



# JUDGMENT

IN THE NAME OF THE REPUBLIC OF ESTONIA

<b>Court</b>	Viru County Court
<b>Time and place of decision making</b>	February 5, 2024, Narva Courthouse
<b>Criminal case number</b>	1-24-708 (23913000047)
<b>Judge</b>	Mari-Liis Avikson
<b>Court secretary</b>	Marju Palm
<b>Translator</b>	Alexander Minin
<b>Criminal matters</b>	Victor Manilo is charged under Sections 93-1 (1) - 25 (2) of the Penal Code, in a settlement procedure, according to the provisions of the expedited procedure
<b>Prosecutor</b>	Viru District Prosecutor's Office District Prosecutor Daniel Toom
<b>Accused</b>	<b>Victor Manilo</b>  Born 10.11.1958; residence XXX; XXX; XXX; native language – XXX; XXX; no criminal record; no impediment.
<b>Defender</b>	appointed defense attorney Igor Belugin, the accused did not wish to the participation of a defense attorney in the court hearing

## RESOLUTION

**To find Victor Manilo guilty pursuant to Section 93-1 (1) - Section 25 (2) of the Penal Code and to impose a fine in the amount of 100 daily rates (the daily rate is 26.80 euros), i.e. in the amount of 2680 (two thousand six hundred eighty) euros.**

The financial penalty must be paid within 30 days from the date of entry into force of the judgment to the Tax and Customs Board's current account no. EE351010052031000004 at SEB bank, no. EE522200221013264447 SWEDBANK bank, no. EE401700017002872300 LUMINOR BANK bank, no. EE957700771001523585 at LHV Bank. Please indicate reference number 99924400000409 on the payment order and the explanation "name and surname of the accused -Victor Manilo, criminal case number - 1-24-708, explanation - financial penalty".

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

**Evidence: The cash seized in the amount of 14,000 euros in the inspection report of 04.10.2023, which is deposited in the KAPO deposit account, shall be returned to Victor Manilo upon entry into force of the judgment, pursuant to § 126 (3) (2) of the Criminal Code.**

**Order Victor Manilo to pay a penalty of 615 (six hundred and fifteen) euros in favor of the Republic of Estonia and 275 (two hundred seventy-five) euros 23 cents to cover other costs of criminal proceedings.**

**To determine that Victor Manilo has the right to pay the costs of the criminal proceedings ordered in the total amount of 890.23 euros within one (1) year from the entry into force of this decision.**

**The procedural costs** should be paid to the Tax and Customs Board's bank account no. EE351010052031000004 in SEB bank, to the bank account no. EE502200221014193355 in SWEDBANK bank, to the bank account no. EE401700017002872300 in LUMINOR BANK bank. On the payment order, indicate the reference number 99924700003753 and the explanation "name and surname of the accused - Viktor Manilo, criminal case number 1-24-708, explanation - criminal proceedings costs". It is mandatory to indicate the reference number. If financial claims are not paid in full on time, the claims will be sent to enforcement proceedings. to a bailiff for execution in accordance with the procedure provided for in the Code of Enforcement Procedure.

### **Appeal procedure**

The accused and the defense counsel have the right to appeal the decision to the Tartu Circuit Court within 15 days in connection with a violation of the provisions of Chapter 9, Section 2 or Section 339, Subsection 1 of the Code of Criminal Procedure, and also 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 to a punishment for a crime that is not provided for by law.

### **CIRCUMSTANCES AND PROCEEDINGS**

**1. VICTOR MANILO** entered the Narva border crossing point at Narva, Peterburi tee 1 on October 4, 2023 at around 01:20 as a passenger on a regular bus departing from the Republic of Estonia to the Russian Federation. The Police and Border Guard Board's tobacco and cash detection service dog V. marked the bus. Manilo. V. Manilo declared verbally on the bus that he had 50 euros in cash. When V. Manilo was called out of the bus for inspection, he wanted to supplement himself and stated that he actually had 7,000 euros in cash in euro banknotes. V. Manilo was directed to an additional customs inspection, where another 6,950 euros in cash in euro banknotes were discovered on him, which V.

Manilo had concealed. V. Manilo stated that he had deliberately failed to declare the cash and wanted to take the money to Russia for eye surgery. V. Manilo was given 14,000 euros in cash for safekeeping and was allowed to enter the Russian Federation without the 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 prohibition 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 by amending Regulation No 2022/576 of 08.04.2022.

According to § 3(1) of the International Sanctions Act (RSanS), an international sanction is a foreign policy measure aimed at supporting the maintenance 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, a violation 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, within the meaning of § 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 prescribed in the legal act establishing the 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, Victor Manilo committed a crime qualified under Sections 931 (1) - 25 (2) of the Penal Code, i.e. an attempt to violate the prohibition provided for in the legislation implementing international sanctions.**

2. In accordance with the agreement concluded on 05.02.2024 between Victor Manilo, his defense attorney Igor Belugin and the District Prosecutor of the Viru District Prosecutor's Office Daniel Toom, the prosecutor requests that the court find Victor Manilo guilty under Sections 93-1 (1) - 25 (2) of the Penal Code and punish him with a fine. with a penalty of 100 daily rates, considering the daily rate to be 26.80 euros, i.e. 2680 euros.

The parties also agreed that Victor Manilo should be ordered to pay a penalty of 615 euros and a defense fee of 275.23 euros in favor of the Republic of Estonia, based on Section 2565 (2) and Section 179 (1) (2) of the Criminal Code. euros. Based on § 180 (3) of the Criminal Code, Victor Manilo undertakes to compensate the state's claim against him in the form of procedural costs in the total amount of 890.23 euros from the entry into force of the judgment to the bank account indicated in the county court's decision within 1 year.

3. At the trial, the accused Victor Manilo stated that he understood the agreement, agreed with it, voluntarily consented to the application of the settlement procedure, and expressed his true will when concluding the agreement. The accused also agreed to the reimbursement of the costs of the criminal proceedings as stated in the agreement. The prosecutor supported the agreement.

#### **POSITION AND REASONS OF THE COUNTY COURT**

4. Based on the judicial hearing of the case, the court concluded that an agreement has been concluded between Victor Manilo, his defense counsel and the prosecutor in accordance with the provisions of Sections 239-245, 2562 (3) of the Criminal Code. The court is convinced that Victor Manilo has concluded the agreement in accordance with his true will. The issue of procedural costs must also be resolved in accordance with the agreement concluded.

Based on the above, the accused Victor Manilo must be found guilty pursuant to Sections 3-1 (1) - 25 ( 5 ) (2) of the Penal Code and sentenced in accordance with the agreement. 6.

The procedural costs shall be paid by the accused pursuant to Section 180 of the Criminal Procedure Code. Considering the amount of the costs of these criminal proceedings, the court considers it justified to grant the accused the right to pay the ordered procedural costs in installments within one year from the entry into force of the judgment, as is agreed upon by the parties to the legal proceedings.

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