



JUDGMENT

IN THE NAME OF THE REPUBLIC OF ESTONIA

Court	Viru County Court
Time and place of decision making	December 16, 2024, Narva Courthouse
Criminal case number	1-24-6615 (23240150029)
Judge	Innokenty Menshikov
Court secretary	Ilona Pudova
Translator	Riina Palmi
Criminal matters	Oleg Osipov charged under Section 931 (1) of the Criminal Code in settlement proceedings
Prosecutor	District Prosecutor Riina, Viru District Prosecutor's Office Bogens
Accused	Oleg Osipov personal identification code 38310270060; citizenship of the Russian Federation; place of residence xxx; xxx; native language Russian; no job; no previous criminal convictions, 2 current misdemeanor convictions; detained as a suspect 25.07.2023–26.07.2023, no restriction has been applied in subsequent proceedings
Defender	Artur Pärnoja (did not participate in the court proceedings)

RESOLUTION

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

To find Oleg Osipov guilty of committing a crime prescribed under Section 931(1) of the Criminal Code and to sentence him to 8 (eight) months in prison.

Pursuant to Section 68(1) of the Penal Code, the time spent in pre-trial detention from 25.07.2023 to 26.07.2023, i.e. 2 (two) days, shall be included in Oleg Osipov's sentence, and the final sentence to be served shall be 7 (seven) months and 28 (twenty-eight) days of imprisonment.

Pursuant to Section 73(1) and (3) of the Criminal Code, the sentence imposed on Oleg Osipov shall not be fully enforced if he does not commit a new intentional crime within a probationary period of 1 (one) year and 6 (six) months. Pursuant to Section 78(1) of the Criminal Code, the probationary period shall begin from the date of the pronouncement of this judgment, i.e. from 16.12.2024.

On the basis of **§ 84 and § 831 (1) of the Penal Code, Oleg Osipov is ordered to pay 12,000 euros in lieu of confiscation to the Republic of Estonia, based on the value of the property obtained through the crime and subject to confiscation, which has been used.**

The amount ordered to be paid from the accused Oleg Osipov instead of confiscation, pursuant to the provisions of § 306 (1) (121) of the Criminal Code, must be paid within 2 (two) years from the month following the entry into force of the judgment to the Tax and Customs Board's bank account EE351010052031000004 SEB Pank, EE522200221013264447 Swedbank, EE401700017002872300 Luminor Pank, EE957700771001523585 LHV Pank, and when making the payment, indicate the reference number xxx and the explanation "In lieu of confiscation of property in criminal case no. 1-24-6615".

To leave unchanged the prohibition notice set in favor of the Republic of Estonia on the immovable property owned by a third party, AL (also known as XXX), with an area of 367 m² (register section no. XXX, cadastral code cadastral code XXX, located at XXX) by the Viru County Court of 10.04.2024, in order to secure the fulfillment of the substitute confiscation claim in the amount of 12,000 euros, which prohibits AL and persons authorized by him from disposing of the said immovable property until Oleg Osipov fulfills the substitute confiscation claim in full.

Upon full compliance with Oleg Osipov's request for substitute confiscation, the confiscation measure applied by Viru County Court on 10.04.2024 based on court ruling No. 1-24-2121, which seized a third party's immovable property and imposed a prohibition on disposal on it, shall be annulled.

Pursuant to § 175 (1) (9) and § 179 (1) (2) of the Criminal Code, Oleg Osipov shall be ordered to pay a penalty of 1,230 euros in favor of the Republic of Estonia. Pursuant to § 180 (3) of the Criminal Code, the procedural costs ordered in favor of the state shall be paid in installments within 12 (twelve) months from the month following the entry into force of the judgment. The installments of the procedural costs shall be paid to the Tax and Customs Board's bank account SEB Bank EE351010052031000004, Swedbank EE522200221013264447, Luminor Bank EE401700017002872300 or LHV Bank EE957700771001523585, with reference number XXX and the explanation: "Oleg Osipov, 1-24-6615, penalty". 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.

