

VERDICT

ON BEHALF OF THE RUSSIAN FEDERATION

Moscow

12 July 2006

Presnenskiy district court, Moscow, comprised of:

Presiding Federal Judge Vasyuchenko T.M.,

with the participation of the State Prosecutor – Deputy Inter-District Prosecutor for Presnenskiy, Moscow and Junior Justice Councillor Voshchinskiy M.V.,

defence counsels:

Khabyrkin A.V. (defending Klyuyev D.V.), presenting authorisation No. 19 – A 28, attorney's licence No. 2635,

Sustatov S.M. (defending Steganova A.Ye.), presenting attorney's licence No. 3668, authorisation No. 725,

Artamonova Ye.P. (defending Zhlobitskiy I.L.), presenting attorney's licence No. 288, authorisation No. 328,

Larina V.F. (defending Voronkov O.Yu.), presenting attorney's licence No. 3772, authorisation No. 187,

Kirsanov V.M. (defending Pechkin A. N.), presenting attorney's licence No. 1928, authorisation No. 12,

in the presence of the Clerk of Court Kiselkova O.Yu.

having examined in an open court hearing the criminal case file in respect of:

Klyuyev Dmitriy Vladislavovich, date of birth 10 August 1967, born in Moscow, registered at the address: Apt. 111, 28 ul. Khamovnicheskiy Val, Moscow, citizen of Russia, with higher education, two minor children, employed as general director of Satellite Consulting Centre LLC, liable for military service, with no previous convictions,

Zhlobitskiy Igor Leonidovich, date of birth 27 August 1965, born in Potsdam, registered at the address: Apt. 127, Block 1, 6 ul. Pechorskaya, Moscow, citizen of the Russian Federation, with higher education, two minor children, employed as chairman of the board of CB (Commercial Bank) Universal Savings Bank LLC, liable for military service, with no previous convictions,

Steganova Alevtina Yevgenyevna, date of birth 20 January 1963, born in Manyukhino village, Mytishchinskiy district, Moscow Region, registered at the address: Apt. 25, 58 A ul. Baumanskaya, Moscow, citizen of the Russian Federation, with higher education, employed at CB Universal Savings Bank LLC, acting head accountant, not liable for military service, with no previous convictions,

Voronkov Oleg Yurevich, date of birth 27 September 1970, born in Bolshoye Kozino village, Balakhninskiy district, Gorkovskaya Region, registered at the address: Apt. 6, 10 Strelbishchenskiy per., Moscow, in fact residing at the address: ul. Trekhgorniy Val, Moscow, citizen of the Russian Federation, with higher education, one minor child, employed as assistant chairman on the liquidation committee of Roseltrans JSC (Joint-Stock Company), liable for military service, with no previous convictions,

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Pechkin Aleksei Nikolaevich, date of birth 6 September 1964, born in Aralturgai village, Karabutinskiy district, Aktyubinskaya Region, registered at the address: Apt. 79, 4 A ul. Leningradskaya, Podolsk, Moscow Region, in fact residing at the address: Apt. 124, 10 ul. Lenina, Istra, Moscow Region, citizen of the Russian Federation, with higher education, one minor child, employed as a fisheries officer in Timiryazev Academy, liable for military service, with no previous convictions,

accused of the commission of a crime under Articles 30(3), 159(4) RF Criminal Code,

FOUND:

Klyuyev D.V. is guilty of organising to cause pecuniary damage to the property owner by means of deception, in the absence of indicia of large-scale embezzlement, by a group of persons by prior collusion.

Zhlobitskiy and Steganova are guilty of aiding and abetting the causing of pecuniary damage to the property owner through deception, in the absence of indicia of large-scale embezzlement, by a group of persons by prior collusion.

Voronkov and Pechkin are guilty of aiding and abetting the causing of pecuniary damage to the property owner through deception, in the absence of indicia of large-scale embezzlement, by a group of persons by prior collusion.

Voronkov is guilty of aiding and abetting the use of a document known to be forged.

Pechkin is guilty of using a document known to be forged.

The crimes were committed in the following circumstances.

