

Estonian legislation on piracy

Estonian penal code applies to acts committed on board of or against ships or aircraft registered in Estonia, regardless of the location of the ship or aircraft at the time of commission of the offence or the penal law of the country where the offence is committed.

Also the penal code of Estonia applies if the act is committed against a citizen of Estonia or a legal person registered in Estonia or if the offender is a citizen of Estonia at the time of commission of the act or becomes a citizen of Estonia after the commission of the act or if the offender is an alien who has been detained in Estonia and is not extradited. This is on the condition that the act committed outside of Estonia constitutes a criminal offence pursuant to the penal law of Estonia and is punishable at the place of commission of the act, or if no penal power is applicable at the place of commission of the act.

Estonian penal code shall also be applied if the act committed outside the territory of Estonia is punishable according to an international agreement binding on Estonia.

Article 110 in the penal law also sets down, that attacking, seizure or destruction of a ship on the high seas or in a territory outside the jurisdiction of any state, or attacking or detention of persons on board such ship, or seizure or destruction of property on board such ship by using violence, is punishable in Estonia by 2 to 10 years' imprisonment.

Relevant Articles in Penal Code

§ 6. Territorial applicability of penal law

(2) The penal law of Estonia applies to acts committed on board of or against ships or aircraft registered in Estonia, regardless of the location of the ship or aircraft at the time of commission of the offence or the penal law of the country where the offence is committed.

§ 7. Applicability of penal law by reason of person concerned

The penal law of Estonia applies to an act committed outside the territory of Estonia if such act constitutes a criminal offence pursuant to the penal law of Estonia and is punishable at the place of commission of the act, or if no penal power is applicable at the place of commission of the act and if:

- 1) the act is committed against a citizen of Estonia or a legal person registered in Estonia;
- 3) the offender is a citizen of Estonia at the time of commission of the act or becomes a citizen of Estonia after the commission of the act, or if the offender is an alien who has been detained in Estonia and is not extradited.

§ 8. Applicability of penal law to acts against internationally protected legal rights

Regardless of the law of the place of commission of an act, the penal law of Estonia shall apply to an act committed outside the territory of Estonia if the punishability of the act arises from an international agreement binding on Estonia.

§ 110. Piracy

(1) Attacking, seizure or destruction of a ship on the high seas or in a territory outside the jurisdiction of any state, or attacking or detention of persons on board such ship, or seizure or destruction of property on board such ship by using violence, is punishable by 2 to 10 years' imprisonment.

(2) The same act, if it causes:

- 1) the death of a person;
- 2) major damage, or
- 3) a danger to the life and health of a large number of people,

is punishable by 6 to 20 years' imprisonment.