



JUDGMENT

IN THE NAME OF THE REPUBLIC OF ESTONIA

Court	Viru County Court
Time and place of decision making	February 14, 2024, Narva Courthouse
Criminal case number	1-24-375 (23913000039)
Judge	Regina Lebedeva
Court secretary	Ilona Berezina
Translator	Evelin Veeret
Criminal matters	Galina Sergejenkova charged under Section 931 (1) - Section 25 (2) of the Criminal Code, in settlement proceedings
Prosecutor	Daniel Toom
Accused	Galina Sergejenkova – personal identification code 48112270272; Citizen of the Russian Federation; place of residence xxx; native language Russian; xxx; place of employment joint-stock company xxx; no previous criminal convictions; no restriction has been applied
Defender	Valeriy Gimaev (did not participate in the trial)

RESOLUTION

Guided by § 248 (1) (5) and §§ 249, 306, 311 and 313 of the Code of Criminal Procedure (CCP), the County Court decided:

- 1. To find Galina Sergejenkova guilty under Section 931 (1) - Section 25 (2) of the Criminal Code and to sentence her to a fine of 100 daily rates (daily rate of 39.60 euros), i.e. 3,960 euros.**
- 2. To leave the financial penalty imposed on the basis of Section 73, Subsections 1 and 3 of the Penal Code without being fully enforced if Galina Sergejenkova does not commit a new intentional crime during the probationary period of 1 year and 6 months.**
3. Pursuant to Section 78(1) of the Penal Code, the probationary period begins from the date of the pronouncement of the judgment.
- 4. The person who was the direct object of the commission of the offense taken from Galina Sergejenko 1,000 euros, which are held in the deposit account of the Estonian Security Police Board, shall be confiscated pursuant to § 83 (2) and § 931 (3) of the Penal Code.**

5. Order Galina Sergejenkova to pay a penalty of 1,230 euros in favor of the Republic of Estonia and a defense attorney's fee of 204.96 euros for legal assistance provided in the pre-trial proceedings, i.e. a total of 1,434.96 euros. euros.

6. On the basis of Section 180(3) of the Criminal Code, it is ordered that Galina Sergejenkova undertakes to pay the procedural costs of 1,434.96 euros awarded to her within 1 year from the entry into force of the judgment.

The procedural costs must be paid to the Tax and Customs Board's account number EE351010052031000004 at SEB Pank AS, number EE502200221014193355 at Swedbank AS or number EE401700017002872300 at Luminor Bank AS. Please indicate the reference number 99924700004095 and the explanation "Galina Sergejenkova, 1-24-375, criminal proceedings costs" on the payment order.

It is mandatory to indicate the reference number. If the financial claim has not been paid in full on time, the claim will be referred to a bailiff for enforcement proceedings in accordance with the procedure provided for in the Code of Enforcement Procedure.

Appeal procedure

The court decision has the right to appeal to the Tartu Circuit Court within 15 days of the public announcement of the decision. An appeal may be filed only if the provisions of the settlement procedure have been violated (the provisions of Chapter 9, Section 2 of the Criminal Code) or if there has been a significant violation of criminal procedure law within the meaning of Section 339, Subsection 1 of the Criminal Code. The accused and the defense counsel may also file an appeal if the act described in the settlement is not a crime, it has been incorrectly qualified according to the Penal Code, or if the accused has been sentenced to a punishment for a crime that is not provided for by law.

ACCUSATION

On 2.12.2022, Galina Sergejenkova entered the Narva border crossing point at Narva, Peterburi tee 1, in the direction outbound from the Republic of Estonia in a Nissan passenger car with the registration number xxx. During the customs inspection, it was revealed that the person was carrying 900 euros in cash in euro-denominated banknotes, which were in her wallet. G. Sergejenkova was unable to explain to the customs officer the intended use of the cash in the Russian Federation and was explained to her by the customs officer that it is prohibited to bring euro-denominated banknotes to the Russian Federation and that the person may be liable for violating the sanction. G. Sergejenkova was sent back to the Republic of Estonia with the cash.

On 7.08.2023 at 18.24, G. Sergejenkova entered the Narva border crossing point at Narva, Peterburi tee 1, in the direction outbound from the Republic of Estonia to the Russian Federation in a Nissan passenger car with the registration number xxx. G. Sergejenkova was directed to an additional customs check, where 1,000 euros in cash were found in her trouser pocket. G. Sergejenkova, being aware of the ban on transporting banknotes denominated in euros to Russia, gave explanations according to which she wanted to take euros to Russia because the currency exchange rate is better in Russia. G. Sergejenkova was taken away from 1,000 euros in cash in euro-denominated banknotes and was allowed to enter the Russian Federation without euros.