Physical evidence

Pursuant to Section 83(1), (2) and Section 931 (3) of the Penal Code, the following evidence located in the evidence repository of the Eastern Prefecture of the PPA shall be confiscated after the entry into force of the judgment (act no. XXX, 18.12.2023): mobile phone Xiaomi Redmi 23028RN4DG (IMEI1: XXX IMEI2: XXX); mobile phone iPhone 14 (IMEI: XXX); 1 bottle of Tesseract Cognac. Pursuant to Section 85 of the Penal Code, the confiscated items shall become the property of the state.

Pursuant to Section 126(3)(2) of the Criminal Procedure Code, the following evidence located in the evidence repository of the Eastern Prefecture of the PPA shall be returned to Oleg Osipov after the judgment enters into force (act no. XXX, 03.08.2023 and act no. XXX, 18.12.2023): television Philips 70 model 70PUS8536/12 with serial number XXX ; laptop Samsung model NPR519 (s.nr XXX) with charger; 1 GPS GF-07 device with Tele2 sim card; black smartwatch; 2 bottles of Wilhelm Shot; computer MacBook model A2338 with charger s.nr XXX ; iPhone 14 Pro (IMEI: XXX); 1 open box iPhone 14 Pro 1TB (IMEI: XXX); 1 closed box iPhone 14 (IMEI: XXX); 5 bank cards (Modulbank, MTBank, Otkrõtije, TINKOFF, MIR).

Pursuant to § 126 (3) (2) of the Criminal Code, return to AS Swedbank the Swedbank AS bank card issued in the name of DD after the judgment enters into force (document no. XXX, 18.12.2023).

Pursuant to Section 83(1) of the Penal Code, to confiscate and pursuant to Section 126(3)(4) of the Criminal Code, to destroy after the judgment enters into force: two notebooks (booklets); 3 invoices in the name of F OÜ; 2 cognac delivery notes; 2 power of attorney; 1 M shop check; 2 postal delivery notices; 4 shop checks (1 S check, 3 L checks), which are located in the evidence repository of the Eastern Prefecture of the PPA under document no. XXX.

Pursuant to § 126 (3) (1) of the Criminal Code, 40 CDs (with video recordings and document files, annexes to the protocols) shall be left with the materials of the criminal case.

Pursuant to § 126 (3) (4) of the Criminal Code, to destroy (i.e. delete) the copy files of the electronic data carriers/ communication devices examined after the entry into force of the judgment, the analyzed files and the captured photographs that are located in the data repository of the Central Criminal Police of the Estonian Criminal Police.

Appeal procedure

There is a right to appeal the decision to the Tartu Circuit Court within 15 days regarding a violation of the provisions of Chapter 9, Section 2 or § 339, Subsection 1 of the Code of Criminal Procedure.

The accused and the defense attorney also have the right to appeal if the act described in the agreement 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.

CIRCUMSTANCES AND PROCEEDINGS

1. Oleg Osipov is accused of committing a crime qualified under Section 931 (1) of the Penal Code, which consisted in knowingly brokering sanctioned goods from the Republic of Estonia to the Russian Federation through the border crossing point in Narva-1, in violation of the prohibition provided for in the legislation implementing international sanctions. To this end, between 29.05.2023 and 22.07.2023, Oleg Osipov, having received information from a person(s) who had not yet been identified via a social media portal about orders placed from stores selling electronic goods in the Republic of Estonia, accepted the ordered goods in Estonia in accordance with the previous agreement and delivered them to premises rented by him in XXX for storage. After that, Oleg Osipov found persons who were willing to deliver the sanctioned goods ordered from Estonia to the territory of the Russian Federation through the border crossing point in Narva-1 for a symbolic fee (i.e. 10-15 euros). Oleg Osipov received a brokerage fee for brokering the goods.

