3 October 2025 Ruling No
1035 6447

Composition of the Court

District Judge Antti Ignatius
District Judge Ismo Räty
District Judge Anu Vannassalo

Parties

Prosecutor(s)
State Prosecutor Heidi Nummela
Senior Specialised Prosecutor Krista Mannerhovi
District Prosecutor Mikko Larkia

Defendant(s)
Santosh Kumar Chaurasia
Robert Egizaryan
Davit Vadatchkoria

Injured party/parties
Elering AS
Elisa Corporation
Fingrid Oy

Interested party Peninsular Maritime India Pvt Ltd

Case Aggravated criminal mischief, etc.

Instituted 11 August 2025

PROSECUTION CASE

CHARGES BROUGHT BY THE PROSECUTION

1. Aggravated criminal mischief
2400/R/0000941/24

Criminal Code of Finland, chapter 34, section 3, subsection 1

25 December 2024 Unidentified

The offence was committed in Finland's exclusive economic zone and elsewhere in the Gulf of Finland outside Finland's territorial waters but the consequences of the offence as defined in the Criminal Code of Finland materialised in Finland.

Vadatchkoria as the Master of EAGLE S, a tanker that sails under the flag of the Cook Islands and is owned by the shipping company Caravella LLC-FZ (hereinafter 'the ship'), Egizaryan as the ship's First Officer and Chaurasia as the Second Officer together intentionally damaged property and thereby caused serious danger to energy supply and other similar important societal functions. The defendants' conduct caused particularly serious danger due to the long duration and wide impact of the damage that could have been and that was caused and for other reasons. The offence was also aggravated when assessed as a whole.

The ship was travelling from the Russian port of Ust-Luga to the Mediterranean Sea via the Gulf of Finland. While in the Gulf of Finland, the securing devices on the ship's port-side anchor failed and the anchor fell to the seabed. The ship continued her passage, however, even though her speed and engine revolutions had dropped significantly due to the dragging anchor. The defendants neglected to investigate the reason for the drop in speed and engine revolutions, even though it was clear that they were caused by an external force that was affecting the ship.

The ship's dragging anchor first damaged the EstLink 2 electricity cable co-owned by the Finnish company Fingrid Oy and the Estonian company Elering AS (at approximately 12.26 pm Finnish time). After being notified of the damage, the Finnish authorities contacted the ship (at 3.20 pm) to enquire about the location of her anchors, at which time Egizaryan and Chaurasia falsely reported that both anchors were up and secured in place. The defendants still took no action to investigate the true state of affairs at this point.

As the ship continued her journey, she also damaged a cable owned by the Finnish company Elisa Corporation (at 6.04 pm), the CITIC cable owned by CPC Finland Oy and Citic Telecom CPC Netherlands BV (at 6.31 pm), a telecommunications cable owned by Elisa Corporation (at 6.40 pm) and the C-Lion 1 telecommunications cable owned by C-Lion1 Oy, which in turn is owned by the Finnish company Cinia Oy (at 6.44 pm).

The consequences of the damaging of the cables were felt in Finland, where the owners of the cables were unable to use them to supply electricity and telecommunications from and to Finland.

The ship dragged the anchor behind her for several hours and over a distance of approximately 90 kilometres. The anchor chain was not retrieved until approximately 6.50 pm on the Finnish authorities' orders. The anchor became detached from the end of the chain in connection with the retrieval operation and was discovered on the seabed in the course of the pre-trial investigation.

The ship was already in a state of general disrepair when she set out to sea, which was known to Vadatchkoria, Egizaryan and Chaurasia. Some of the numerous faults on the ship were so serious that the Finnish Transport and Communications Agency, which conducted a port state control inspection on the ship, subsequently detained the ship in Finland in order to have the faults repaired on 8 January 2025.

The port-side anchor windlass that was regularly used to anchor the ship as well as other associated devices that ensure that the anchor is properly secured in its stowed position were also found to be in poor repair and partially broken or deficient due to wear and long-term neglect of maintenance as follows:

- The friction brake that locks the sprocket on the windlass, which is used to raise and lower the anchor, was in poor repair and worn out.
- The slots in the frame of the mechanical anchor chain stopper had excessive clearance, and the latch and the latch hinge were loose, in addition to which the teeth on the sprocket were so worn down that the closed chain stopper on its own was not enough to stop the anchor from falling into the sea should the other chain securing devices fail.
- An effort had been made to keep the worn latch on the chain stopper down by securing it with a turnbuckle that was not strong enough to support the weight of the anchor and the chain and the other end of which had been attached to a bracket, which had been welded onto the deck, using a metallic clevis pin. The cotter pin that was meant to hold the clevis pin in place was unfit for purpose and corroded to a point where it snapped when subjected to an external force.

