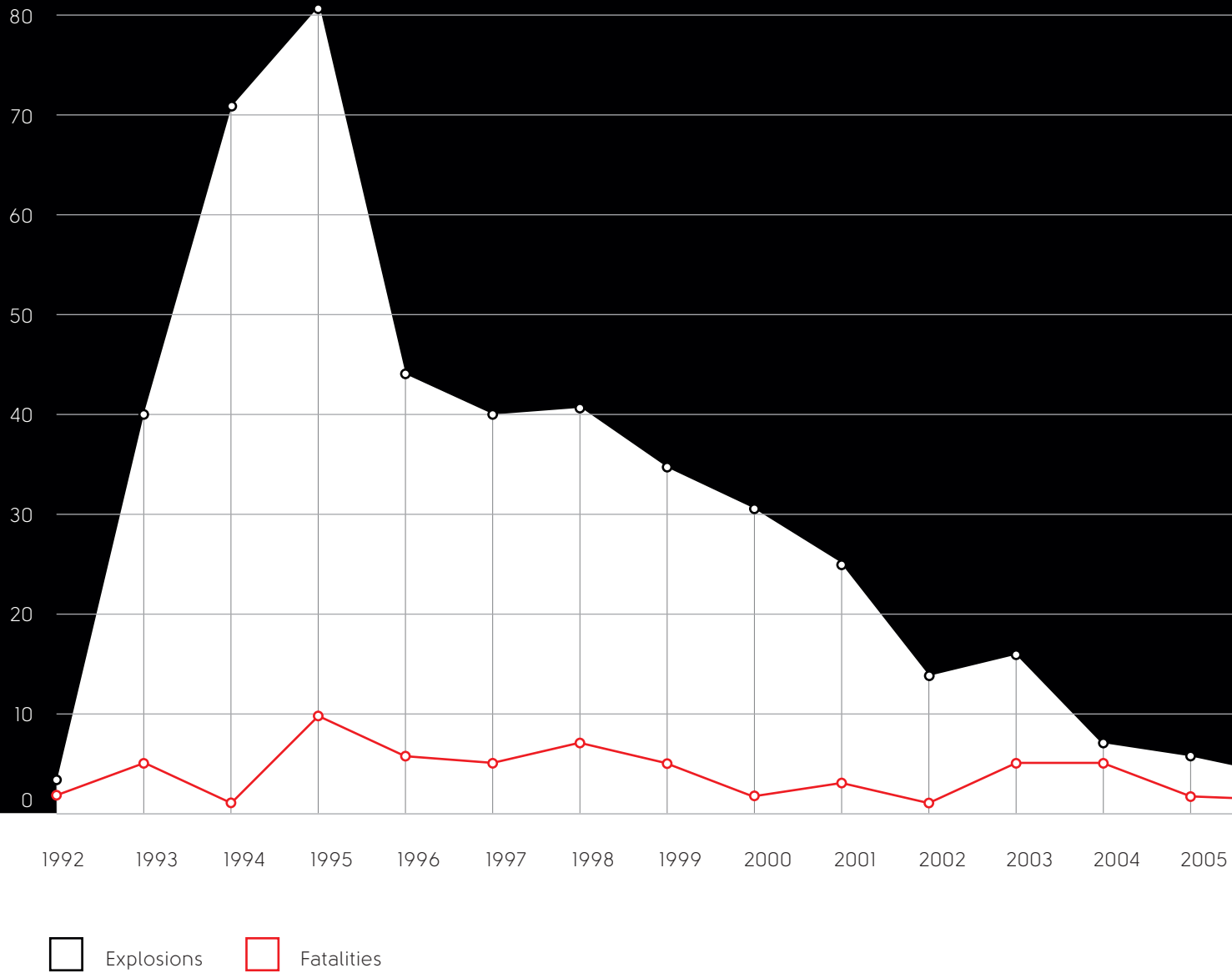
### Notable explosives-related cases in 2019

On 13 June 2019, the rescue services were called to an apartment block in Mustamäe, Tallinn, where

residents saw dark smoke rising from a window. The occupants of the apartment initially refused to allow rescue officers to enter, but persistent and attentive investigation gave the rescuers reasonable cause to suspect that this was a case of highly dangerous illegal handling of a hazardous substance – an attempt to dry out TNT on a kitchen stove. KAPO was informed and initiated criminal proceedings against Oleg Ermolenko under Section 415(1) of the Penal Code. The man was arrested and explosive devices and substances seized from his home. Several of the substances and objects were found to be volatile and were immediately destroyed by the ordnance disposal unit. In total, more than 200 kg of explosives, 10 kg of explosive charges, hundreds of units of ammunition and a number of essential components of firearms were confiscated from Ermolenko. The court found Oleg Ermolenko guilty through a plea bargain and gave him a combined sentence of eight years' imprisonment under several sections of the Penal Code, in addition to having to pay more than 42,000 euros in procedural costs.

On 10 September 2019, Urmas Piht was arrested as a suspect and a large quantity of dangerous explosive substance and devices were found in his home in Õismäe, Tallinn. On 30 October, two other men were detained as suspects in the same criminal case, with large quantities of explosive material confiscated from both.