According to Article 5i(1) of Council Regulation (EU) No 833/2014 of 31.07.2014, it is prohibited to sell, supply, transfer or export banknotes denominated in the official currency of a Member State to Russia or to any natural or legal person, entity or body located in Russia, including the Government and the Central Bank of Russia, or for use in Russia.

The ban on the transfer of banknotes denominated in the official currency of a Member State of the European Union to the Russian Federation was added to the regulation on 8.04.2022 by amending regulation No. 2022/576.

According to § 3(1) of the International Sanctions Act (RSanS), an international sanction is a foreign policy measure aimed at supporting the preservation or restoration of peace, international security, democracy and the rule of law, respect for human rights and international law, or the achievement of other objectives of the Charter of the United Nations or the common foreign and security policy of the European Union. According to § 6 of the RSanS, an international 2(3)

Violation of a sanction is a failure to comply with an obligation or a violation of a prohibition provided for in the legislation implementing an international sanction. A legal act implementing an international sanction is, within the meaning of subsection 9(1) of the RSanS, a regulation of the Council of the European Union or a law of the Republic of Estonia, on the basis of which the obligations and prohibitions provided for in the legislation establishing an international sanction are applied. Therefore, Regulation No. 833/2014 of the Council of the European Union of 31.07.2014, as amended, is an international sanction.

By such actions, Galina Sergejenkova committed a crime qualified under Sections 931(1) - 25(2) of the Criminal Code, i.e. an attempt to violate the prohibition set out in the legislation implementing international sanctions.

CONTENT OF THE AGREEMENT

In agreement between Galina Sergejenkova, her defense attorney Valeriy Gimaev and prosecutor Daniel Toomi By agreement concluded on 19.01.2024, the prosecutor requests in court Galina Sergejenkova finding him guilty of committing a crime qualified under Section 931 (1) - Section 25 (2) of the Penal Code and punishing him with a financial penalty in the amount of 100 daily rates, considering the daily rate to be 39.6 euros, i.e. 3960 euros. Pursuant to Section 73 (1), (3) of the Penal Code, it is requested to leave the imposed financial penalty The sentence will not be enforced if Galina Sergejenkova does not commit a new crime during the 1 year and 6 months of probation.

The agreement also stipulated that, in the event of a guilty verdict, Galina Sergejenkova would be ordered to pay a penalty of 1,230 euros in favor of the Republic of Estonia and a defense attorney's fee of 204.96 euros for legal assistance provided in the pre-trial proceedings, i.e. a total of 1,434.96 euros.

The ordered procedural costs must be paid within 1 year.

The cash of 1,000 euros seized by the inspection report of 7.08.2023 is deposited in the KAPO deposit account. Pursuant to § 931 (3) and § 83 (2) of the Criminal Code, the cash of 1,000 euros belonging to Galina Sergejenkova and seized from her by the inspection report of 7.08.2023 is to be confiscated.

At the hearing of Viru County Court on 14.02.2024, the prosecutor stood by the agreement and requested the court to confirm the agreement with a judgment. The accused stated that he understood the agreement, agreed with it, had given voluntary consent to the application of the settlement procedure, when concluding the agreement, he had expressed his true will and agreed to all the legal consequences reflected in the agreement, including the confiscation procedure, and wanted the court to make a decision that would meet all the conditions of the agreement.

POSITION AND REASONS OF THE COUNTY COURT

Having reviewed the materials of the criminal case file and heard the opinions of the parties to the court proceedings, the court is of the opinion that the accused has understood the agreement and that the conclusion of the agreement corresponds to his true will. The parties to the court proceedings adhered to the agreement concluded at the hearing, requesting the court to confirm it with a judgment. The court finds that the provisions of Chapter 9, Section 2 of the Criminal Procedure Code have not been violated in the settlement proceedings and that the regulation of settlement proceedings has been followed in the criminal case. The act of the accused has been correctly qualified, therefore Galina Sergejenkova must be found guilty in accordance with Sections 931 (1) - 25 (2) of the Criminal Procedure Code and sentenced to the punishment agreed upon in the agreement. In the court's opinion, the requested punishment corresponds to the extent of the accused's guilt and the purpose of the punishment.

According to § 245 (1) (12) of the Criminal Code, the procedural costs to be compensated are the subject of the settlement procedure and, as can be seen from the agreement, an agreement has been reached regarding them. The agreement also includes the confiscation of the cash that was the direct object of the offence. Thus, the agreement concluded covers all the essential elements of the agreement.

(digitally signed)