- The steel cable that had been fed through one of the eyes of the anchor chain to secure the anchor in its stowed position had rusted to a state of disrepair and been incorrectly attached not to the hook designed for that purpose but to the frame of the anchor windlass. Due to the incorrect attachment technique, the cable on its own was unable to stop anchor loss should the other securing devices fail.

Vadatchkoria, as the Master of the ship, was in charge of the ship and, for example, her passage, seaworthiness and safety. He was responsible for instructing the crew and overseeing the crew's actions. Vadatchkoria neglected to discharge essential duties of a ship's Master and especially his duty to ensure that the anchor mechanism and associated securing devices were in proper working order, that the reason for any drop in the ship's speed is duly investigated and that checks are carried out to establish that the anchor is in the correct position and secured in place.

First Officer Egizaryan, who reported directly to Vadatchkoria, was responsible for the ship's deck operations, such as operating the anchor windlasses and anchors and ensuring that they were properly secured in place, and for the ship's passage and manoeuvring during his watch on the bridge between 4.00 and 8.00 pm (UTC+3). Egizaryan neglected to discharge his duties and especially his duty to investigate any drop in the ship's speed and that checks are carried out in response to any specific enquiry to establish that the anchors are in the correct position and secured in place.

Second Officer Chaurasia was responsible for the ship's safety, voyage planning and navigation as well as for the passage and steering of the ship during his bridge shift at the wheel and on watch between midday and 6.00 pm (UTC+3). He neglected to discharge his duties and especially his duty to investigate any drop in the ship's speed and that checks are carried out in response to any specific enquiry to establish that the anchors are in the correct position and secured in place.

The serious faults and deficiencies in the regularly used anchor windlass and anchor securing devices were long-standing and easily noticeable by the naked eye. Vadatchkoria, Egizaryan and Chaurasia had a duty to be aware of them on account of their position and responsibilities as officers of the ship. They therefore must have considered it certain or at least likely that the securing devices would fail when the ship was subjected to the normal stresses of seafaring during her voyage and that the anchor would then fall to the seabed, causing serious damage in the shallow seas of the Gulf of Finland where there are numerous submarine cables and pipes that are shown on the maps of navigation systems and were known to them otherwise as well. The risk of the anchor being lost and causing damage was imminent and continuous whenever the ship was at sea.

By their individual actions and negligence, Vadatchkoria, Egizaryan and Chaurasia each caused a serious danger to the energy supply and telecommunications, which is a comparable important societal function, of Finland and other countries that rely on the electricity and telecommunications transmitted via the cables in question. The danger caused to these important societal functions must be deemed particularly serious due to the high capacity of the electricity transmission and telecommunications links that were cut and the long duration of the loss of the electricity transmission connection, albeit that telecommunications and electricity transmission services could be secured with the help of alternative cable connections. In addition to the loss of the usability of the cables, the damage done to the cables also caused the owners of the cables to incur repair costs and other expenses resulting from the damaging of the cables as well as, according to their reports, losses amounting to at least in excess of EUR 60 million altogether.

Without the Finnish authorities' actions, the ship would have continued her voyage and would very likely have caused further significant harm by damaging other submarine cables.

In addition to the damage described above, operating a ship that was in poor repair as mentioned above and dragging along an anchor that weighed in excess of ten tonnes also posed a high risk to the safety of the ship's crew, other ships and their crews as well as the environment. In view of the aforementioned facts, the offence committed by Vadatchkoria, Egizaryan and Chaurasia was aggravated when assessed as a whole.

SECONDARY CHARGE:

Criminal mischief
Criminal Code of Finland, chapter 34, section 1

In the event that the actions of Vadatchkoria, Egizaryan and Chaurasia as described in count 1 are deemed to not satisfy the statutory definition of aggravated criminal mischief, they must be found guilty of criminal mischief within the meaning of chapter 34, section 1, subsection 2 of the Criminal Code of Finland.

ALTERNATIVE CHARGE:

Aggravated criminal damage
Criminal Code of Finland, chapter 35, section 2

In the event that the damage caused by Vadatchkoria, Egizaryan and Chaurasia by their actions is deemed to not amount to danger as required to satisfy the statutory definition of aggravated criminal mischief or criminal mischief, they must be found guilty of aggravated criminal damage, as they together unlawfully damaged the property of another as described in count 1 and as the act caused very serious economic losses to be incurred in Finland as described in count 1, and as the act must, again on the aforementioned grounds, be deemed aggravated when assessed as a whole.