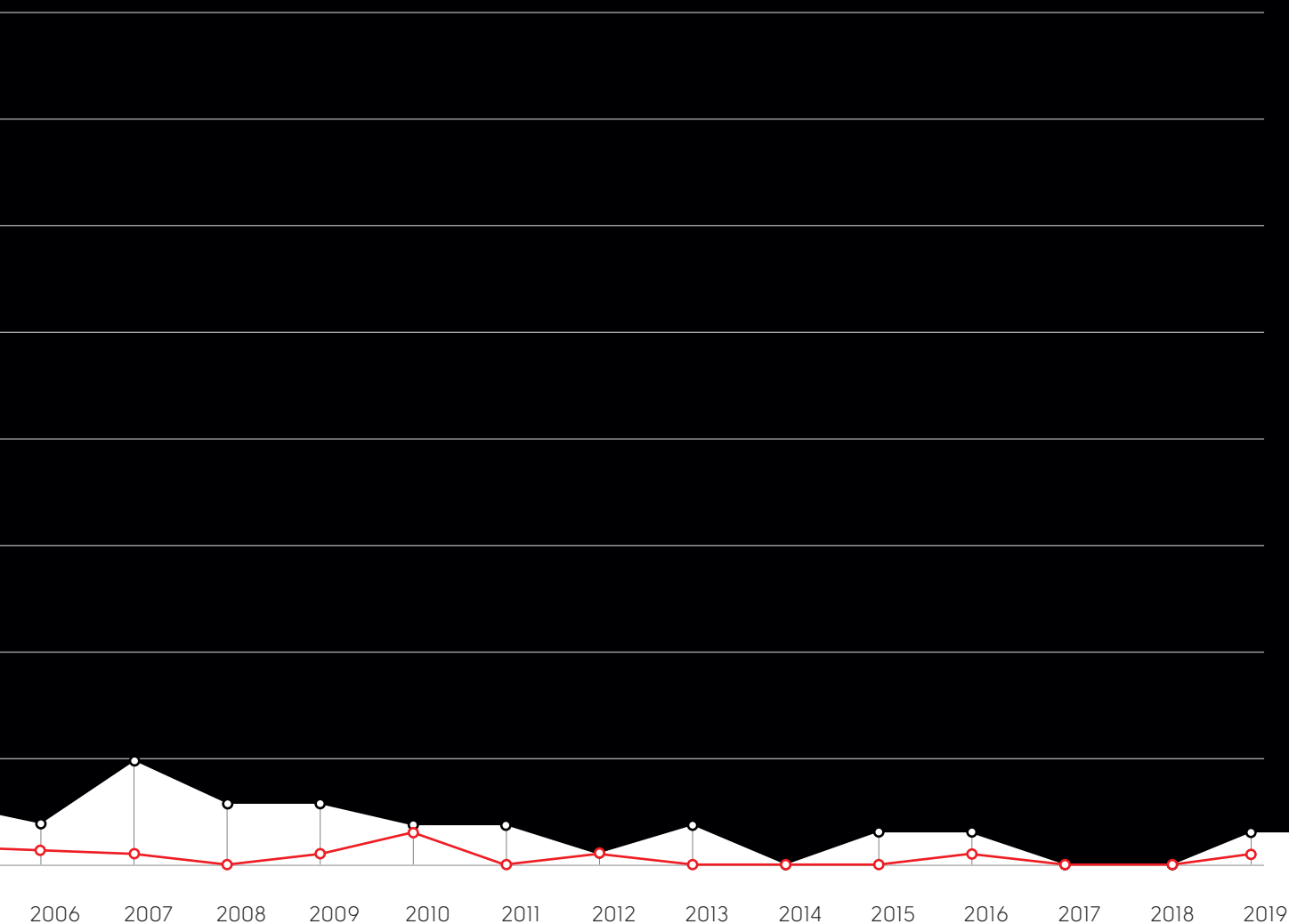


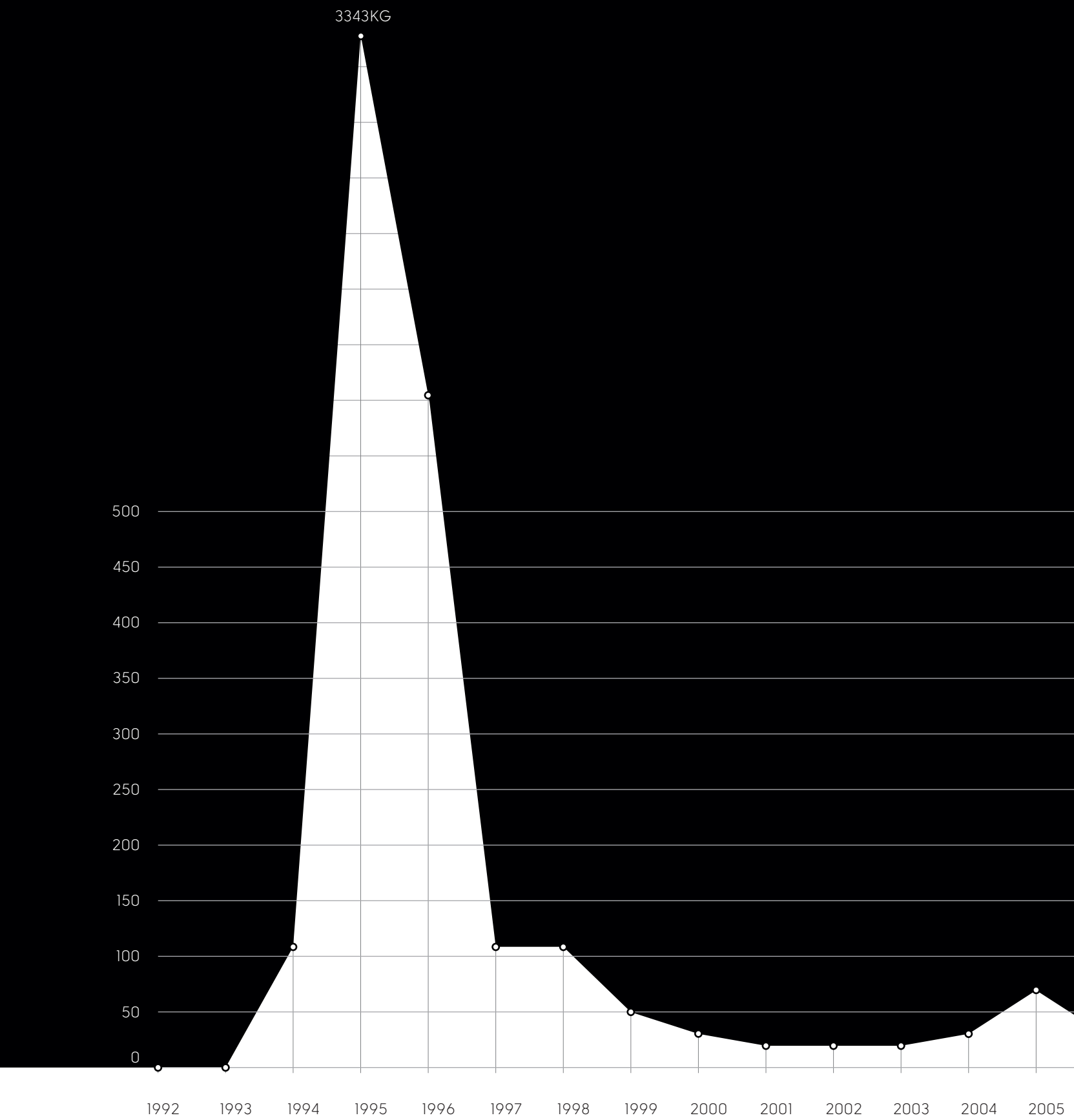


# EXPLOSIONS AND FATALITIES

Over the past few decades, the focus of explosives-related crime has shifted away from explosions to the illegal handling of explosives and, with few exceptions, the quantities of explosive substances and devices discovered in illegal use have fallen from year to year. The use of explo-

sives for suicide, settling rivalries or intimidation – for example, among criminal gangs – seems to be a thing of the past. In 2019, the illegal handling of explosives led to three explosions and one fatality in Estonia.

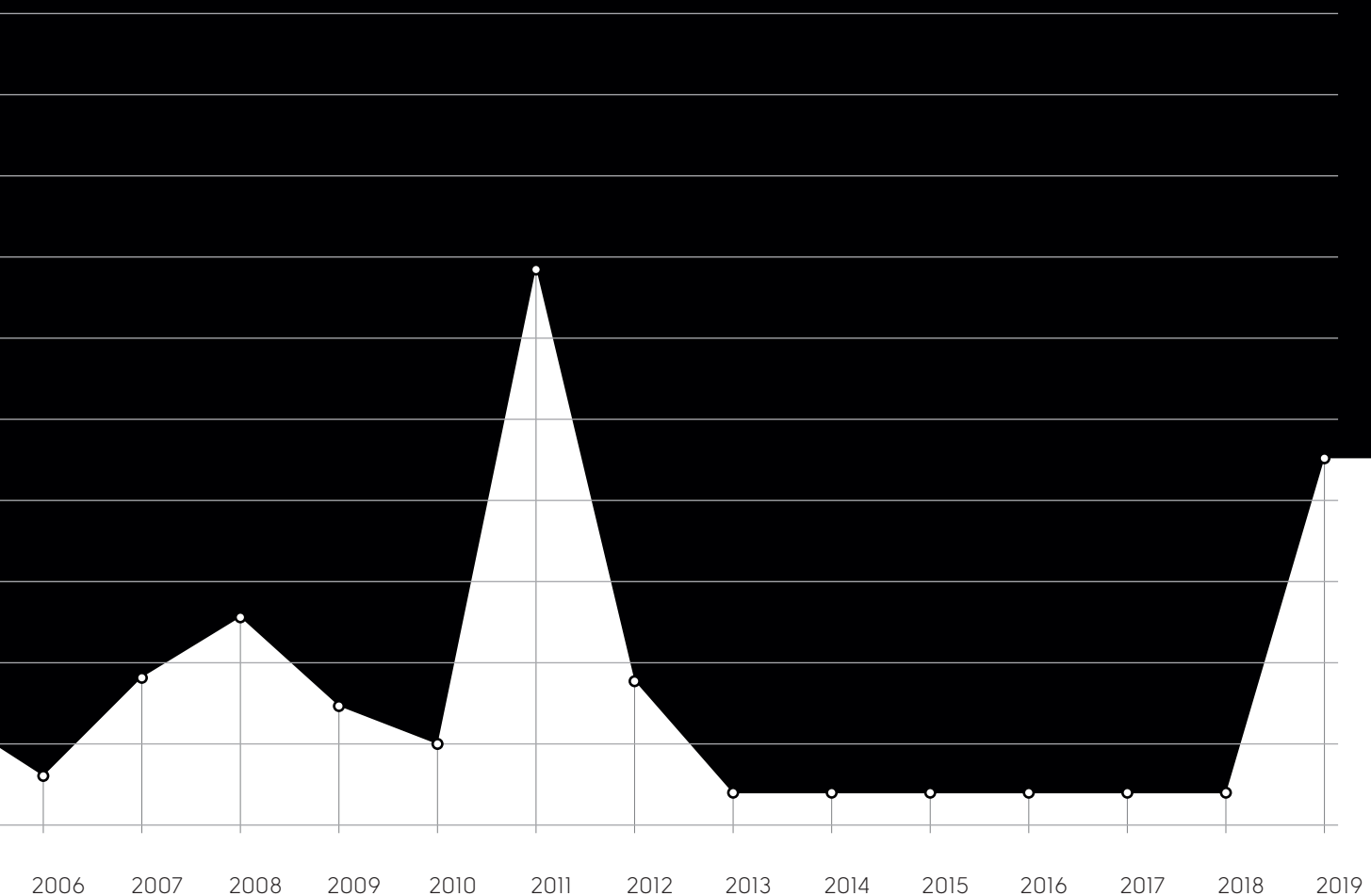




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# EXPLOSIVES SEIZED BY KAPO

As a notable exception, the quantity of explosives seized in 2019 was one of the highest in the past two decades. Most of it came from searches conducted in one criminal case against persons arrested at the end of 2019, who out of an unhealthy interest had been collecting World War II munitions and engaging in very dangerous experiments with explosives.





About a hundred automatic firearms were seized from criminals in 2007.

The “dirty archaeology” cases in the second half of 2019 are a vivid example of the sheer quantity of illegal explosives that battlefield bounty-hunters can amass over the years. We wish to remind everyone that the voluntary surrender of explosives does not entail a penalty. Being caught illegally handling explosives, however, has ended in harsh punishments handed down by the courts.

On 28 November 2019, Harju County Court convicted Anton Andrianov (born 1985), an Estonian citizen, who in 2018 attempted to sell nearly 600 grams of the military explosive trinitrotoluene in Maardu, a satellite town outside Tallinn. In a plea bargain, the court gave Andrianov a combined sentence of six years’ imprisonment under Section 414(2)2) of the Penal Code.

By fighting international arms trafficking, we prevent weapons from falling into the hands of groups or individuals seeking to carry out acts of terrorism. One of the problems faced down the years has been attempts to reactivate weapons that have been rendered incapable of firing to be permitted for civilian use. In 2017, largely at Estonia’s initiative, an amended EU directive<sup>41</sup> came into force which tightened the regulations related to acoustic weapons.<sup>42</sup>

## Blocking illegal trade in strategic goods

Located on the eastern border of the Western world, Estonia has had experience of export controls since the Middle Ages, when the strategic goods of the day were, for example, horses, rather than nuclear components or tanks. Attempts were made to regulate the export of horses from Livonia, and the first known examples date back to the 11th and 12th centuries, when the Pope prohibited Livonians from supplying horses, weapons and food to the Russians.<sup>43</sup>

In 1920, KAPO arrested ten smugglers, and between 1922 and 1923 a total of five individuals.<sup>44</sup>

It is known that, in May 1923, regional units of the Political Police were instructed to focus more attention on smuggling; however, the capture of holders of unauthorised weapons and explosives, for example, was not among its responsibilities at that time.<sup>45</sup>

The modern concept of export control dates back to the immediate post-Cold War era, when the Western powers formed a united front against pariah states to prevent a technological arms race and future large-scale military conflicts. Counterproliferation, or the fight against the spread of weapons of mass destruction, is one of the responsibilities of KAPO. The Estonian authorities are responsible for ensuring the legality of transactions going through the country. It is important that military or dual-use items do not pass through Estonia to countries subject to sanctions or into the hands of terrorist groups.

Attempts to transport illicit goods to the destination country are made through both smuggling and official export channels. In view of the latter in particular, a very important contribution is made by the Foreign Ministry-led Strategic Goods Commission, of which KAPO is a member. Before issuing an authorisation, the commission verifies the accuracy of the information submitted when applying for an import, export or transit licence and the information on the end-user of the goods, consulting with international partners where necessary. The number of applications submitted to the commission has increased every year and has almost quadrupled since 2004.

Military goods include weapons, ammunition, mines, rocket fuels, precursors of poisons, military-use parachutes, infrared equipment and software.<sup>46</sup>

Dual-use items can be used for both military and civilian purposes. This category includes alloys, production equipment, chemicals with specific properties, certain types of boring mill, live viruses, lasers and navigation devices.<sup>47</sup>

To prevent the unauthorised circulation of illegal components and information, KAPO monitors individuals and companies operating in CBRN (chemical, biological, radiological, nuclear) in Estonia. Equipment or technology that has fallen into the wrong hands is a clear threat to Estonia's security.

### **Protecting national defence assets**

The vulnerability of assets of national importance may entail a threat to the constitutional order. The Estonian government has already experienced this, during the attempted coup on 1 December 1924, as organised rebels from the Soviet Union tried to seize power.<sup>48</sup>

Domestic prevention plays an important role in the fight against terrorism. To prevent attacks and manage threats, KAPO focuses on the protection of national defence assets, following national guidelines. The prevention activities aim to mitigate identified risks and minimise the negative impact of an attack.

The possessors of national defence assets are required to prepare a facility-specific risk analysis and security plan, identifying relevant threats to the facility and planning for possible measures to mitigate them. Security drills have been carried out at some facilities.

