



JUDGMENT

IN THE NAME OF THE REPUBLIC OF ESTONIA

Court Tartu County Court

Time and place of decision 20 February 2025, Võru Courthouse

Criminal case number 1-25-844

Judge Court Anu Felt

clerk Interpreter Criminal Marve Alaver

law Leonora Nõmmik

Andrei Klõtškov is charged with Section 4212 (1) of the Criminal Code – Section 25 (2) of the Criminal Code
2 according to the settlement procedure

Prosecutor Economic and Corruption crimes

District Prosecutor's Office Prosecutor Kaito Puusepp

Accused **Andrei Klychkov**

personal identification code: 36608170276; place of residence: XXX; is under arrest
Tallinn Prison; xxxeducation; place of work: xxx; mother tongue: xxx;
xxx

without previous criminal convictions

preventive arrest from 26.12.2024

Defender Lawyer BJ (contractual)

RESOLUTION

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

1. To find Andrei Klõtškov guilty under Section 4212 (1) of the Criminal Code – Section 25 (2) of the Criminal Code and to sentence him to
The sentence is 3 years in prison.
2. To order, pursuant to Section 73(2) of the Penal Code, that Andrei Klytškov must immediately serve 2 months in prison.
3. Based on Section 68(1) of the Penal Code, time spent in pre-trial detention shall be counted towards the sentence to be served immediately.
the time spent and to count the imprisonment to be served immediately from the beginning of Andrei
From the detention of Klychkov on 26.12.2024.
4. Pursuant to Section 73(1) and (3) of the Penal Code, the remaining sentence shall be 2 years and 10 months of imprisonment.
unenforceable if Andrei Klytchkov does not commit a new crime within the 4-year probationary period
intentional crime.
5. Pursuant to Section 78(1) of the Penal Code, the probation period shall begin from the date of the pronouncement of the judgment, i.e. on the 20th.
from February 2025.

6. To cancel the preventive detention imposed on Andrei Klychkov after serving the sentence to be served.

7. Pursuant to Section 83 (1) of the Penal Code, to confiscate from Andrei Klõtškov the means of committing the crime under Section 4212 (1) of the Penal Code – Section 25 (2) of the Penal Code, the following weapon parts found in the postal packages received in the name of Andrei Klõtškov and in his possession: 20 Glock 19 Gen pistol cartridge magazines, 40 Glock pistol cartridge magazines and 16 other weapon spare parts, 69 Glock pistol recoil springs, 10 Glock pistol firing pin intermediate sleeves, 20 Glock pistol firing pin spring mounts, 5 recoil spring buffers and 71 firearm recoil springs, which are stored in the Investigation Department of the Tax and Customs Board at Lõõtsa 8a, Tallinn.

8. Pursuant to Section 832 (1) of the Penal Code and Section 4212 (5) of the Penal Code, to confiscate the property obtained from Andrei Klõtškov by committing crimes, including 5,000 euros in cash found in his possession, which is deposited in the Investigation Department of the Tax and Customs Board at Lõõtsa 8a, Tallinn.

9. On the basis of § 180 (1), § 175 (1) (4) and (9) and § 179 (1) (2) of the Criminal Code, Andrei Klõtškov is ordered to pay the costs of the defence counsel in the pre-trial proceedings in the amount of 366 euros and a penalty payment of 2,215 euros, i.e. the total costs of the proceedings amount to 2,581 euros, in favour of the Republic of Estonia.

10. Pursuant to § 183 (1) of the Criminal Code, the state shall bear the cost of the examination of the narcotic substance in the amount of 268 euros.

11. Based on the fourth sentence of § 180(3) of the Criminal Code, Andrei Klõtškov must pay procedural costs in the total amount of 2,581 euros within 12 months from the entry into force of the judgment by the last day of the corresponding month, such that 215.08 euros must be paid in the first 11 months and 215.12 euros must be paid in the last 12 months.

The procedural costs must be paid to the Estonian Tax and Customs Board's bank account EE351010052031000004 (SWIFT: EEUHEE2X) SEB Pank, EE522200221013264447 (SWIFT: HABAE2X) Swedbank or EE401700017002872300 (SWIFT: NDEAEE2X) Luminor Bank or EE957700771001523585 (SWIFT: LHVBE22) LHV Pank and when making the payment, please indicate the reference number **99925700005268**.

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.

12. Pursuant to Section 126(3)(2) of the Criminal Code, return to Andrei Klõtškov an Asus Vivobook laptop, a Xiaomi mobile phone, a smartwatch, 3,600 US dollars and 1,070 euros, which are kept in the Investigation Department of the Tax and Customs Board at Lõõtsa 8a, Tallinn.

13. Pursuant to § 126 (3) (4) of the Criminal Code, destroy the packaging materials of postal parcels and the powder (sucrose) found and seized during the detention of Andrei Klõtškov, together with the plastic packaging, as valueless items, which are stored in the Investigation Department of the Tax and Customs Board at Lõõtsa 8a, Tallinn.

