



JUDGMENT

IN THE NAME OF THE REPUBLIC OF ESTONIA

Court Tartu County Court

Decision October 10, 2022, Võru Courthouse

time of making

and place

Criminal case 1-22-6103

number

Judge Kristina Domaškina

Court hearing Marve Alaver

secretary

Translator Antonov's feelings

Criminal charges against Petr Rafalovich under Section 931 (1) of the Penal Code - Section 25 (1) and (2) and Section 345 (1) in settlement proceedings

Prosecutor Senior Prosecutor of the Southern District Prosecutor's Office Kretel Tamm

Accused **Petr Rafalovich**
date of birth: 10.01.1975; residence: xxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxx/
xxxxxxxxxxxxx;; workplace: xxxxxxxxx, xxxxxxxxxxxxxxxxxxxxxxxx; native language: xxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxx;
Citizen of Belarus

criminally unpunished
preventive arrest for 2 months from 23.08.2022 (i.e. until 23.10.2022)

Defender Attorney at Law Tarmo Pilv (by appointment)

RESOLUTION

Guided by § 248 (1) (5) of the Code of Criminal Procedure (CCP), the court decided:

1. To find Petr Rafalovich guilty under Section 931(1) - Section 25(1) and (2) of the Criminal Code and to sentence him to 2 months imprisonment.
2. To find Petr Rafalovich guilty under Section 345 (1) of the Criminal Code and to sentence him to 1 month in prison.
3. Pursuant to Section 64(1) of the Penal Code, Petr Rafalovich is sentenced to a cumulative sentence of 2 months imprisonment.

4. Pursuant to Section 68(1) of the Penal Code, the start of serving the cumulative sentence shall be deemed to be the time of Petr Rafalovich's detention as a suspect on 23.08.2022.

5. To cancel the preventive detention imposed on Petr Rafalovich while serving the sentence of imprisonment.

6. Pursuant to Section 54(1) of the Penal Code, Petr Rafalovich shall be deported from the Republic of Estonia as an additional punishment and a 5-year entry ban shall be imposed on Petr Rafalovich.

Pursuant to Section 55(2) of the Penal Code, the term of the entry ban is calculated from the date of Petr Rafalovich's deportation.

7. On the basis of § 180 (1), § 175 (1) (4) and (9) and § 179 (1) (2) of the Criminal Code, Petr Rafalovich is ordered to pay the costs of the defence counsel in the pre-trial proceedings in the amount of 269.40 euros and a penalty payment of 981 euros, i.e. the total costs of the proceedings amount to 1,250.40 euros, in favour of the Republic of Estonia.

8. Pursuant to § 423 and § 417 (2) of the Criminal Code, Petr Rafalovich must pay procedural costs in the amount of 1,250.40 euros within 1 month from the entry into force of the judgment.

The processing fees must be paid to the Tax and Customs Board's bank account EE351010052031000004 SEB Bank, EE502200221014193355 Swedbank or EE401700017002872300 Luminor Bank and indicate the reference number **99922700034041 when making the payment.**

If financial claims have not been paid in full on time, the claims will be referred to a bailiff for enforcement proceedings in accordance with the procedure provided for in the Code of Enforcement Procedure.

Appeal procedure

A party to the court proceedings has the right to appeal the decision. According to § 318 (4) of the Criminal Procedure Code, a party to the court proceedings may appeal a judgment rendered in settlement proceedings if the provisions of Chapter 9, Section 2 or § 339 (1) of the Criminal Procedure Code are violated. The accused and the defense counsel may also appeal if the act described in the settlement is not a crime, it is incorrectly qualified according to the Penal Code, or if the accused has been sentenced for a crime that the law does not provide for. The appeal must be filed in writing with the Tartu Circuit Court within 15 days of the public announcement of the judgment.

The arrested accused or his/her defense counsel may file an appeal within 15 days from the day following the day on which the accused was served with a copy of the judgment. If the judgment is translated in writing, the accused or his/her defense counsel may file an appeal within 15 days from the day on which the translated document was received.

MAIN PART OF THE JUDGMENT

Content of the accusation

Petr Rafalovich is accused of committing crimes qualified under Section 931 (1) - Section 25 (1) and (2) and Section 345 (1) of the Criminal Code.