Certain physical, technical and procedural measures may impose restrictions and obligations on employees at the facilities, without which security cannot be achieved. The proprietors of the facility play a key role in ensuring security; they must organise the necessary protection and oversee the appropriate implementation of measures.

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## Crisis management

KAPO must prevent and be prepared to respond to and coordinate the resolution of events related to threats arising from the risk of attack, insofar as these constitute offences within KAPO's jurisdiction.

An emergency is an event or chain of events or an interruption of an essential service which endangers the life or health of many people, causes major proprietary damage, major environmental damage or severe and extensive interference in the continuity of essential services, the resolution of which requires the prompt coordinated activities of several authorities or persons involved by them, the application of a dedicated command organisation and the involvement of more personnel and means than usual.

Sector-specific exercises and training are an important part of crisis preparedness.

KAPO, as the authority coordinating the resolution of terrorist events, organised a national crisis management exercise, CBRN2019, on 19 September 2019. The exercise simulated the resolution of a CBRN-related event. KAPO is responsible for the prevention of threats arising from the risk of an attack and must be prepared to respond to and coordinate the resolution of such threats. Due to ongoing military conflicts, the threat of terrorists being able to use chemical, biological, radioactive or even nuclear material to carry out an attack has not disappeared; to a limited extent, they also have the knowledge, experience and means required for such an attack.





The main objectives of the exercise were to practise domestic cooperation and to raise awareness of CBRN among the responding authorities. The exercise was supported by the EU Internal Security Fund's instrument for financing police cooperation, preventing and combating crime, and crisis management; and co-financed by the Estonian Ministry of the Interior.

KAPO brought in ten state authorities and agencies (Ministry of the Interior, Police and Border Guard Board, Academy of Security Sciences, Rescue Board, Environmental Board, Health Board, Veterinary and Food Board, Tax and Customs Board, Defence Forces and East Tallinn Central Hospital), four private enterprises (AS ALARA, AS Tallinna Vanasadam, AS Tal-

link and Tallinna Kiirabi) and one foreign partner (the Lithuanian specialised police unit ARAS). More than 500 individuals participated in the training. CBRN2019 can be considered a success, as it identified possible bottlenecks in cooperation as well as the equipment and training needs of the authorities and agencies.



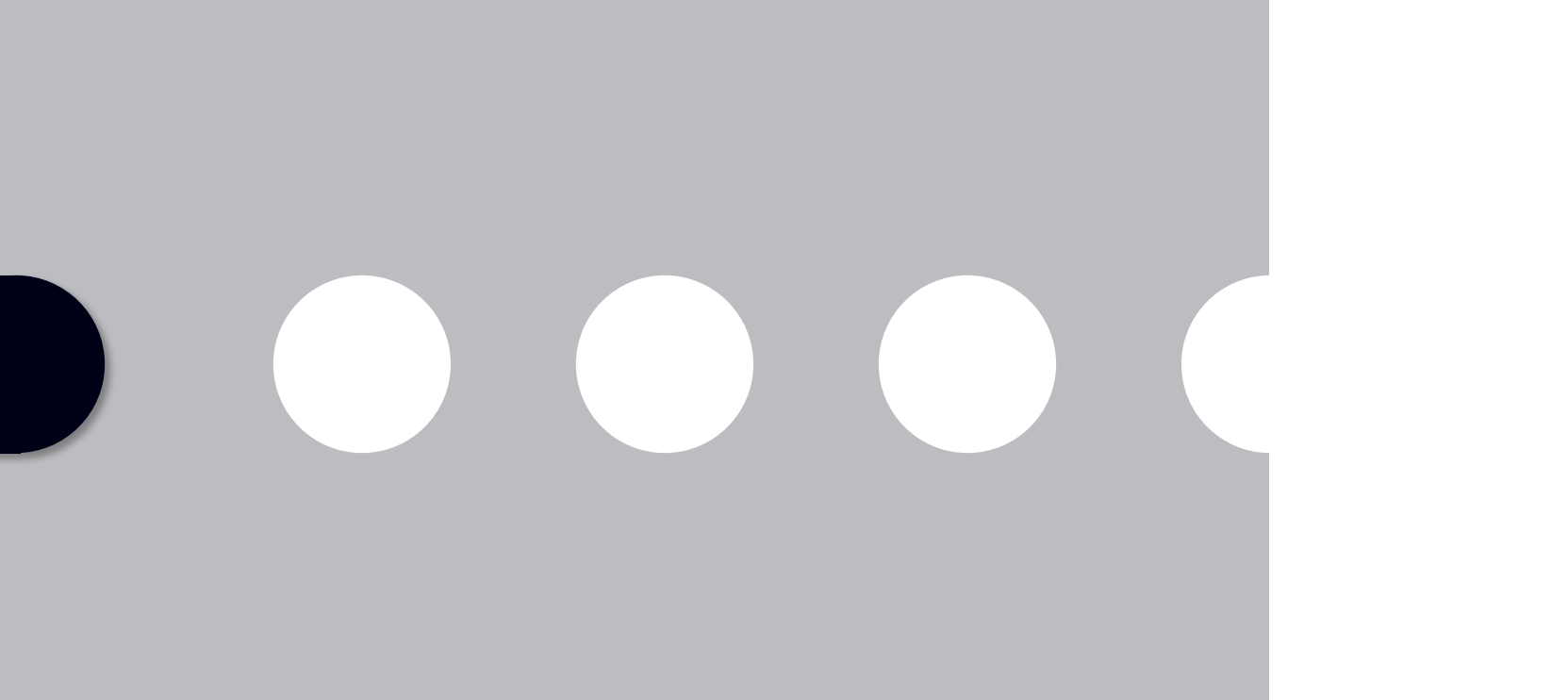


# ECONOMIC SECURITY AND THE FIGHT AGAINST CORRUPTION

## **Economic security**

The aim of the activities of KAPO in ensuring economic security is to prevent economic pressure that could damage the security of the Republic of Estonia. These pressures may include dependence on foreign markets, suppliers, technologies, capital or labour, as well as the vulnerability of infrastructure to the activities of foreign investors. Naturally, we do not consider the source of the threat to be the European Union and NATO partner countries. The economic sectors exposed to the greatest security risks continue to be energy, transport (including transit) and IT, which are the focus of our work.

We have been writing about economic security in our annual reviews since 2005. The threats and risks remain largely unchanged. Their intensity changes in time and space in tandem with economic cycles. While we have highlighted China as a threat in our previous annual reviews, it has now become more visible in the global economy, in the EU and in Estonia. Russian capital has become more hidden because of the extensive use of third-country legal entities and companies. In matters of economic security and money laundering, it is important to identify the actual beneficiary of an entity. So we cannot be sure by looking at statistics alone that investments actually originate from EU member states and not from countries that do not share our values.



For years, Estonia has been striving to increase its **energy independence**, along with its friendly neighbours. Estonia's situation has changed: previously a producer and exporter of electricity, it became a net consumer for the first time in 2019. This means that we have started buying electricity from outside Estonia, not consuming locally produced power. In terms of continuity and security of supply, this entails risks of dependence on external connections and on electricity produced elsewhere, which could jeopardise energy security.

The most important project in the **transport sector** is Rail Baltic. For large-scale infrastructure projects, we assess the potential risks of corruption as well as the broader security perspective. Infrastructure is essential for the functioning of vital services in the country and for cooperation with allies. Together with Estonian and foreign competent authorities, we work to prevent, detect and counter these risks. The strategic plan sees the Rail Baltic project as part of a larger EU transport infrastructure development. Representatives of the People's Republic of China have also expressed interest in Rail Baltic as a new transport option. The aim of China's Northern Silk Road<sup>49</sup> is to establish a land connection from a northern Norwegian port by rail to Finland, a Tallinn–Helsinki tunnel and the Rail Baltic railway to Central Europe. In this context, it is important for the countries where the infrastructure is located to protect the interests of their nation and people in carrying out these projects. This means taking into account economic, legal, security and political interests and values.

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**International sanctions** have been imposed on countries or regimes that threaten peace and security. Russia has not changed its destabilising actions against Ukraine and sanctions remain in place. Extremely wide-ranging international sanctions were imposed to ensure the integrity, sovereignty and independence of Ukraine, and to respond to the illegal annexation of Crimea and Sevastopol and Russia's destabilising activities. The sanctions cover economic resources, finance, and the import and export of weapons. KAPO's task is to prevent and investigate criminal violation of international sanctions. KAPO cooperates with the ministries and agencies responsible for the implementation of international sanctions.

**Foreign investment** helps boost productivity and speed up income growth. Aside from the positive effects, it should not be forgotten that foreign investment can have its downsides. Foreign investment planned or to be made in any sector of the economy must be prevented if it relates directly or indirectly to persons or companies on the sanctions list. These must not be the actual beneficiaries of the investment. If they were, the investment might generate economic benefits in the short term but in fact constitute an activity damaging to security. Understandably, Russia is trying to question the appropriateness and effectiveness of the sanctions.

From a security standpoint, it is important to identify and prevent foreign investment that threatens our strategic assets, critical infrastructure and supply chain. Defence and security technologies and financial intermediation remain sensitive areas in terms of security. Together with its cooperation partners, KAPO monitors such investments when they are related to countries that seek to undermine Estonia's security. In Estonia, it is necessary to discuss the legal bases for screening<sup>50</sup> foreign investments, taking into account both security and investment-promotion principles. When screening foreign investments, it is important that our responsibilities and opportunities are similar to those of the EU's neighbours, to prevent unequal competition in investment or security vulnerabilities. Legislation must provide a framework to prevent Estonia becoming a haven for dangerous foreign investment.

