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The Permanent Mission of the Republic of Estonia to the United Nations presents its compliments to the Secretary-General of the United Nations and with reference to the paragraph 1 of the General Assembly's resolution 64/117 of 16 December 2009 on the scope and application of the principle of universal jurisdiction, Estonia would like to inform the Secretary-General of the following:

The principle of universal jurisdiction is provided in Estonian legislation by section 8 of the Penal Code:

***”§ 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.”*

This provision has not been applied in Estonian practice yet.

Although section 8 contains no exclusive reference thereto, universal jurisdiction could most probably be applied in connection with penal provisions protecting humanity and international security contained in international agreements and customary law that have been codified in Chapter 8 of the Special Part of the Penal Code „Offences Against Humanity and International Security“.

His Excellency  
Secretary-General  
of the United Nations  
New York

In Chapter 8 the following offences have been listed: **crimes against humanity (§ 89), genocide (§ 90), aggression (§ 91), propaganda for war (§ 92), manufacture and distribution of prohibited weapons (§ 93), violation of measures necessary for application of international sanction (§ 93<sup>1</sup>), war crimes and offences against international security.**

However, Estonian jurisdiction shall universally extend to the offences mentioned in Chapter 8 only if the punishability of respective act arises from an international agreement binding on Estonia. In some respect the compositions set out in Chapter 8 are broader than the definitions of international crimes, such as genocide, in international agreements, and therefore each individual case must be approached separately, in order to determine the applicability of universal jurisdiction.

On the other hand, section 8 enables universal jurisdiction to be applied also to other offences codified in the Penal Code, if the punishability thereof arises from an international agreement binding on Estonia. Taking into account the lack of practice, it is however rather improbable that universal jurisdiction would be applied, *e.g.*, in case of transnational bribery or other offences which are not usually considered to be offences against international public order or breaches of *erga omnes* obligations.

The Permanent Mission of the Republic of Estonia to the United Nations avails itself of this opportunity to renew to the Secretary-General of the United Nations the assurances of its highest consideration.

New York, 26 April 2010

