

ESTONIA
Last update: 03 January 2019

RULES/GENERAL LAWS

General	1. Penal Code (Division 7) https://www.riigiteataja.ee/en/eli/520122018001/consolide
	2. Code of Criminal Procedure https://www.riigiteataja.ee/en/eli/520122018002/consolide
	3. Military Service Act https://www.riigiteataja.ee/akt/106072018010
	4. Estonian Defence Forces disciplinary regulations The regulations concerning possible criminal and disciplinary measures against the personnel of the Estonian Defence Forces are in the Penal Code , Military Service Act and the Estonian Defence Forces disciplinary regulations . The Penal Code explicitly states that 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 the offender is a member of the Defence Forces performing his or her duties.
SEA: military offence?	The Penal Code does not include any specific military offences but does include offences relating to service in defence forces. Sexual exploitation and sexual abuse are considered as offences under Chapter 9 of the Penal Code of Estonia.
Powers of the Commanding Officer (CO)	The Commanding Officer has disciplinary powers which also include the possibility of assigning disciplinary punishments. Disciplinary misdemeanors and the disciplinary procedure is regulated in the Military Service Act .

INVESTIGATION

Who can investigate?	Military police will conduct the investigations concerning offences relating to service in defence forces and war crimes. Other offences will be investigated by the Police and Border Guard Board or the Estonian Internal Security Service. The pre-trial procedure will be led by the prosecutor's office.
National Investigation Officer (NIO)	National Investigation Officers are deployed if a need exist. Under normal circumstances deployment of NIOs is requested on case by case basis with investigation responsibilities shared as explained in the prior passage.

PROSECUTION

Referral	Once the prosecutor's office is convinced that a relevant evidence has been collected during the investigation, a statement of charges will be composed. The statement will then be referred to the court.
Who can charge?	The disciplinary superior charges disciplinary offences; the public prosecutor's office prosecutes criminal offences.

JUSTICE

Military justice	Estonia does not have a Military Justice system. All cases concerning military personnel are handled by civilian courts.
Deployable Court Martial?	Estonia does not have a Deployable Court Martial system.

DISCLAIMER

The information contained in the Member State (MS) fact sheet is periodically updated, however, since it reproduces content received from Member State, the United Nations is not responsible for the content nor can it guarantee its accuracy.