## Some of the topics that we have written about in the past and are still relevant today

- 2005 — Independence of the national decision-making mechanism from the influence of individuals linked to foreign capital.
- 2006 — Russia engages the country's big companies in both threats and political lobbying. Here, the argument that capital has no nationality or nationality has no capital can be substituted by the claim that greed has no boundaries.
- 2006 — KAPO is not focused as much on economic processes per se as on the grey area between the economy and politics.
- 2007 — Russia's attempts to put pressure on Estonian businesspeople and their Russian business partners reflect a corrupt desire to redistribute markets while the Estonians' competitors successfully use their administrative resources – the protection offered by Russian special services, local governments and supervisory authorities.
- 2008 — Russia shows increased interest in nuclear- and wind-energy projects in or related to Estonia.
- 2009 — Estonia's biggest weakness in preventing industrial espionage is the lack of awareness amongst local businesspeople of the existence of such a threat, which is why action is rarely taken to mitigate the risk. The problem goes beyond large companies and research institutions. Small and medium-sized enterprises can also be targeted. The exchange of information between KAPO and businesspeople is very important for preventing and countering industrial espionage.
- 2009 — A country is independent if its energy supplies are stable, independent and diversified. In an open energy market, Estonia must take into account the risks related to the consumption of external energy resources. Disruptions in supply from abroad, price manipulation and political interference are possible and detrimental to the country's energy sustainability and competitiveness.
- 2011 — Our eastern neighbour has traditionally strong state control over all major sectors of the economy. For example, in the near future, we anticipate attempts by various countries to secure their interests in energy and other industries in our region.
- 2012 — In identifying corruption-related security threats, it is first and foremost important to monitor the country's strategic foreign- and economic-policy processes, which are affected by large-scale public procurements and foreign financing or are influenced by the activities of unfriendly countries.
- 2013 — Corruption endangering economic security is primarily related to the personal business interests of people in highly influential circles. As a result, solutions may be chosen that are beneficial not to the state but to groups of individuals. The main security threat is the access of corrupt individuals to the management of government-invested strategic companies or foundations.
- 2015 — As for economic security, the areas sensitive to corruption are the energy, transport (including transit) and information technology sectors, in which corrupt behaviour can endanger national security without the corrupt official knowing it.
- 2015 — In any case, a corrupt person is easier prey for a hostile power due to greed or vulnerability to blackmail resulting from past actions.
- 2016 — Because of the link between Russian power structures, criminal circles and corruption, we must focus especially on corruption that might strengthen Russia's hold on our state. We have noted attempts by the Kremlin to use business contacts and business influence to shape Estonia's policy.
- 2018 — An attempt to export Russia's corrupt business practices to Estonia. An Estonian businessman and a member of the board of a state-owned company bribed a senior Russian official to obtain transit business by rail.

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## The fight against corruption

Corruption has always existed, but its nature and perception in society have changed over time. The fight against corruption has become a national priority today. Before 1940, there was no separate law-enforcement or security unit in Estonia to fight corruption on a permanent basis, as was typical practice at the time. Bribery and embezzlement were punishable as they are today, but the task of law-enforcement and security agencies was not specifically to combat corruption in the modern sense. Dissatisfaction with corruption in public office was undoubtedly also expressed in the 1920s and 1930s, but corruption was not perceived as a threat to national security. At the time, there was a lower perception of corruption and society did not put pressure on public authorities to deal with corruption in the way it does today. This led to a more selective and less uniform reaction to abuses of public office.

The functioning of democracy in a country is directly linked to the level of corruption. Since the beginning of the restoration of independence, Estonia has been successful in promoting democracy, and one of its hallmarks and foundations is a comprehensive and systematic approach to anti-corruption, the functioning of the anti-corruption system and the necessary response to corruption offences. “The Fundamentals of Estonian Security Policy”, approved by the Riigikogu in 2017, states that corruption diminishes political, social and economic stability, undermines trust in the state and democratic values, and can lead to an unfavourable social and economic environment and declining public security. Over the years, KAPO has developed the necessary knowledge and skills to deal more effectively with detecting, preventing and investigating corruption.

In the 2016 Annual Review, we looked back at the milestones in the fight against corruption, highlighting the stages in its development and the solutions to significant instances of criminal corruption. In a land swap, the Minister of the Environment and the Director General of the Land Board took bribes from large companies, creating a biased and corrupt sys-

tem for corrupting top officials and promoting the property of certain business circles. The land swap case was one of the most important investigations in the fight against corruption and has continued to positively influence the perception of corruption and governance practices. Preventing, investigating and punishing such high-level corruption is very important, because failing to do so would erode public confidence in the country and a downward spiral of democracy might soon follow. Local government is the authority closest to the citizen, the organiser of community life, which operates independently. KAPO has always paid attention to the fight against top-level corruption in larger municipalities. A deeply and systematically corrupt influential local government would be extremely damaging to the democracy and security of the Estonian state. Investigations of corruption offences and the perception of corruption are interrelated. Dealing with corruption offences increases the level of perception of corruption and this directs law-enforcement activities in preventing and investigating corruption.

## Secondary occupations of officials

A number of corruption offences have recently been linked to the covert activities of an official or a minor office-holder. Unless prohibited by law, an official may act as a businessperson, but must inform the employer of the scope and nature of the secondary activity in order to avoid conflicts of interest and breaches of duty. Conflict of interest must also be reported by individuals in an official position in procurement procedures. It may be difficult for the employer or the person entitled to appoint officials to control the conflict of interest arising from the secondary activity, and even harder to identify the covert ancillary activity of an official. The most dangerous forms of corruption offences involving covert secondary activities are those in which an official has a direct covert stake or other involvement in a business and directs a procurement process or the disposal of public assets in such a way that the public funds within their purview are profitable for their covert business. An example is the railway signalling business of Indrek Süld, a former manager of the communications and protection unit of the infrastructure division of AS Eesti Raudtee (Estonian



Railways).<sup>51</sup> This official made every effort to promote his covert business through professional decisions and to achieve regional or national market dominance in the sector.

While crimes of bribery require the involvement of two actors – the briber and the bribe-taker – another person's involvement is not necessarily required to assist in the disguising of public funds. In cases where an official uses a private or legal person as an accomplice in crimes of violating public procurement requirements or activity restrictions that have been identified as part of corrupt ancillary activities, they may be involved as accessories to the crime. KAPO believes that legal persons convicted of corruption offences must not participate in public procurements or qualify for them while they have a valid criminal record. Offences of corruption related to covert ancillary activities indicate that disapproval of corruption has reached a new level, bribery and the acceptance of bribes has been slowly diminishing, and fewer dishonest officials are seeking to benefit from public funds through corrupt schemes.

### **Bribery, money laundering and proceeds of crime**

In investigating crimes of bribery and embezzlement, we pay attention to detecting and seizing the proceeds of corruption. Criminals try to keep corrupt agreements secret, and similarly try to hide links and traces of corrupt behaviour or links to themselves when using and disposing of corrupt assets. The fight against corruption cannot be successful if corrupt individuals and those associated with them are allowed to use and dispose of the proceeds of corruption freely. The purpose of seizing property is to secure a civil action, a public claim and a confiscation or replacement thereof, and to impose a pecuniary punishment. Seizure and confiscation of the proceeds of corruption are important measures in preventing or reducing further corruption offences. Corruption is a crime and must not pay.

In cases where the bribe-taker deals with corrupt proceeds – that is, attempts to conceal the origin of the proceeds of corruption – they are involved in money laundering in addition to corruption. Cor-

ruption and money laundering are interrelated: it is possible to trace money laundering by proving corrupt acts, and vice versa – transactions with a risk of money laundering can refer to a corruption offence. International cooperation and cooperation with the Financial Intelligence Unit are becoming increasingly important in detecting and pursuing corrupt proceeds.

### **The opacity of lobbying increases the risk of corruption**

In the fight against top-level corruption, the details of the process of decision-making and regulation, transparency, stakeholder involvement, and equal access to information must be understood. Lobbying remains a part of democracy, as long as it is carried out in accordance with agreed rules, either mandatory or self-regulated, that preclude corruption.

KAPO monitors covert and inappropriate lobbying of top officials, which may have a corrupt motive or promote narrow private interests. We must recognise lobbying that seeks regulations, decisions or actions that are favourable to the lobbyist or stakeholders, that have a long-term or large-scale impact on the lobbyist's interests, or that affect many target groups and individuals. The more hidden and stronger the influence of lobbying, the more opaque the decision-making process and the more incomprehensible the result of lobbying and decision-making, the more reason there is to suspect corruption.

If self-regulation fails, mandatory rules must be imposed and lobbying activities disclosed. Greater transparency will help to curb hidden and inappropriate lobbying. For example, the European Parliament has compiled a list of thousands of accredited lobbyists. A similar list could be adopted in Estonia. Regulated lobbying and the resulting increase in transparency help to reinforce the image of fair policy-making. As long as there is no legal regulation of lobbying, the behaviour of lobbyists (former officials) should be regulated by codes of ethics and self-regulation to prevent the threat of corruption being realised.

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## Cases of corruption

### Final judgment in the railway corruption case

In 2019, court judgments on corruption in the railway sector took effect. On 1 March 2016, KAPO arrested Indrek Süld, manager of the communications and protection unit in the infrastructure division of Estonian Railways, who was suspected of knowingly violating, on a particularly large scale, the procedural restrictions set out in the Anti-Corruption Act and requirements for public procurement. Süld also abetted companies competing for public contracts in entering into illegal agreements between competitors, forging documents and using those documents in public procurement conducted by him. On 14 February 2019, Harju County Court, having heard the case during 2018, found Indrek Süld, Raivo Lill and Autsec OÜ guilty on all points of the prosecution filed by the Office of the Prosecutor General. On 7 May 2019, Tallinn Circuit Court upheld the judgment regarding Indrek Süld. The judgment states that a manager of a public undertaking is in a position to perform a public function. The Circuit Court overturned the judgment of the County Court with respect to the conviction and punishment of Raivo Lill for contributing to violation of the procedural restriction to a large extent. Under the judgment that entered into force, Indrek Süld was sentenced to three years' imprisonment with a three-year period of probation. Raivo Lill and Autsec OÜ were convicted of a competition offence and Raivo Lill was sentenced to two years' imprisonment with two years' probation. Autsec OÜ was fined 45,000 euros.

### Embezzlement of Navy assets

In the autumn of 2019, the Office of the Prosecutor General prosecuted a former naval lieutenant commander and a former master sergeant responsible for navy procurements for embezzling Navy assets entrusted to them for the performance of their duties. The duties of the officer included coordinating the Mineships Division and the Navy Base Technical Department. The non-commissioned officer coordinated the supply of Navy units, including advising

the Navy on procurement processes and conducting procurement procedures and minor tenders. According to the accusation, the former navy members, assisted by third parties, committed embezzlement between 2013 and 2016, causing the Navy total losses of more than 205,000 euros. Cross-border economic transactions and foreign companies were used to cover up the embezzlement. The court has not yet ruled in this case.

### Influence-peddling and bribery in a ministry's IT procurement

On 19 December 2019, the Tallinn Circuit Court convicted Margus Dsiss, former chief specialist in the information systems development division of the Information Technology Department of the Ministry of Economic Affairs and Communications, and \* , IT specialist at Tallinn Central Library. Aivar Ilves, the former head of information security at the Ministry of Rural Affairs, and his company Sheli OÜ were convicted of repeated bribery. The Circuit Court also upheld Harju County Court's judgment of 19 September, which additionally convicted Margus Dsiss of violating public procurement requirements and of influence-peddling. Dsiss was responsible for managing information systems development projects at the Estonian Civil Aviation Administration. Under an agreement between Dsiss and Ilves, in 2017 Dsiss, in violation of public procurement requirements, declared Ilves' company Sheli OÜ the winner of three information systems procurements by the Civil Aviation Administration, and Ilves in return promised Dsiss a paid job carrying out the same procurement contracts. Ilves made a similar agreement with \* regarding the development of the information system of Tallinn Central Library. The court sentenced Dsiss to three years' conditional imprisonment and a fine of 8,400 euros, and confiscated nearly 20,000 euros of proceeds from crime. \* was sentenced to two years' conditional imprisonment. Ilves was sentenced to two years' conditional imprisonment and Sheli OÜ was fined 18,000 euros. The judgment has not yet entered into force.