14. On the basis of § 126 (3) (4) of the Criminal Code, to delete the container files AKlotskov_Xiaomi11Life.ufdr created by AKlotskov_ASUS_VivoBook_M513U, which are stored in the data warehouse computer of Andrei Klõtškov and copying the mobile phone and computer of Andrei Klõtškov and are stored in the data warehouse computer of the Investigation Department of the Tax and Customs Board.

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 attorney may also file an 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.

The appeal must be filed in writing with the Tartu District Court within 15 days of the public announcement of the judgment. The arrested defendant may file an appeal within 15 days of the delivery of the translation of the judgment.

MAIN PART OF THE JUDGMENT

Content of the

charge Andrei Klõtškov is accused under Section 424 (1) of the Penal Code of attempting, on 20.10.2024 at 13:00, to transport firearm parts from Estonia to Russia, hidden in his vehicle, without a special permit for strategic goods, the export of which to Russia is prohibited under the legislation implementing international sanctions. At the border crossing, officers of the Luhamaa customs point checked A.

Klytchkov's Mercedes-Benz vehicle with registration number xxx and during the inspection, they discovered a total of 69 Glock pistol recoil springs, 10 Glock pistol firing pin intermediate sleeves, 20 firing pin spring mounts and 5 recoil spring buffers hidden in work gloves, a medical bag and a rear body reinforcement beam.

According to Section 59(6) of the Weapons Act, the export of, among other things, parts and essential parts of civilian weapons shall be carried out in accordance with the procedure provided for in the Strategic Goods Act. According to Section 2(1) of the Strategic Goods Act, strategic goods within the meaning of this Act are military goods, defence products, goods used to violate human rights and dual-use goods. According to Section 2(2) of the same Section, military goods are, among other things, weapons and their parts listed in the Military Goods List. Subcategory EST3 of the Military Goods List includes parts and accessories of firearms specified in the Weapons Act, other than those included in category ML 1. According to the explanatory note, a part of a firearm specified in the Weapons Act is a barrel, a frame, a weapon's receiver, a pistol grip, a barrel, a lock, a cartridge chamber, a safety catch, a breech block, an adapter, a cartridge magazine and other parts or spare parts of a firearm that are specially designed for a firearm. According to Section 6(2) of the Strategic Goods Act, the transport of goods included in the list of strategic goods requires a special permit, which must be obtained before the goods or services cross the state border. A. Klytchkov did not have the special permit required for the export of weapon parts.

The export of firearms to Russia is prohibited under Article 2aa of Council Regulation (EU) No 2022/1904 of 6 October 2022 amending Regulation (EU) No 833/2014, which prohibits the direct or indirect sale, supply, transfer or export of firearms, their parts and essential components and ammunition, as listed in Annex I to Regulation (EU) No 258/2012 of the European Parliament and of the Council, whether or not originating in the Union, to any natural or legal person, entity or body in Russia or for use in Russia. Point 13 of Annex I to Regulation (EU) No 258/2012 of the European Parliament and of the Council covers any part or spare part specially designed for a firearm and necessary for its use, including the barrel, frame, receiver, slide, cylinder, lock or safety catch and any device designed or adapted to suppress the sound of firing.

The delivery of the weapon parts to Russia was not completed for reasons beyond A. Klytchkov's control, as Estonian customs officials discovered the weapon parts hidden in the vehicle and seized them.

Thus, A. Klytškov committed a crime qualified under Section 4212 (1) of the Penal Code – Section 25 (2) of the Penal Code, i.e. attempted transportation of prohibited strategic goods.

District Prosecutor Lily Sandel of the 1st Department of the District Prosecutor's Office for Economic and Corruption Crimes, the accused Andrei Klytškov and his defense attorney, attorney BJ, entered into an agreement as follows.

A. Klõtškov must be found guilty under Section 4212 (1) of the Penal Code – Section 25 (2) of the Penal Code and must be sentenced to 3 years of imprisonment. Pursuant to Section 73 (2) of the Penal Code, a sentence of 2 months of imprisonment shall be imposed as an immediately applicable sentence. Pursuant to Section 68 (1) of the Penal Code, the time spent in pre-trial detention shall be counted as part of the immediately applicable sentence and the immediately applicable sentence shall be counted as the beginning of the immediately applicable sentence from the date of S. Klõtškov's detention as a suspect on 26.12.2024. Pursuant to Section 73 (1) and (3) of the Penal Code, the remaining sentence of 2 years and 10 months of imprisonment shall not be served if A. Klõtškov does not commit a new intentional crime during the 4-year probationary period. Pursuant to Section 83(1) of the Penal Code, the following weapon parts found in the postal packages received in his name and in his possession are to be confiscated from A. Klõtškov: 20 Glock 19 Gen pistol cartridge magazines, 40 Glock pistol cartridge magazines and 16 other weapon spare parts, 69 Glock pistol recoil springs, 10 Glock pistol firing pin intermediate sleeves, 20 Glock pistol firing pin spring mounts, 5 recoil spring buffers and 71 firearm recoil springs. Pursuant to Section 832 (1) of the Penal Code and Section 4212 (5) of the Penal Code, the cash found in his possession is to be confiscated from A. Klõtškov in the amount of 5,000 euros. Order A. Klõtškov to pay the defense attorney's fee in the pre-trial proceedings assigned to the state budget revenues in the amount of 366 euros and a penalty payment of 2,215 euros, i.e. the total procedural costs are 2,581 euros. The cost of the narcotics expert examination in the amount of 268 euros shall be borne by the state. A. Klytchkov shall be allowed to pay the procedural costs in the amount of 2,581 euros in installments over 12 months. Pursuant to Section 126, Section 3, Clause 2 of the Criminal Procedure Code, the Asus Vivobook laptop, Xiaomi mobile phone, smart watch, 3,600 US dollars and 1,070 euros shall be returned to A. Klytchkov. Pursuant to Section 126, Section 3, Clause 4 of the Criminal Procedure Code, the packaging materials of the postal parcels and the powder (sucrose) found and taken away during the detention of A. Klytchkov together with the plastic packaging shall be destroyed as valueless items.