Oleg Osipov received and organized the transportation of sanctioned goods from the Republic of Estonia to the Russian Federation as follows: 1) During the period

from 29.05.2023 to 22.07.2023, as instructed by Oleg Osipov, persons who have not yet been identified transported sanctioned electronic goods from the Republic of Estonia to the Russian Federation via the border crossing point in Narva-1: - a total of 13 smart watches (total value 12,144.80 euros) (including 3 Garmins with a total value of 2,644.90 euros) and 10 Apple Watches (total value 9,499.90 euros);
- 90 Apple iPhone smartphones (total value 103,361.99 euros); - 16 MacBook laptops (total value 25,324.00 euros); - 3 AirPods Max headphones (total value 2,277.00 euros).

2) During the period 01.07.2023-12.07.2023, Oleg Osipov transferred the following sanctioned electronic and marine navigation goods to the following persons in the premises located at XXX for delivery from the Republic of Estonia to the territory of the Russian Federation via the border crossing point located in Narva-1: - 01.07.2023 IS echo sounder "Garmin Vivid 4CV+transducer" and on the same day at 17.51 IS arrived at the Narva-1 border crossing point with the echo sounder with the aim of crossing the state border of the Republic of Estonia - the Russian Federation. During the examination of IS's belongings carried out at the Narva-1 border crossing point, the said echo sounders were seized for expert assessment. IS waived

echo sounder.

- 01.07.2023 IM sonar "Garmin Vivid 4CV" and on the same day at 18.45 IM arrived at the Narva-1 border crossing point with the sonar with the aim of crossing the state border of the Republic of Estonia - the Russian Federation. During the inspection of IM's belongings carried out at the Narva-1 border crossing point, the said sonar was taken away for expert assessment. IM gave up the sonar.
- 12.07.2023 SS echo sounder (brand not identified) and on the same day at 19.09 SS arrived at the Narva-1 border crossing point with the echo sounder with the aim of crossing the state border of the Republic of Estonia - the Russian Federation. The said echo sounders were found during the examination of SS belongings carried out at the Narva-1 border crossing point, the echo sounders were returned to SS. Oleg Osipov received the echo sounder back.
- 12.07.2023 MB echo sounder (brand not identified) and on the same day at 19.35 MB arrived at the Narva-1 border crossing point with the echo sounder with the aim of crossing the state border of the Republic of Estonia - the Russian Federation. The said echo sounders were found during the examination of MB's belongings carried out at the Narva-1 border crossing point, the echo sounders were returned to MB. Oleg Osipov received the echo sounder back.
- 12.07.2023 ST echo sounder "GARMIN STRIKER VIVID 4CV+ TRANSDUCER 2 boxes 1 IMEI code XX IMEI code XX and on the same day at 20.18 ST arrived at the Narva-1 border crossing point with the echo sounder with the aim of crossing the state border of the Republic of Estonia - the Russian Federation. During the examination of ST's belongings carried out at the Narva-1 border crossing point, the said echo sounders were taken away for expert assessment.
- 18.07.2023 The smartphone Apple iPhone (s/n XXX) previously ordered and received from OSTE AS with a cost of 1,029.00 euros and on the same day at 19:29, OS arrived at the Narva-1 border crossing point with the smartphone with the aim of crossing the state border of the Republic of Estonia - the Russian Federation. During the inspection of OS's belongings carried out at the Narva-1 border crossing point, the said smartphone was taken away to determine the price of the goods. Later, the smartphone OS was returned. Oleg Osipov received the smartphone back.

- 3) Also, on 01.07.2023 and 20.07.2023, Oleg Osipov transferred the following sanctioned automotive goods to the following persons in the premises located at XXX for delivery from the Republic of Estonia to the territory of the Russian Federation via the border crossing point located at Narva-1: - 01.07.2023 ST one timing belt (product code XX); two air filters (product code XX) and one oil filter (product code XX) and on the same day at 16.00 ST arrived at the Narva-1 border crossing point with the automotive goods with the aim of crossing the state border of the Republic of Estonia - the Russian Federation. The said automotive goods were found during the inspection of ST's belongings carried out at the Narva-1 border crossing point, the automotive goods were returned to S T. Oleg Osipov received the automotive goods back.
- 20.07.2023 ST one coolant pump (product code beginning XX) and on the same day at 20.35 ST arrived at the Narva-1 border crossing point with the pump with the aim of crossing the state border of the Republic of Estonia - the Russian Federation. During the inspection of ST's belongings carried out at the Narva-1 border crossing point, the said coolant pump was found, the coolant pump was returned to ST. Oleg Osipov received the coolant pump back.