Two things should be highlighted in this case. First, there was a dispute over what constitutes a bribe.

Ilves agreed with Dsiss and \* that, when concluding procurement contracts with Sheli OÜ, Dsiss and \* would participate in carrying out the contract work, for which Sheli OÜ would pay them a larger part of the contractual fee. There appeared to be a regular employment contract, but the prerequisite for doing the job and earning a salary was the abuse of position by officials to secure these contracts for Sheli OÜ. Based on the elements of the crime of bribery and Supreme Court case law, the Circuit Court concluded that offering a job can be regarded as an asset, since it places the recipient in a position where they can start earning, i.e. it creates an opportunity to improve the person's financial position. Whether the official subsequently takes the job and earns their reward is irrelevant to the commission of the offence of bribery, since the offence has already been committed by the conclusion of the agreement. If it is established that a benefit is awarded for a professional act, it is irrelevant whether the official must, in addition to using their official position, perform an additional act in order to obtain the asset, i.e. in this case do the job.

Second, this is the first case in KAPO's practice in which a person has been convicted of influence-peddling. Influence-peddling, which has been the subject of some public discussion but concerning which there is little legal practice, occurs in the same type of situations as bribery. By contrast, the recipient of assets does not make decisions or perform acts in return, but influences the official to secure the grantor of assets or a third party unequal advantages from the viewpoint of public interest. In so doing, the influence may be alleged rather than real. The official targeted for influence need not be aware of the agreement and the influence. Similar to bribery, the offence is committed by the conclusion of an agreement between the person promising to use influence and the person promising to grant assets in return. In this case, Dsiss, in addition to the public procurement managed by him, for which he asked for a bribe, also promised to influence officials at the Estonian Maritime Administration to grant undue advantages to a company participating in one of its public procurements that was to pay Dsiss a "commission" of 4,000 euros for this "service". Although Dsiss tried to influence the Maritime Administration

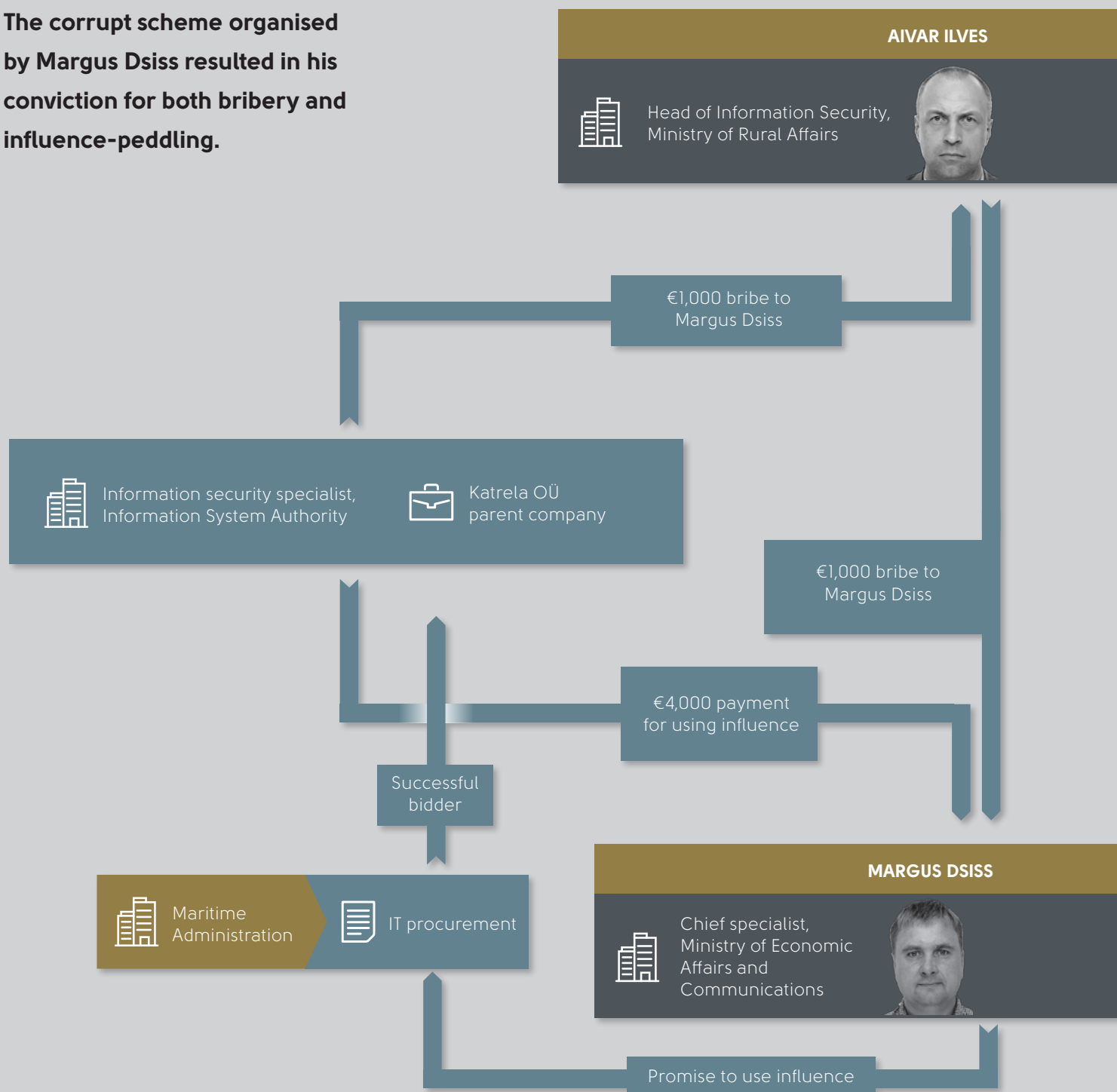
in the desired direction, his influence was not real, but alleged, and the agency did not respond to his pressure. This case vividly illustrates that, where an apparent outsider shows a suspiciously great interest in a decision-making process, they may have personal interests in the outcome. If such a suspicion arises, the investigative authorities should be informed, as this may relate to the offence of influence-peddling.

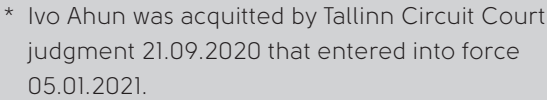
### **Investigation of procedural violations by Narva City Council members**

In August 2018, KAPO began criminal proceedings over a suspected violation of procedural restrictions by eight members of Narva City Council. The suspicion arose because the Council members belonged to the supervisory or management boards of Narva City's foundations and companies or were employees of agencies administered by the city, but did not withdraw from discussing and voting on Council agenda items concerning these foundations and companies. At the request of the prosecutor's office and with the consent of the suspects, the criminal proceedings against five Council members were terminated in the autumn of 2019 on the basis of the principle of opportunity, whereby the suspects undertook to pay between 540 and 5,000 euros to the state.

Criminal proceedings highlighted the problem of politicisation of the position of council members in the management and supervision of local government enterprises and foundations and bodies administered by the local government. Pursuant to Section 35(3) of the Local Government Organisation Act, the members of their supervisory boards and, if necessary, the management board are appointed by the rural municipality or city government. However, the applicable law does not impose restrictions on the appointment of members of a rural municipality or city government or council to supervisory or management boards. Such holding of multiple seats may in itself pose a risk of corruption, but Section 7(2) in conjunction with Section 11 of the Anti-corruption Act provides for an exception to procedural restrictions where the relationship

**The corrupt scheme organised by Margus Dsiss resulted in his conviction for both bribery and influence-peddling.**





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between an official and a legal person results exclusively from the official's duties. In addition, the competence to represent a local authority or a legal person in public law in the management or control body of a legal person is deemed an official duty within the meaning of the Act. Such an exception is understandable for an official representing executive power. For example, when a city establishes an urban transport company, it is natural that the city's interests should be represented on the company's supervisory board, for example by the head of the city transport department, and the application of procedural restrictions without exceptions would make it impossible for the person to perform their duties. For city council members, however, the situation is more controversial, as there is conflict in the context of separation of powers. In 2017, the Chancellor of Justice pointed out the need to create legal clarity to avoid conflicts of interest where a member of a local council acts as the head of a municipally administered authority or is a member of the management or supervisory board of a local-government-invested association that they must supervise in their capacity as a council member. The Chancellor of Justice considered that, if a council member is simultaneously associated with supervised agencies and companies, the question may arise as to whether the supervision is adequate and objective. This is particularly the case in municipalities where an overwhelming majority of local council members are members of supervisory and management boards and where the opposition has little capacity for effective supervision.<sup>52</sup>

KAPO supports the position of the Chancellor of Justice, because the current regulation could lead to a person with a high level of influence in the local government being able to essentially buy support among council members by distributing well-paid supervisory and management board positions to them. While this danger is most evident in respect of city or rural municipality mayors, an influential council chairman or member may, by threatening to express a motion of censure against the rural municipality or city council member, persuade them to nominate suitable individuals for positions in municipal enterprises. During the criminal proceed-

ings, it became clear that this was the situation in Narva. Under the leadership of Alexei Voronov – the head of a faction with a large majority and therefore great influence in the city – the supervisory and management boards of municipal companies were filled by council members who supported him, while many council members were remunerated better for their positions in supervisory boards compared to the city council.

In the light of the foregoing, a review is required of whether and to what extent amendments to the Local Government Organisation Act or the Anti-corruption Act are necessary to avoid such a high risk of corruption. We also support the position taken by the Ministry of Justice to ensure transparency in the management of municipal companies as stated in the "Prevention of Corruption in Municipalities – 11 Steps" initiative,<sup>53</sup> whereby local authorities should seek candidates for supervisory board members through public competition, as for appointments committees for public undertakings. It is good to note that this point has been included in Tallinn City Government's anti-corruption strategy. It is important to change the political culture and establish the fundamental values of an official's ethics so that the people's mandate for local government does not have to guarantee additional posts perceived as corruption.

### **Judicial proceedings in the criminal matter involving a former mayor of Tallinn**

On 22 September 2015, the then Mayor of Tallinn, Edgar Savisaar, was arrested by KAPO. He was later prosecuted together with several other people. The court closed the case against the former mayor in 2018 due to his incurable illness but in 2019 the proceedings continued with respect to the others accused. On 14 January, Harju County Court acquitted the businesspeople accused of bribery, terminating proceedings against one of them due to the expiry of reasonable time limits. This judgement has not taken effect. Here we note the episodes adjudicated in this investigation.