CHARGE OF LAST RESORT:

Negligent endangerment
Criminal Code of Finland, chapter 34, section 7

In the event that danger within the meaning of the statutory definition of criminal mischief is deemed to have been caused by the actions of Vadatchkoria, Egizaryan and Chaurasia as described in count 1 through negligence, they must be found guilty of negligent endangerment.

2. Aggravated interference with communications
2400/R/0000941/24

Criminal Code of Finland, chapter 38, section 6, subsection 1, paragraphs 1 to 6

25 December 2024 Unidentified

The offence was committed in the Gulf of Finland in Finland's exclusive economic zone but the consequences of the offence as defined in the Criminal Code of Finland materialised in Finland.

The defendants together unlawfully impeded and interfered with telecommunications or radio transmissions as described in count 1.

The damage done to the telecommunications cables as described in count 1 caused the owners of the cables to incur not only a loss of usability of the cables but also repair costs and other expenses resulting directly from the damaging of the cables as well as losses amounting to at least EUR 1 million altogether.

The offence caused particularly significant harm and economic loss, and it was directed at infrastructure the damaging of which endangers energy supply and other comparable important societal functions. The interference with communications must also be deemed aggravated as described in count 1 when assessed as a whole.

ADDITIONAL ORDERS SOUGHT BY THE PROSECUTION

Reimbursement of witness expenses in counts 1 and 2

The defendants must be made jointly and severally liable to reimburse the State for the expenses incurred in taking evidence.
Criminal Procedure Act, chapter 9, section 1

Victim surcharge in counts 1 and 2

The defendants must be ordered to pay a victim surcharge of EUR 80 each.
Victim Surcharge Act, sections 2, 3 and 4

CIVIL CLAIMS ARISING FROM THE DEFENDANTS' OFFENDING

Fingrid Oyj and Elering AS concur with the charges brought by the prosecution and have asked the Court to order the defendants to pay the companies EUR 55,335,632.93 in compensation for the cost of repairing the EstLink 2 electricity cable, with interest calculated as of 25 December 2024, as well as a total of EUR 50,000,000 in compensation for loss of earnings. The companies have also asked the Court to order the defendants to pay their legal costs, which come to EUR 89,458, with interest.

Elisa Corporation concurs with the charges brought by the prosecution and has asked the Court to order the defendants to pay the company a total of EUR 286,974.74 in damages, with interest. The company has also asked the Court to order the defendants to pay the company's legal costs, which come to EUR 88,176.47, with interest.

DEFENCE

Chaurasia has asked the Court to dismiss the indictment and the claims for damages and to order the Finnish State to pay his legal costs, which come to EUR 68,572.87, with interest.

Finland did not have jurisdiction in the matter. The Act on the Exclusive Economic Zone of Finland lists the offences that are punishable in Finland's exclusive economic zone, and the acts in question were not among them. The scope of application of the criminal law of Finland was restricted by the United Nations Convention on the Law of the Sea.

Chaurasia had not neglected any of his duties and had not known about the dragging anchor or even thought it possible. In any case, his actions did not cause serious danger. The ship's Chief Engineer had diagnosed mechanical problems as the cause of the drop in speed, and Chaurasia had had no reason to question this. The weather had also contributed to the drop in the ship's speed. Most of the damage had been caused after Chaurasia went off shift. In any case, his liability for damages should be mitigated.

Egizaryan has asked the Court to dismiss the indictment and the claims for damages and to order the Finnish State to pay his legal costs, which come to EUR 54,880.94, with interest.

The indictment had to be dismissed because Finnish courts did not have jurisdiction.

Egizaryan had not been responsible for the technical condition of the anchor, and he had not been aware that it was in poor repair. Egizaryan had been told, when he started his shift on the bridge, that the drop in the ship's speed was due to mechanical problems, and he had had no reason to question this. The weather may also have contributed to the drop in the ship's speed. It was not possible to see the fall of the anchor from the bridge. The response to the enquiry about the position of the anchor had not been untruthful but had been given in good faith, as the anchor had not been lowered since the ship's departure. In any case, his liability for damages should be mitigated.

Vadatchkoria has asked the Court to dismiss the indictment and the claims for damages and to order the Finnish State to pay his legal costs, which come to EUR 69,270, with interest.