- 4) In addition to orders for electronics, marine navigation and automotive goods, Oleg Osipov mediated orders for luxury goods from the Russian Federation to persons who have not yet been identified through the Narva-1 border crossing point. For this purpose, on 18.07.2023, Oleg Osipov gave IS one bottle of cognac "Tesseron Cognac lot no. X" (bottle volume 750ml) with a strength of 40% and on the same day at 19:20, IS arrived at the Narva-1 border crossing point with a bottle of cognac with the aim of crossing the state border of the Republic of Estonia - the Russian Federation. During the inspection of IS belongings carried out at the Narva-1 border crossing point, the said cognac was found, the cognac was returned to IS. Oleg Osipov received the cognac back.

Pursuant to Article 3h of Council Regulation (EU) No 833/2014 of the European Union of 31 July 2014, it is prohibited to sell, supply, transfer or export luxury goods listed in Annex XVIII (including alcohol with a value exceeding 300 euros, smartphones with a value exceeding 750 euros) directly or indirectly to natural or legal persons.

In accordance with the list of goods and technology referred to in Article 2a(1) and Article 2b(1) of Council Regulation (EU) No 833/2014 of the European Union, the list of goods and technology referred to in Article 2a(1) and Article 2b(1) of Annex VII to Council Regulation (EU) No 833/2014 of 31 July 2014, which may contribute to the development of, in particular, Russia's industrial capacity, shall be prohibited, directly or indirectly, from the sale, supply, transfer or export of maritime navigation goods and technology listed in Annex XVI, whether originating in the Union or not, to any natural or legal person, entity or body in Russia " or for use in Russia or on board a Russian-flagged vessel.

Parts A and C of Annex XXIII to Article 3k of Council Regulation (EU) 833/2014 list groups of goods (including car engine parts) that are prohibited from being sold, supplied, transferred or exported, directly or indirectly, to any natural or legal person, entity or body in Russia.

The restrictive measures provided for in Regulation No 833/2014 of the Council of the European Union are international sanctions within the meaning of Section 3 of the International Sanctions Act. According to Section 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 Section 6 of the RSanS, a breach of an international sanction is a failure to fulfil an obligation or a violation of a prohibition provided for in the legal act implementing the international sanction. A legal act implementing an international sanction is a regulation of the Council of the European Union within the meaning of Section 9(1) of the RSanS or a law of the Republic of Estonia, on the basis of which the obligations and prohibitions provided for in the legal act establishing the international sanction are applied. Regulation No. 833/2014 of the Council of the European Union, as amended, lists the groups of goods that are subject to international sanctions.

Therefore, Oleg Osipov committed a crime qualified under Section 931(1) of the Criminal Code, i.e. a violation of the prohibition provided for in the legislation implementing the international sanction.

2. In accordance with Oleg Osipov, his defense attorney Artur Pärnoja and the Viru District Prosecutor's Office By agreement between the prosecutor and the district prosecutor Riina Bogens, the prosecutor requests in court:

- For committing a crime qualified under Section 931 (1) of the Criminal Code, the prosecutor requests the court to sentence Oleg Osipov to 8 months of imprisonment. Pursuant to Section 68(1) of the Criminal Code, the time spent in pre-trial detention from 25.07.2023 to 26.07.2023, i.e. 2 days, shall be included in the sentence, after which the sentence to be served shall remain 7 months and 28 days of imprisonment. Pursuant to Section 73(1), (3) of the Criminal Code, the sentenced imprisonment shall not be enforced if Oleg Osipov does not commit a new crime during the probationary period of 1 year and 6 months.