## **Criminal proceedings were terminated against the company that assisted in the investigation**

At the Harju County Court hearing on 18 June 2019, the prosecution filed a modified accusation against businessman Hillar Teder, accusing him of bribery and making a forbidden donation in 2015. Teder gave full and thorough testimony in response to the allegations made during the course of the judicial proceedings, thereby contributing to the discovery of evidence – an attenuating circumstance. In addition, Teder did not commit crimes as an official – that is, he did not abuse his position or act in the public service and did not cause any material damage – and expressed his willingness to pay 200,000 euros to the state. Teder understood the significance and unlawfulness of the acts of which he was accused. According to the prosecutor's office, Teder drew the necessary conclusions to prevent him from committing further crimes. It was therefore not necessary to continue the proceedings and to punish him, and the criminal proceedings were terminated on the grounds provided for in Section 202(1) of the Code of Criminal Procedure for reasons of expediency. At the hearing, the court granted the request of the prosecutor's office and closed the criminal proceedings against Teder on grounds of expediency. As a mediator in the criminal episode, the court convicted Kalev Kallo in the general proceedings and sentenced him to one and half years in prison. The judgment has not yet entered into force with respect to him.

## **Conviction of a political party**

On 5 September 2019, through a plea bargain, Harju County Court found the Estonian Centre Party guilty of accepting a prohibited large-scale donation for the above episode under Section 402<sup>1</sup>(2) of the Penal Code. The members of the management board of the party, a non-profit association, confirmed at the hearing that the party pleaded guilty to an offence under Section 402<sup>1</sup>(2) and that they had agreed to the deal, explaining that the defendant entered into the agreement by its own free will.

The court imposed a fine of 275,000 euros on the party, of which 25,000 euros was to be paid immediately and the remaining 250,000 euros was suspended on the condition that the Centre Party did not intentionally commit a further crime during the period of probation, which ends on 4 March 2021. The Centre Party was also ordered to pay procedural expenses for the commission of a second-degree crime.

## **A single case of customs corruption**

Erki Oppar, who had worked as a senior inspector at the Southern Customs Station of the Tax and Customs Board since 2009, was responsible for customs clearance of persons, vehicles and goods at the Lühamaa road border crossing point. In January 2019, Oppar's ten-year career as an official ended when he was apprehended by KAPO for taking a bribe of 3,000 euros. The customs officer took a bribe for allowing a person to carry undeclared cash from Russia into Estonia without customs control in the amount of 500,000 euros, of which a total of 450,000 euros was shipped to Estonia in three portions with Oppar's knowledge and assistance. Oppar's act remained an attempted crime as it was for reasons outside his control, as the briber staged the crime. On 16 January 2020, Tartu County Court sentenced Oppar to two years' conditional imprisonment with two years and six months' probation.

The bribability of any official responsible for border security at the external borders of the European Union could pose a threat to the security of Estonia. We can confirm, however, that Oppar's was an isolated case not involving other customs officials.

Today's low level of corruption at the border and in customs is thanks to a foundation laid years ago. It is worth recalling the situation in Estonia just 15 years ago. In 2004–6 suspicions of accepting bribes and gratuities were filed against 48 customs officials from the north-east and south-east Estonian border customs offices and three other border guard officials. After investigating these cases and prosecuting the criminals, systematic border and customs corruption linked to smuggling has significantly decreased.



# INVESTIGATION OF CRIMES AGAINST HUMANITY

Crimes against international law committed in Estonia mostly occurred in the 1940s and 1950s. During this period, Estonia was occupied as a result of aggression by both the Soviet Union and Nazi Germany in violation of international law. Estonia as a state was temporarily unable to fulfil its international obligations due to these occupations. But the occupying regimes had no interest in bringing to light their own policies of systematic repression. Although the victorious allied powers gave a legal assessment of the racist policies of the defeated Nazi Germany and their consequences in Nuremberg, the actions by the Soviet regime – which showed at least equal cruelty in repressing its own citizens as well as those of other countries – were not similarly questioned until the collapse of the Soviet Union. Only since Estonia restored its national sovereignty and the principles of democracy were once again recognised has it been possible to objectively investigate and prosecute crimes against humanity in the 20th century.<sup>54</sup>

2019 marked the 70th anniversary of the March deportations of 1949, the largest crime against humanity committed in Estonia in the 20th century. A symbolic number of years also passed since two pivotal events in the investigation of crimes against humanity: 25 years ago, the Riigikogu passed the

Criminal Liability of Persons Committing Crimes Against Humanity or War Crimes in Estonia Act, which allowed KAPO to begin investigating crimes against humanity; and 20 years ago, the first court judgments were handed down to the individuals accused of carrying out the March deportations. It is thus appropriate to look back at the investigation of the most extensive criminal case in the history of KAPO.

## Preliminary investigation

On 13 January 1995, KAPO opened a criminal case, based on suspected elements of a crime against humanity, to investigate the deportation of more than 20,000 people to Soviet territory in March 1949 in order to suppress resistance to the Soviet occupying authorities in the annexed Republic of Estonia. Due to the scale of the deportations, it was the prosecution of the perpetrators of this crime in particular that was most likely to be successful decades after the crime had been committed, as almost the entire local security personnel were known to have been involved in the preparation and execution of the operation. It must be said that KAPO did not have a complete overview of the personnel of the security agencies of the ESSR when

first setting out to investigate the crime. In 1995, the Riigikogu passed an act on registering and disclosing individuals who had served in or cooperated with security, intelligence or counterintelligence organisations of occupying forces. On the basis of this legislation, KAPO started to register and disclose the identities of such individuals in parallel with investigating the crimes against humanity.

As the March deportation was sufficiently well documented by the then authorities – the perpetrators themselves, that is – the first phase of the investigation focused on the records kept in the State Archives. Given the time elapsed since the crime and the large number of victims and potential suspects, some choices had to be made at the very outset of the proceedings. As the deportation was known to have been carried out at county level, it made sense also to investigate the case county by county. Thus, the files of deportees from each county were reviewed and all those named – including potential suspects, victims and witnesses – were registered. It was then necessary to identify their complete personal details and find out if they were still alive. Finding accurate personal details was very difficult: the documents produced at the time are difficult to read, as they are mostly on poor-quality paper and completely or partially handwritten, and only

contain the surname and job title of the originator. The full names of some individuals were thus identified only after comparing several documents. To complicate matters further, many of those carrying out Operation Priboi were support forces deployed from other regions of the USSR and had no ties with Estonia after the end of the deportation. The exact details and fate of these people inevitably could not be established, but the majority of those who worked permanently in Estonia were nevertheless identified.

If a person identified as a suspect was still alive, all the files in the archives that could contain evidence of their activity were reviewed. This meant that, in addition to the thousands of files on deportees, a large quantity of material from the Communist Party subsidiary organisations and the personal files within the jurisdiction of the Ministry of the Interior of the ESSR were also processed. The higher the position and the longer the career of the suspect in the security agencies, the more traces had been left behind and the greater the number of files that had to be reviewed. In the case of lower-ranking personnel, however, the gathering of evidence was like looking for a needle in a haystack – out of tens of thousands of files, only a dozen would contain evidence of their activities.

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Once the documents suggesting the guilt of a particular individual had been collected, they underwent handwriting examination. This was crucial in proving the involvement of the individuals in the crime, as in a number of cases suspects claimed not to have produced the documents. High-quality reference material was needed to obtain the most accurate expert opinion possible. As the suspects were at an advanced age, their calligraphic comparisons were often difficult to obtain or their handwriting might have changed significantly over time. One of the investigators' tasks was therefore to find documents written by hand or signed by the suspects as close to 1949 as possible. In addition to the handwriting examination, the suspects had to undergo forensic medical and psychiatric examination to determine whether they were able to stand trial at their current age. Only those deemed able to participate in the judicial proceedings – and, if necessary, to serve their sentences – were prosecuted. However, their number was exceeded many times over by the number of suspects with regard to whom proceedings had to be terminated for health reasons, even during preliminary investigation.

Alongside the documentary evidence, in criminal proceedings the testimony of victims and witnesses is at least as important. In the case of the March deportations, testimonies are particularly valuable

for painting a picture of the immediate conduct of the crime and the suffering it caused. However, the assessment of testimony had to take into account the long passage of time, the fact that many of the victims whose testimonies could be taken decades later were only children at the time of the deportation, and that the immediate executors of the deportation were generally unknown to the victims. The victims were therefore very rarely able to point to a specific perpetrator. Given this fact and the large number of victims of deportation, choices again had to be made in the criminal proceedings. Thus, a suspect was first identified on the basis of documentary evidence, then statements were taken from the victims who had suffered specifically through their criminal activity. Also heard in the criminal case were several hundred individuals who had been affected by or associated with the deportation in various ways but were not victims of the crime or there were no grounds for suspecting that they had committed crimes against humanity. In addition to the guilt of specific individuals, the investigation of the crime against humanity also required the collection of evidence of the planning, preparation, execution, scope, systematic nature, decision-making and chain of command of the entire criminal act. The work done by historians before and in parallel with the criminal investigation was of great help in this.





