

## **Penal Code**

Passed 6 June 2001

(RT<sup>1</sup> I 2001, 61, 364; consolidated text RT I 2002, 86, 504), entered into force 1 September 2002,

[Extract]

### **Division 3 Offences Against Peace**

#### § 91. Aggression

A person leading or participating in preparations for a war of aggression directed by one state against another state or war violating international agreements or security guarantees provided by the state, or a representative of the state who threatens to start a war of aggression, shall be punished by 3 to 12 years' imprisonment.

#### § 92. Propaganda for war

Any incitement to war or other use of arms in violation of the generally recognised principles of international law is punishable by a pecuniary punishment or up to 3 years' imprisonment.

#### § 93. Manufacture and distribution of prohibited weapons

(1) A person who designs, manufactures, stores, acquires, hands over, sells or provides or offers for use in any other manner a chemical, biological or bacteriological weapon or any other internationally prohibited weapon of mass destruction or other weapon, or essential components thereof, shall be punished by 3 to 12 years' imprisonment.

(2) The same act, if committed by a legal person, is punishable by a pecuniary punishment or compulsory dissolution.

#### § 93<sup>1</sup>. Violation of measures necessary for application of international sanction

(1) Violation of an internal measure necessary for the application of an international sanction is punishable by a pecuniary punishment or up to 5 years' imprisonment.

(2) The same act, if committed by a legal person, is punishable by a pecuniary punishment.

(3) The court shall confiscate the object which was the direct object of commission of an offence provided for in this section.

(04.12.2002 entered into force 02.01.2003 - RT I 2002, 105, 612)

### **Division 4 War Crimes**

#### § 94. Punishment for offences not provided for in this Division

(1) Offences committed in war time which are not provided for in this Division are punishable on the basis of other provisions of the Special Part of this Code.

(2) A person who commits an offence provided for in this Division shall be punished only for the commission of a war crime even if the offence comprises the necessary elements of other offences provided for in the Special Part.

§ 95. Acts of war against civilian population

A person who attacks civilians in war zones or destroys or renders unusable food or water supplies, sown crops or domestic animals indispensable for the survival of civilian population, or attacks structures or equipment containing dangerous forces, shall be punished by 5 to 15 years' imprisonment or life imprisonment.

§ 96. Illegal use of means of warfare against civilians

A person who uses means of warfare in a manner not allowing to discriminate between military and civilian objects and thereby causes the death of civilians, health damage to civilians, damage to civilian objects or a danger to the life, health or property of civilians shall be punished by 6 to 15 years' imprisonment or life imprisonment.

§ 97. Attacks against civilians

A person who kills, tortures, causes health damage to, rapes, compels to serve in the armed forces or participate in military operations of a hostile state, takes hostage, illegally deprives of liberty or deprives of the right to fair trial a civilian in a war zone or in an occupied territory, or displaces residents of an occupying state in an occupied territory, or displaces residents of an occupied territory, shall be punished by 6 to 20 years' imprisonment.

§ 98. Unlawful treatment of prisoners of war or interned civilians

A person required to take care of prisoners of war or interned civilians who mistreats a prisoner of war or an interned civilian or fails to perform his or her duties and thereby causes the situation of the prisoners of war or interned civilians to deteriorate, but the act does not contain the necessary elements of an offence provided for in § 99 of this Code, shall be punished by a pecuniary punishment or up to 3 years' imprisonment.

§ 99. Attacks against prisoners of war or interned civilians

Killing, torturing, inhuman treatment, causing health damage, compelling to serve in armed forces, deprivation of the right to fair trial, unjustified delay in release or repatriation, if committed against a prisoner of war or an interned civilian, is punishable by 6 to 20 years' imprisonment.

§ 100. Refusal to provide assistance to sick, wounded or shipwrecked persons

Refusal to provide assistance to a sick, wounded or shipwrecked person in a war zone, if such refusal causes the death of or health damage to the person, is punishable by 3 to 12 years' imprisonment.

§ 101. Attack against combatant hors de combat

A person who kills, causes health damage to or tortures enemy combatants after they have laid down their arms and are placed hors de combat by sickness, wounds or another reason, shall be punished by 6 to 15 years' imprisonment.

§ 102. Attacks against protected persons

A person who kills, tortures, causes health damage to or takes hostage a member of a medical unit with proper distinguishing marks, or any other person attending to sick or wounded persons, a minister of religion, a representative of an humanitarian

organisation performing his or her duties in a war zone, a civil-defence worker, a member of a parliament, or a person accompanying such person, shall be punished by 6 to 15 years' imprisonment.

§ 103. Use of prohibited weapons

Use of biological, bacteriological or chemical weapons or other weapons of mass destruction, toxic weapons, toxic or asphyxiating gases, booby traps, i.e. explosives disguised as small harmless objects, expanding bullets, weapons injuring by fragments which escape X-rays, or other internationally prohibited weapons, or large-scale use of incendiary weapons under conditions where the military objective cannot be clearly separated from civilian population, civilian objects or the surrounding environment, is punishable by 3 to 12 years' imprisonment.

§ 104. Environmental damage as method of warfare

A person who knowingly affects the environment as a method of warfare, if major damage is thereby caused to the environment, shall be punished by a pecuniary punishment or up to 5 years' imprisonment.

§ 105. Exploitative abuse of emblems and marks designating international protection  
Exploitative abuse of an emblem or name of the red cross, red crescent or red lion and Sun, or of a distinctive mark of a structure containing a camp of prisoners of war, a cultural monument, civil defence object or dangerous forces, or of the flag of truce, is punishable by a pecuniary punishment or up to 3 years' imprisonment.

§ 106. Attacks against non-military objects

An attack against an object not used for military purposes, a demilitarised zone, hospital zone, medical institution or unit, a camp of prisoners of war or an internment camp, a settlement or structure without military protection, a neutral cargo vessel, aircraft or hospital ship or aircraft, or any other means of transport used for transportation of non-combatants, is punishable by a pecuniary punishment or up to 5 years' imprisonment.

§ 107. Attacks against cultural property

Destruction, damaging or illegal appropriation of a cultural monument, church or other structure or object of religious significance, a work of art or science, an archive of cultural value, a library, museum or scientific collection not used for military purposes is punishable by a pecuniary punishment or 1 to 5 years' imprisonment.

§ 108. Destruction or illegal appropriation of property in war zone or occupied territory

A person belonging to the armed forces or participating in acts of war who destroys or illegally appropriates property on a large scale in a war zone or an occupied territory, whereas such act is not required by military necessity and lacks the necessary elements of an offence provided for in § 95, 106 or 107 of this Code, shall be punished by a pecuniary punishment or up to 5 years' imprisonment.

§ 109. Marauding

A person who, with the intention of illegal appropriation, removes an object adjacent to a person who has died or sustained wounds on the battlefield, shall be punished by 1 to 5 years' imprisonment.