At the hearing, the prosecutor specified that the container files AKlotskov_Xiaomi11Lite.ufdr and AKlotskav_ASUS_VivoBook_M513U created by copying A. Klõtškov's mobile phone and computer are also evidence in the criminal case, and they must be deleted. The defense and the accused agreed to delete the container files created by copying A. Klõtškov's mobile phone and computer.

Reasons for the judgment The court

reviewed the criminal file and, during the trial of the criminal case, 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 court proceedings adhered to the agreement during the hearing. 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 agreement has been concluded in accordance with the provisions of criminal procedure.

A. Klytškov must be found guilty pursuant to Section 4212 (1) of the Penal Code – Section 25 (2) of the Penal Code and he must be punished in accordance with the agreement concluded. The requested punishment corresponds to the degree of the defendant's guilt and the purposes of the punishment.

Pursuant to Section 83(1) of the Penal Code, the means of committing a crime under Section 4212(1) of the Penal Code – Section 25(2) of the Penal Code, the means of committing a crime under Section 4212(1) of the Penal Code – the weapon parts found in his possession from postal packages received in his name and 20 Glock 19 Gen pistol cartridge magazines, 40 Glock pistol cartridge magazines and 16 other weapon spare parts, 69 Glock pistol recoil springs, 10 Glock pistol firing pin intermediate sleeves, 20 Glock pistol firing pin spring mounts, 5 recoil spring buffers and 71 firearm recoil springs, which

is kept at the Investigation Department of the Tax and Customs Board at Lõõtsa 8a, Tallinn. Since A. Klytškov is staying in Estonia for a short time, does not have a weapons permit in Estonia, and was involved in transporting weapon parts to Russia for the purpose of earning income. There is reason to believe that the weapon parts that were seized from postal packages and found at A. Klytškov's residence were also intended for transport to Russia.

Pursuant to Section 832 (1) of the Penal Code and Section 4212 (5) of the Penal Code, to confiscate the property obtained from the commission of crimes from A. Klõtškov, the cash amounting to 5,000 euros found in his possession, which is deposited in the Investigation Department of the Tax and Customs Board at Lõõtsa 8a, Tallinn. Considering the circumstances that A. Klytškov earned income from selling weapon parts in Russia and, as a rule, used the cash he had with him upon arriving in Estonia to order weapon parts. There is reason to believe that the cash comes from the sale of weapon parts and is intended to order new weapon parts.

In the criminal case, the procedural costs are 268 euros for the narcotics expert examination, 366 euros for the appointed defence counsel in the pre-trial proceedings and 2,215 euros for the penalty. According to the agreement and pursuant to § 183 (1) of the Criminal Code, the state must bear the cost of the narcotics expert examination, 268 euros, because the proceedings in the episode concerning the handling of narcotics were terminated on the basis of a regulation of the investigative authority. A. Klytškov must be ordered to pay 366 euros for the appointed defence counsel in the pre-trial proceedings and 2,215 euros for the penalty, i.e. procedural costs in the amount of 2,581 euros. Based on the agreement and the fourth sentence of § 180 (3) of the Criminal Code, A. Klytškov must be allowed to pay the procedural costs in the total amount of 2,581 euros in installments within 12 months from the entry into force of the decision.

Pursuant to Section 126(3)(2) of the Criminal Code, the Asus Vivobook laptop, Xiaomi mobile phone, smart watch, 3,600 US dollars and 1,070 euros, which are kept in the Investigation Department of the Tax and Customs Board at Lõõtsa 8a, Tallinn, shall be returned to A. Klõtškov.

Pursuant to § 126 (3) (4) of the Criminal Code, the packaging materials of the postal parcels and the powder (sucrose) found and seized during the detention of A. Klõtškov, together with the plastic packaging, shall be destroyed as valueless items, which are stored in the Investigation Department of the Tax and Customs Board at Lõõtsa 8a, Tallinn.

Pursuant to Section 126(3)(4) of the Criminal Code, the container files AKlotskov_Xiaomi11Lite.ufdr and AKlotskov_ASUS_VivoBook_M513U created by copying A. Klõtškov's mobile phone and computer, which are stored in the data warehouse of the Investigation Department of the Tax and Customs Board, shall be deleted.

(digitally signed)