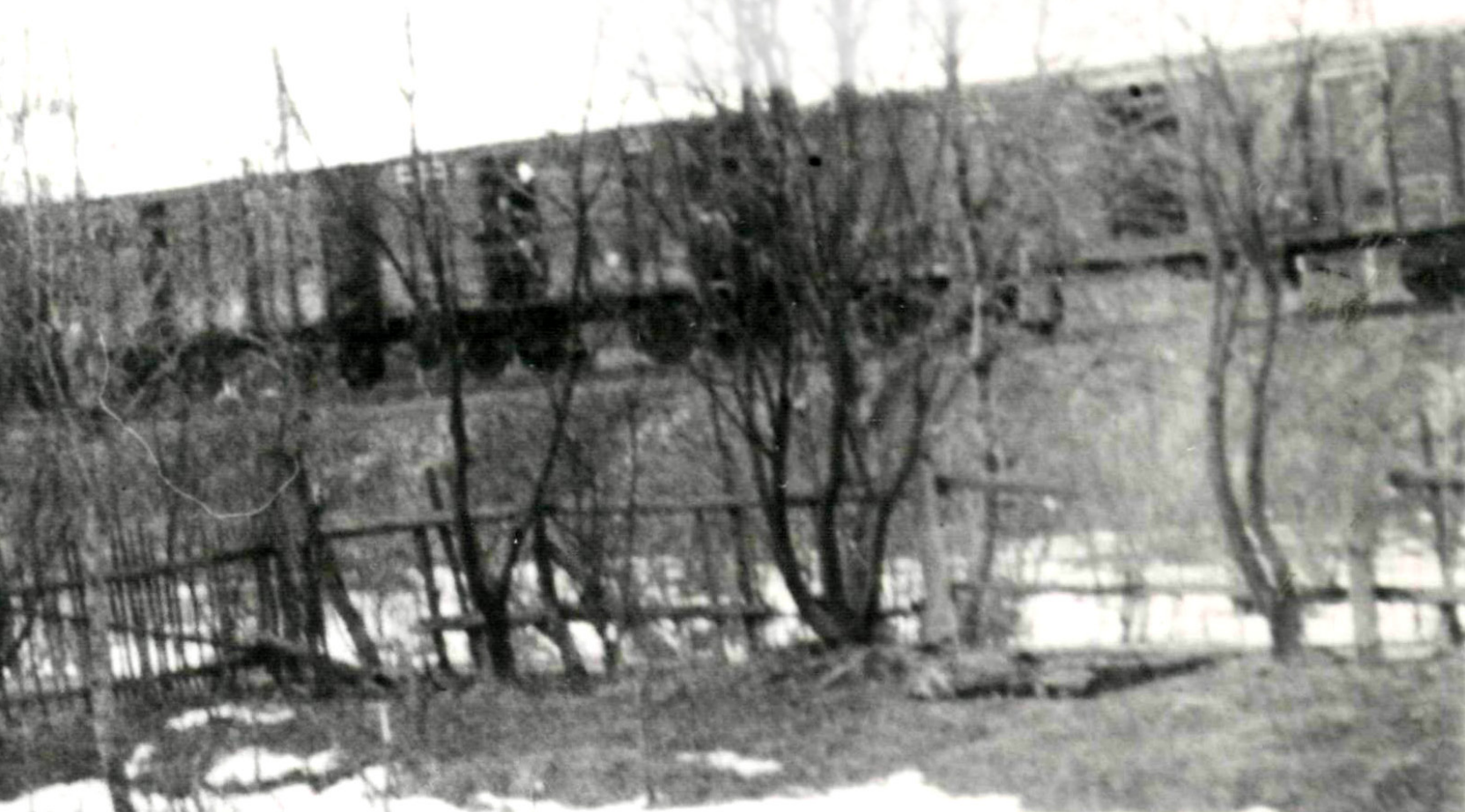
## Court judgments

The first cases connected to the deportation of March 1949 reached a court judgment in the first half of 1999. In the following years, eight people were convicted of committing crimes against humanity during the deportation. Many more received notifications from KAPO of suspicion of crimes against humanity but either died before the verdict or were released from trial due to ill health. First, the operational commissioners of the Ministry of State Security of the ESSR were accused of preparing the deportation, which means that, during February and March 1949, they identified and located the individuals (with families) proclaimed as kulaks, nationalists or associates of bandits, resulting in their deportation; second, they were accused of acting as heads of operative groups conducting the deportation, tasked with capturing the deportees and bringing them under armed guard to collection points. The courts generally did not see any problems with establishing the fact that the suspects had conducted the deportation, and they found the guilt of the leaders of the operative groups to have been established on the basis of documentary evidence in particular: the questionnaires they had completed and signed when interrogating the deportee families at their homes, the lists they had signed when handing the deportees over at collection points, and their

handwritten reports on irregularities that occurred during the operation. The courts found that these documents were important to the execution of the deportation decision and that, by signing them, the operative group leaders had taken responsibility for the accuracy of the documents.

The most succinct presentation of the objective and subjective elements of the crime against humanity is found in a Tallinn Circuit Court judgment of 19 December 2002 in the case of Juri Karpov. The court stated that the Ministry of State Security personnel involved in the deportation had to understand and take the risk that locating civilians, interrogating detainees, handing over large numbers of detainees for deportation based on the information collected, and drawing up the requisite documents for deportation was part of an official, large-scale and systematic attack against the population. It was therefore of no legal consequence that they did not participate in the preparation of the plan for deporting the civilian population, were not necessarily aware of its full extent, and were only informed of their tasks shortly before they were carried out.

Establishing participation in the preparation of the deportation was more complicated, however. One of the main points of dispute in the courts concerned the moment in time when the defendants could be



said to have become aware of the deportation operation. This would decide which actions related to the deportation they could be accused of. Ultimately, the courts concluded that there was no evidence that the operatives of the regional departments of the Ministry of State Security were aware at the time that, by collecting information and compiling reports on “kulaks” and “nationalists”, they were involved in preparing an operation for the expulsion of the indigenous population. However, the courts did point out that the senior ministry officials, and the heads of county departments in particular, were aware of Operation Priboi. It is worth addressing separately here the conviction of August Kolk, a member of the central apparatus of the Ministry of State Security, who, unlike the other convicted deporters, was not a head of an operative group. From 2 to 11 March and from 6 April to 5 June 1949, Kolk compiled deportation lists on families in which he made proposals for the deportation of 38 individuals that would later serve as a basis for deportation decisions. Saare County Court concluded from the evidence that the lists drawn up by staff in the Ministry of State Security central apparatus had a causal link with the deportation of individuals; on the one hand, these documents resulted in the violent expulsion of people from their permanent residence, and on the other, the deportees would not be able to freely return to their place of residence for years to come.

August Kolk was joined by Petr Kislyiy, convicted of crimes against humanity by the same court, in filing a complaint against the Estonian state with the European Court of Human Rights (ECHR), claiming that their conviction was not in accordance with the principle of *nulla poena sine lege*, meaning that their activity had not constituted a criminal offence at the time it was carried out. On 17 January 2006, the ECHR concluded that the complaint by Kolk and Kislyiy against Estonia was manifestly ill-founded and rejected it. The court’s reasoning was briefly as follows. Estonia was occupied by the Soviet Union in 1940–1 and from 1944 to 1991. During this period, the totalitarian occupying regime conducted large-scale and systematic repressions against the Estonian population. As Estonia was temporarily prevented from fulfilling its international obligations due to the occupation, it acceded to the Convention on the Non-Applicability of Statutory Limitations to War Crimes and Crimes against Humanity only in

1991, and crimes recognised internationally as having no statutory limitations were therefore added to the Estonian Criminal Code only in 1994. The ECHR noted that, even if the acts carried out by the applicants were regarded as lawful under Soviet law, they nevertheless constituted crimes against humanity under international law. As the Soviet Union participated in the drafting and enactment of the Nuremberg Charter and UN General Assembly Resolution 95, it could not be claimed that these principles were unknown to the Soviet authorities at the time. The ECHR did not see any reason to call into question the Estonian courts’ interpretation and application of domestic law in the light of the relevant international law.

The ECHR’s position on occupation is particularly important, as this was the first time that an international court had recognised the fact that the Soviet Union had occupied Estonia. This has not, of course, prevented the Kremlin from arguing the opposite in its influence operations to this day. Unfortunately, this important fact is too often reduced to being a mere matter of opinion between parties in the international community. This shows that the Kremlin’s activities have made an impact, but it also betrays superficial knowledge. The representatives of the Estonian state – in fact all of us – therefore have a moral obligation to our ancestors and future generations to remind the world of the very real crimes against international law committed by the predecessor of today’s Russia. So that they can never happen again.

Estonian courts have convicted 11 individuals of crimes against humanity.

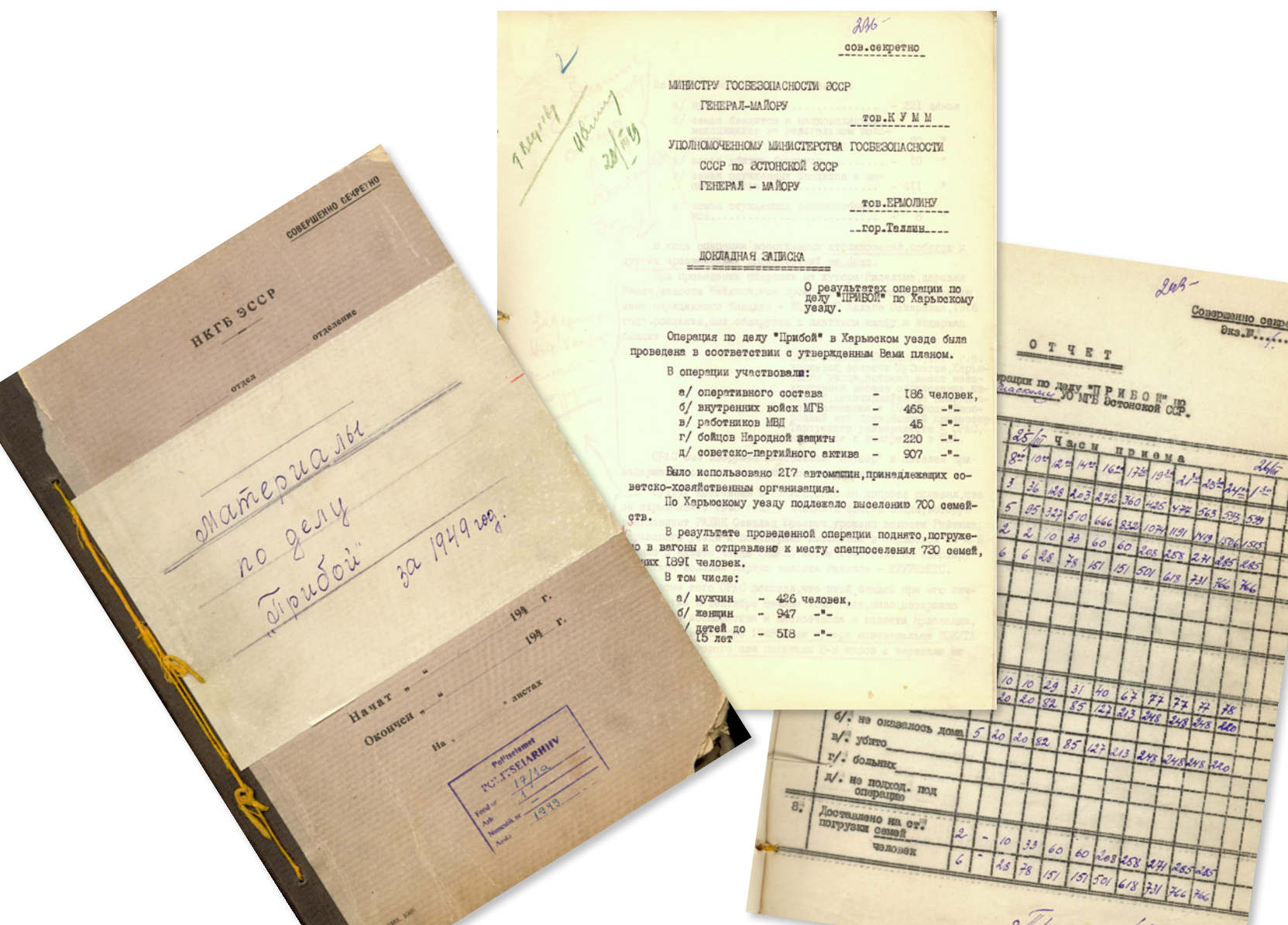
- 8 individuals for carrying out the deportations in March 1949 (J. Klaassepp, V. Beskov, M. Neverovski, V. Loginov and J. Karpov, A. Kolk, V. Kask and P. Kislyiy)
- 3 individuals for the killing of partisans known as the Forest Brothers (K.-L. Paulov, V. Penart and R. Tuvi)
- None of those accused of a crime against humanity has been acquitted in court. Dozens of suspects did not live long enough to face trial. Many were declared incapable of standing trial due to their state of health.



