

RECOVER Project (GA 101091375)

Asset Recovery Office's activities and management of frozen and confiscated assets – WP5

Report on interviews with experts

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1. Do you have data about the requests on freezing and confiscation abroad?

In Estonia there is an international cooperation unit in the Office Prosecutor General and they use the Regulation 2018/1805 daily. However, The Office Prosecutor General only deals with the freezing certificates and confiscation certificates are sent to the Courts.

- 2020: 7 freezing certificates sent; 14 freezing certificates received.
- 2021: 17 freezing certificates sent; 23 freezing certificates received.
- 2022: 6 freezing certificates sent; 22 freezing certificates received.
- 2023: 6 freezing certificates sent; 18 freezing certificates received.
- 2024: 10 freezing certificates received.

Internal procedure when you receive a request from abroad:

The request arrives at the Office Prosecutor General and the Office Prosecutor General is in charge of collecting the necessary information and checking if there are assets in Estonia that can be frozen. The Office Prosecutor General collects all the necessary information and after that sends the certificate to the Court. The Court would decide if they can freeze the requested asset or not.

2. Do you have information about the crimes under the requests that you send or receive?

Mostly the crimes are frauds. In Estonia, we have a bank who has many virtual accounts called VIBANs that are not directly connected to a physical person. For example, crypto exchange platforms have accounts there. So, the money that is on the account actually belongs to the crypto exchange and they are not connected to the crime. So usually the request is to freeze the account of the crypto exchange platform but we can't do that. We also have had cases connected to money laundering and drug trafficking. The offenses are the same in the requests that we usually send to other countries.

3. Do you deal with freezing of Russian assets?

The Prosecutor's Office is only in charge of only criminal investigations so the assets have to be connected to a criminal case.

4. How is the cooperation between Police and Judicial ARO?

We cooperate with a unit in the Police ARO. Specifically, we cooperate with investigators who are execute procedural acts in Estonia for other countries, like European investigation orders. They are

also helping the the Office Prosecutor General to gather the information before sending the freezing certificate to the court.

5. How does the international cooperation works?

There are different channels that we use. If there is an Estonian criminal case that needs to be handled internationally, the prosecutor in charge is dealing with international cooperation and the Office Prosecutor General provides help if necessary.

6. How many requests received do you refuse? For what reasons?

About half the requests received are successful and the other half is not. Usually because there are no assets in Estonia that could be frozen or if the request is to freeze assets that actually don't belong to that individual. It is normal to receive requests about money that doesn't actually belong to the individual, because it is possible to move money very fast. This makes it impossible to execute the certificates. The second problem is that when our prosecutors send out a request, the money is not there anymore.

7. From and to which countries do you mostly send requests?

Our neighbour countries.

8. Do you have a national agency for the management of frozen and confiscated assets?

There is a unit in the Police who is managing the frozen and confiscated assets.