Oleg Osipov is liable to pay a penalty of 1,230 euros in connection with the conviction pursuant to Section 179(1)(2) of the Criminal Code. Pursuant to Section 180(3) of the Criminal Code, the accused shall reimburse the procedural costs within 12 months from the month following the entry into force of the judgment.

The criminal proceedings have established that Oleg Osipov earned income from the provision of services each time, and in total, Oleg Osipov earned criminal proceeds of 12,000 euros when committing the crime. Based on § 831 (1) of the Criminal Code and § 84 of the Criminal Code, Oleg Osipov is ordered to return 12,000 euros of property obtained through the crime to state revenues in lieu of confiscation. Oleg Osipov requests and the third party AL (also XXX) agrees (consent in Volume VII) that the substitute confiscation claim shall be fulfilled as follows: to leave unchanged the substitute confiscation claim in the amount of 12,000 euros to ensure the fulfillment of the substitute confiscation claim in order to secure the fulfillment of the prohibition notice set in favor of the Republic of Estonia by the Viru County Court in the immovable property XXX, area 367.0 m² (immovable property no. XXX, cadastral identification XXX, located at XXX), which prohibits AL from disposing of the said immovable property until Oleg Osipov fulfills the substitute confiscation claim in full. On the basis of § 306 (1) (121) of the Criminal Code, to allow Oleg Osipov to pay

a substitute claim for confiscation within two years from the month following the entry into force of the judgment.

Pursuant to Section 83(1), (2) and Section 931 (3) of the Penal Code, after the judgment enters into force, the mobile phone Xiaomi Redmi 23028RN4DG (IMEI1: XXX IMEI2: XXX); mobile phone iPhone 14 (IMEI: XXX); 1 bottle of Tesseron Cognac. The evidence is located in the evidence repository of the Eastern Prefecture of the Estonian Police (document no. XXX , 18.12.2023). Pursuant to Section 85 of the Penal Code, the confiscated property shall become the property of the state.

Evidence and other objects: after the judgment enters into force, return to Oleg Osipov: Philips 70 TV model 70PUS8536/12 with serial number XXX; Samsung laptop model NPR519 (s.nr XXX) with charger; 1 GPS GF-07 device with Tele2 sim card; black smart watch; 2 bottles of Wilhelm Shot; MacBook model A2338 computer with charger s.nr XXX; iPhone 14 Pro (IMEI: XXX); 1 open box iPhone 14 Pro 1TB (IMEI: XXX); 1 closed box iPhone 14 (IMEI: XXX); 5 bank cards (Modulbank, MTBank, Otkrõtije, TINKOFF, MIR). Return 1 S AS bank card issued in the name of DD to S As. Destroy: two notebooks (booklets); 3 invoices in the name of F OÜ; 2 cognac delivery notes; 2 power of attorney; 1 M shop check; 2 postal delivery notices; 4 shop checks (1 S check

, 3 pcs of check L).

3. At the court hearing, Oleg Osipov stated that he understood the agreement and agreed with the agreement, voluntarily consented to the application of the settlement procedure.

4. The prosecutor supported the agreement reached, requesting that the court confirm it with a judgment.

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 evidence collected in the criminal case provides grounds to find Oleg Osipov guilty pursuant to Section 931 (1) of the Criminal Code and to sentence him to the agreed sentence. The requested sentence corresponds to the extent of the defendant's guilt and the purposes of the sentence.

When assessing the procedural costs, the court notes that, pursuant to § 245 (1) (12) of the Criminal Procedure Code, the decision on the procedural costs to be compensated is the subject of settlement proceedings and, as can be seen from the agreement, an agreement has been reached in this regard. Thus, the concluded agreement covers all essential elements of the agreement and the court has no need or legal basis to form an additional position on the matter.

The court shall render a judgment on the basis of the established circumstances, evidence and motives for imposing the sentence and guided by Sections 248-249 of the Criminal Code.

(digitally signed)

Innokenty Menshikov
Judge