## Lessons of history

First, history shows that, as long as Estonia is an independent state, crimes against humanity and genocide are not committed here. People are not deported or killed on the basis of their nationality, social background or any other characteristic. As soon as independence is lost and occupation begins, the worst will happen. Our national sovereignty is absolutely worth protecting. Second, people in positions of power always have a choice. During the deportation, a number of security or militsiya officers showed humanity or even sabotaged the task assigned to them. The myth that is often used to hide behind – that failure to execute an order would have meant imprisonment or a firing squad – has not been confirmed in the case

of the Estonian deportations. It should be emphasised that deportation was in no way a matter of settling personal scores between the people of Estonia. What is more, there is no evidence to date of anyone being deported as a result of having been informed on. Under conditions of strict secrecy, people found it difficult to believe in an inhuman, mechanically executed evil, and instead surrendered to the wish to make sense of what happened by rationalising it with human motives. What really happened was the Russian empire's move to suppress resistance in the occupied territories, essentially a form of state terror carried out by the coercive apparatus of tyranny. During the occupation, the KGB used various methods, such as publishing books and articles, to instil and boost the useful myth of informants.



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## ENDNOTES

### FOREWORD BY THE DIRECTOR GENERAL

- 1 Co-authored by Ola Rosling and Anna Rosling Rönnlund.
- 2 Ilmar Tammelo, *Õiglus ja hool*. (No English edition available.) Tartu: Ilmamaa, 2001, p. 30.

### THE RE-ESTABLISHMENT OF KAPO

- 3 See Chapter 8
- 4 At that time, the word “State” was also omitted from the names of other ministries and agencies.

### DEFENDING THE CONSTITUTIONAL ORDER

- 5 [www.sejs.ee/raamatud/ses.html](http://www.sejs.ee/raamatud/ses.html). *Sõda pärast rahu* was published in 2010 and *Sõda enne sõda* in 2013.
- 6 Russia, as the successor state to the Soviet Union, did not wish to accept them as Russian citizens, instead hoping that Estonia would grant them citizenship. As Estonian citizens, they would have gained the right to directly influence the situation.
- 7 Also the representative in Estonia of the Liberal Democratic Party of Russia.
- 8 These were extreme nationalists and anti-Semites who glorified the Russian Orthodox faith.
- 9 European Council Implementing Regulation (EU) No 284/2014 of 21 March 2014.
- 10 The Kremlin later began to concentrate the cells created within neighbouring and more distant countries under an umbrella organisation. The international Coordination Council of Russian Compatriots was created in 2008.
- 11 KGB “prophylactic chats” were intimidation sessions in which the subject was warned of severe consequences unless he or she behaved as required.
- 12 Department for Interregional and Cultural Relations with Foreign Countries (led by Modest Kolerov).
- 13 Subdivision Roszarubezhtsentr (predecessor to Rossotrudnichestvo).
- 14 The Yuri Dolgoruk Foundation of the Moscow city government, Russkiy Mir, Rossotrudnichestvo, and others.
- 15 We covered the causes and conclusions of this in more detail in the KAPO annual reviews between 2006 and 2008.
- 16 Members of the Nochnoy Dozor (Klenski, Linter, Siryk) involved in the April riots previously also protested against the planned reform of Russian-language schools in Estonia in 2007. In addition, the Russian Embassy intervened and there were aggressive influence operations in the Russian media.
- 17 The demonstration was initiated by Dmitri Kondrashov, the founder of the short-lived youth association Front and former correspondent for Regnum (*Baltiskii Mir* – no longer published), who subsequently fled to Russia.
- 18 Muradov has been closely associated with events in Crimea, where he has held titles such as the special representative of the President of Russia on the Crimean Peninsula, the deputy prime minister of Crimea, and, more recently, the deputy chairman of the Council of Ministers of the Republic of Crimea.
- 19 In the meaning of Russia’s 2013 concept of foreign policy, soft power (*myagkaya sila*) was considered an alternative to classic diplomacy. In essence, this means influence operations through civil society, information and communication, and humanitarian activities, as well as Kremlin-style corruption and bribery, intimidation and deliberately spreading lies alongside half-truths.
- 20 The activity was initiated (in 2011) by the Alexander Gorchakov Public Diplomacy Fund.
- 21 [www.kapo.ee/et/content/kaitsepolitseiameti-teave-edgar-savisaare-raha-k%3%bcsimise-kohta-venemaalt.html](http://www.kapo.ee/et/content/kaitsepolitseiameti-teave-edgar-savisaare-raha-k%3%bcsimise-kohta-venemaalt.html) (in Estonian)
- 22 The pseudo legal protection system – in reality an influence operations fund – called Fund for the Legal Protection and Support of Russian Federation Compatriots Living Abroad, was founded in 2011. Those individuals with a background in special services that received support from the fund for legal protection were incidentally active supporters of the annexation of Crimea.
- 23 Mir Bez Natsizma was founded in 2010.
- 24 The activities of Consul-General Dmitry Kazennov and Consul Andrey Surgaev of the Russian Consulate-General in Narva in connection with the so-called memorial stone in Kiviõli was contrary to Article 41 of the Vienna Convention on Diplomatic Relations. They were therefore declared personae non gratae.
- 25 [www.err.ee/1015225/vene-saadik-tunnistas-siinsete-venelaste-vahest-huvi-venemaale-elama-asuda](http://www.err.ee/1015225/vene-saadik-tunnistas-siinsete-venelaste-vahest-huvi-venemaale-elama-asuda) (in Estonian)

### COUNTERINTELLIGENCE

- 26 The title of this section is borrowed from a 2016 Estonian feature film about the 1990s. [http://paevad.ee/wp-content/uploads/2016/02/PMAS\\_press-kit\\_A4\\_ENG.pdf](http://paevad.ee/wp-content/uploads/2016/02/PMAS_press-kit_A4_ENG.pdf)
- 27 He was dismissed in 2012.

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## PROTECTION OF STATE SECRETS

- 28 22 October 1997, State Gazette I 1997, 81, 1361.
- 29 24 March 1998, State Gazette I 1998, 31, 426.
- 30 State Gazette I 2007, 73, 449.
- 31 A security area is an area that meets various requirements for handling state secrets.
- 32 For the current act, see State Gazette I, 13 March 2019, 150, [www.riigiteataja.ee/akt/113032019150?leiaKehtiv](http://www.riigiteataja.ee/akt/113032019150?leiaKehtiv)
- 33 Sir Humphrey Appleby, known from the British TV comedy series Yes, Minister.

## PROVIDING CYBERSECURITY

- 34 [www.fbi.gov/wanted/cyber/iranian-mabna-hackers](http://www.fbi.gov/wanted/cyber/iranian-mabna-hackers)

## PREVENTION OF INTERNATIONAL TERRORISM

- 35 The commission of a criminal offence against international security, against a person or the environment while posing a threat to life or health, against a foreign state or international organisation, or of a criminal offence dangerous to the public, or the manufacture, distribution or use of prohibited weapons, illegal seizure, damage to or destruction of property to a significant extent, or interference with computer data or hindrance of the functioning of computer systems as well as threatening with the commission of such acts, if committed with the purpose of forcing the state or an international organisation to perform an act or omission, or seriously interfering with or destroying the political, constitutional, economic or social structure of the state, or seriously interfering with or destroying the operation of an international organisation, or seriously terrorising the population.
- 36 Membership of a permanent organisation consisting of three or more persons who share a distribution of tasks and whose activities are directed at the commission of an act of terrorism.
- 37 [www.dw.com/en/study-right-wing-extremism-and-islamism-reinforce-each-other/a-44467597](http://www.dw.com/en/study-right-wing-extremism-and-islamism-reinforce-each-other/a-44467597)
- 38 Jihadi – an Islamist terrorist; the term is also used to refer to foreign fighters.
- 39 Encrypted messaging apps and data communication solutions that are normally not intended for communicating messages.
- 40 Tamming, M., Rosenthal, R. *Sõda pärast rahu*. 2010, p. 725.
- 41 91/477/EEC.
- 42 Weapons adapted for firing blanks.
- 43 Ivar Leimus. "Eesti hobune – strateegiline kaup keskajal". *Tuna* 2/2017.
- 44 *Sõda pärast rahu*, p. 725.
- 45 *Sõda pärast rahu*, p. 169.
- 46 List of military goods: [riigiteataja.ee/akt/lisa/1131/1201/8002/VV\\_101m\\_lisa.pdf](http://riigiteataja.ee/akt/lisa/1131/1201/8002/VV_101m_lisa.pdf)
- 47 List of dual-use items: [eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:32009R0428](http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:32009R0428)
- 48 *Sõda pärast rahu*, p. 693-712.

## ECONOMIC SECURITY AND THE FIGHT AGAINST CORRUPTION

- 49 An east–west historic network of trade routes thousands of kilometres long from China to the Mediterranean. Today, China is building a new Silk Road.
- 50 Screening is a procedure that allows foreign investments to be assessed, examined, authorised, made subject to conditions, prohibited or cancelled.
- 51 See page 60 for the judgment made in the case.
- 52 [www.oiguskantsler.ee/sites/default/files/field\\_document2/Korruptsiooni%20ohjeldamine%20kohalikus%20omavalitsuses.pdf](http://www.oiguskantsler.ee/sites/default/files/field_document2/Korruptsiooni%20ohjeldamine%20kohalikus%20omavalitsuses.pdf)
- 53 [www.korruptsioon.ee/sites/www.korruptsioon.ee/files/elfinder/dokumendid/kov\\_korruptsioonivastased\\_sammud\\_0.pdf](http://www.korruptsioon.ee/sites/www.korruptsioon.ee/files/elfinder/dokumendid/kov_korruptsioonivastased_sammud_0.pdf)

## INVESTIGATION OF CRIMES AGAINST HUMANITY

- 54 For more information on investigating and prosecuting crimes against humanity, see <https://kapo.ee/en/content/international-crimes-not-subject-statutory-limitations.html>

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