Pursuant to Section 931 (1) of the Penal Code - Section 25(1) and (2) , Petr Rafalovich is accused of having arrived at the customs point xxxxxx

Petr Rafalovich submitted the following documents regarding the 3D printer filler: 1) commercial invoice no. xxxxxxxxxxxxxxxxxx; no. xx-xxxxxxx (*commercial invoice*) #xxx.

According to these documents, the goods were 3D printer filler Accura 60 (product code xxxxxxxx), with a gross weight of 509 kg and a cost of 135,000 (one hundred and thirty-five thousand) euros. The recipient of the goods is the Armenian company Print LLC with the address xx-xxxxxxxxxxxxxxxxxxxxxxxxxxxxx. The sender of the goods is xxxxxxxxxxxxxxxxxxxxxxx.

Petr Rafalovich submitted the following documents regarding the Siemens electromagnetic positioner: 1) goods declaration no.

22LV00021021403906, 2) CMR no. LV-68732 and

3) invoice no. 2022_077, dated 16.08.2022.

According to these documents, the goods were an electromagnetic positioner Siemens 6DR5010-OEGOO-OAAO (product code 90328100), with a gross weight of 1.1 kg and a cost of 649 forty-nine)

(six hundred euros. Goods recipient is xxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxx.

Petr Rafalovich had duplicate documents for the same goods:

According to the *commercial invoice* #xxxxxx dated CMR no. xx-xxxxxxx.06.2022, the recipient of the 3D printer filler was the Russian Federation company xxxxxxxxxxxxxxxx

xxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxx the recipient of the electromagnetic positioner Siemens was the Russian Federation company LLC "Simecs"xxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxx-x-xxxxxxxxxxxxxxxxxxxxxxxxxxxx-

xxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxx it follows that the actual destination of the goods was the Russian Federation and Petr Rafalovich tried to deliver the goods to the Russian Federation.

Petr Rafalovich violated the prohibition laid down in Council Regulation (EU) 2022/276 of 8 April 2022 amending Regulation (EU) 833/2014 concerning restrictive measures in view of Russia's actions destabilising the situation in Ukraine, and thus violated international sanctions; as well as Article 3(k)(1) of Council Regulation (EU) 2022/576 of the European Union prohibiting the sale, supply, transfer or export of goods listed in Annex XXIII to Russian natural or legal persons, entities or bodies or for use in Russia, which could contribute in particular to the strengthening of Russia's industrial capacity.

The restrictive measures provided for in Council Regulation No. 2022/345 are international sanctions within the meaning of Section 3 of the International Sanctions Act.

According to § 6 of the International Sanctions Act, a violation of an international sanction is a failure to fulfill an obligation or a violation of a prohibition provided for in the legislation implementing the international sanction.

The 3D printer filler Accura 60 (product code xxxxxxxx), which contains acrylic polymers in their original form, and the electromagnetic positioner Siemens (product code 90328100) are included in the list of goods listed in Annex XXIII to Council Regulation (EU) 2022/576 of the European Union. Therefore, the sale, supply, transfer and export of these goods to any natural or legal person, entity or body in Russia or for use in Russia is prohibited.

with a ban on entry for a period of 5 years. Order Petr Rafalovich to pay the total of 269.40 euros in pre-trial counsel fees and 981 euros in fines, i.e. a total of 1,250.40 euros in procedural costs, allocated from the state budget.

Reasons for the judgment

The court reviewed the criminal file and, during the trial, was satisfied that the accused had understood the agreement and agreed to it. The court determined that the accused had expressed his true will when concluding the agreement, and the parties to the proceedings adhered to the agreement during the hearing. The court found that the provisions of Chapter 9, Section 2 of the Criminal Procedure Code were not violated in the settlement proceedings and that the agreement had been concluded in accordance with the provisions of criminal procedure.

Petr Rafalovich must be found guilty under Section 931(1) - Section 25(1) and (2) and Section 345(1) of the Criminal Code and must be punished in accordance with the agreement reached. The requested punishment corresponds to the degree of the defendant's guilt and the purposes of the punishment.

In the criminal case, the procedural costs determined are the defense attorney's fee in the pre-trial proceedings of 269.40 euros and the penalty payment of 981 euros. According to the agreement and pursuant to Section 180(1) of the Criminal Code, the procedural costs must be ordered to be paid by the accused. Based on the agreement and Sections 423 and 417(2) of the Criminal Code, Petr Rafalovich must pay procedural costs in the total amount of 1,250.40 euros within 1 month from the entry into force of the decision.

(digitally signed)