Klyuyev D.V., the general director of Chelter LLC, in December 2004 in Moscow (the exact time and place have not been established by the investigation), acting by prior collusion with a person against whom a case has been brought in a separate proceeding, for the purpose of the implementation of a criminal plan intended to cause damage to the property of Mikhailovskiy GOK OJSC (Open Joint-Stock Company) by unlawful seizure of shares of this Open Joint-Stock Company, planning to receive payment in the amount of RUR 52,130,000 for organising the seizure of shares of Mikhailovskiy GOK OJSC and acting from mercenary motives, in December 2004 in Moscow (the exact time and place have not been established by the investigation) organised the commission of said crime, selecting accomplices and allocating roles to them, specifically: He (Klyuyev) gave an instruction to his assistant and colleague at Chelter LLC, Albayev S.A. to organise the seizure of shares of Mikhailovskiy GOK OJSC; for the same purpose, he (Klyuyev) proposed to Zhlobitskiy I.L., Chairman of the Board of CB Universal Savings Bank LLC, to consider the issuance of two bank guarantees to the company Colchester Group Trading Corp. for the amount of RUR 3,140,384 and RUR 3,126,168.

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Zhlobitskiy I.L., at the end of December 2004 when at the premises of CB Universal Savings Bank LLC at the address: Block 11, 1 Partiyaniy per., Moscow, gave Steganova A.Ye. an instruction to sign bank guarantees on his (Zhlobitskiy's) behalf, prepared by him previously for the company Colchecter Group Trading Corp., dated 28 December 2004 for the sum of RUR 3,140,384 and 31 December 2004 for the sum of RUR 3,126,168 and to issue them to a person not identified by the investigation.

In turn, Steganova A.Ye., acting at the instruction of Zhlobitskiy I.L., on 28 and 31 December 2004, when at the premises of CB Universal Savings Bank LLC at the address: Block 11, 1 Partiyaniy per., Moscow, signed on behalf of Zhlobitskiy I.L. and issued to a person not identified by the investigation the aforesaid bank guarantees of 28 December 2004 for the sum of RUR 3,140,384 and 31 December 2004 for the sum of RUR 3,126,168, the issuance of which, according to the findings of a commercial legal expert review, did not comply with the requirements of internal bank regulations and the agreements to issue the bank guarantees and the guarantees themselves were signed improperly by the chairman of the board and the head accountant; there was also failure to comply with the procedure for issuance of said bank guarantees, which was used in contravention of commercial practice and customary business relations in the banking system of the Russian Federation.

For the purpose of implementing the criminal plan, Albayev, with the assistance of citizen Pavlov, who was unaware of his criminal intentions, selected two other accomplices, Pechkin and Voronkov, whose roles were allocated as follows: For a certain monetary remuneration, Pechkin was to obtain court documents by using a passport known to be forged, in the name of citizen Sorokin V.A., and a forged power of attorney in his (Sorokin's) name. Voronkov, a professional lawyer, was to accompany Pechkin to provide him with assistance and the necessary legal advice in obtaining the court documents.

Acting for these purposes, Albayev provided Pechkin A.N. with the necessary set of forged documents: Passport Series 6801 No. 303305 in the name of Sorokin V.A. with a photograph of Pechkin V.A. glued into it and a forged power of attorney of 24 December 2004 in the name of Sorokin V.A., allegedly issued by the director of the company Colchecter Group Trading Corp., R. Carpenter, for representation of the company's interests in court, having passed these forged documents to Pechkin A.N. through Pavlov A.A., who was not aware of his (Albayev's) criminal intent.

Pechkin A.N., using the forged passport passed to him earlier by Albayev A.S. in the name of Sorokin V.A. with his (Pechkin's) photograph glued into it and the forged power of attorney in the name of Sorokin V.A., allegedly issued by the director of the company Colchecter Group Trading Corp., R. Carpenter, for representation of the company's interests in court, arrived in Rostov-on-Don on 30 December 2004 together with Voronkov O.Yu.

Pechkin, having appeared on that day at the premises of Rostov Region Arbitrazh Court and having presented the forged passport and power of attorney in the name of Sorokin V.A. to the Clerk's Office, obtained the aforesaid ruling of 30 December 2004 in Rostov Region Arbitrazh Court to impose seizure on shares of Mikhailovskiy GOK OJSC and a corresponding writ of execution, signing for this on behalf of Sorokin V.A. when receiving these documents.

On 11 January 2005, Pechkin A.N., making himself out to be the representative of the company Colchecter Group Trading Corp., Sorokin V.A., having in his possession an unlawfully obtained ruling of Rostov Region Arbitrazh Court of 30 December 2004 to impose seizure on shares of Mikhailovskiy GOK OJSC and a corresponding writ of execution, and also the forged passport and power of attorney in the name of

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