Finland did not have jurisdiction in the matter. The cables had been damaged by accident. Vadatchkoria had not acted intentionally or neglected his duties. The Master was responsible for ensuring that the division of responsibilities and the chain of command on board the ship were fit for purpose. There was no motive for the alleged criminal conduct. Steps had been taken on board the ship immediately to investigate the cause of the drop in speed. The ship had not been in poor repair.

RESPONSE

Peninsular Maritime India Pvt Ltd has asked the Court to dismiss the indictment and to order the Finnish State to pay the company's legal costs, which come to EUR 831,412.07, USD 537,109, AED 11,221 and INR 75,071, all with interest.

EVIDENCE

ORAL EVIDENCE

1. Fingrid Oyj's General Counsel Louhija
2. C-Lion1 and Cinia Oy's representative Muikku
3. Elisa Corporation's representative Wallenius (heard without the public present)
4. Chaurasia
5. Egizaryan
6. Vadatchkoria
7. Hyvönen
8. Rinta-Harri
9. Myyrä
10. Söderström
11. Kontosalo (expert witness)
12. Winnberg (expert witness)

DOCUMENTARY EVIDENCE

PROSECUTION

1. Documentation on the ship as at 25 December 2024 (Appendix 1, pp. 351 to 362)
2. Photographic evidence folder (Appendix 2, pp. 363 to 379)
3. Summary of the cable damage investigation (Appendix 3, pp. 380 to 412)
4. Analysis of data produced by the ship (Appendix 4, pp. 413 to 418)
5. Summary of a comparative analysis (Appendix 5, pp. 419 to 421)
6. Photographic evidence folder (Appendix 6, pp. 422 to 431)
7. Photographic evidence folder (Appendix 7, pp. 432 to 449)
8. Photographic evidence folder (Appendix 8, pp. 450 to 463)
9. Photographic evidence folder (Appendix 9, pp. 464 to 474)
10. Statement by the National Bureau of Investigation of 10 April 2025 (Appendix 10, pp. 475 to 479)
11. Statement by the National Bureau of Investigation of 5 February 2025 (Appendix 11, pp. 480 to 483); the breakdown mechanism of the securing cable
12. Photographic evidence folder (Appendix 12, pp. 484 to 497)
13. Statement by the National Bureau of Investigation of 6 February 2025 (Appendix 13, pp. 498 to 501)
14. Transcript of a conversation on the VHF channel (Appendix 14, pp. 502 to 507)
15. Transcript of a conversation on the VHF channel (Appendix 15, pp. 508 to 517)
16. Data recovered from the ship’s VDR system (Appendix 16, pp. 518 to 522)
17. WhatsApp correspondence (Appendix 17, pp. 523 to 529)
18. WhatsApp correspondence (Appendix 18, pp. 530 to 533)
19. Opinion of the Finnish Meteorological Institute (Appendix 19, pp. 534 to 536)
20. Photographic evidence folder (Appendix 20, pp. 537 to 555)
21. Statement by the National Bureau of Investigation of 2 April 2025 (Appendix 21, pp. 556 to 559)
22. Statement by the National Bureau of Investigation of 2 April 2025 (Appendix 22, pp. 560 to 563)
23. Statement by the Finnish Transport and Communications Agency of 7 January 2025 (Appendix 23, pp. 564 to 566)
24. Statement by the Finnish Transport and Communications Agency of 17 April 2025 (Appendix 24, pp. 567 to 570)
25. Statement by the Finnish Transport and Communications Agency of 8 May 2025 (Appendix 25, pp. 571 to 573)
26. Inspection report by Kongsberg Maritime Finland Oy (Appendix 26, pp. 574 to 596)
27. Report by the National Bureau of Investigation (Appendix 27, pp. 597 to 605)
28. Documentation of the Master’s standing orders (Appendix 28, pp. 606 to 613)
29. Expert opinion by Kontosalo, et al. (Appendix 29, pp. 614 to 619)
30. Expert opinion by Winberg (Appendix 30, pp. 620 to 625)
31. Transcript (Appendix 31, pp. 626 to 631)
32. Report on the VDR analysis (Appendix 34, pp. 639 to 651)
33. Opinion of the Finnish Meteorological Institute of 24 June 2025 (Appendix 1, pp. 20 to 25)
34. Expert opinion by the Energy Authority of 27 June 2025 (Appendix 2, pp. 26 to 40)
35. Statement by the Finnish Transport and Communications Agency of 4 July 2025 (Appendix 3, pp. 41 to 45)
36. Claim submitted by Citic Telecom CPC (Appendix 5, pp. 50 to 52)

Other evidence:

37. Anchor loss (separate appendix)
38. Maritime Transport Act of the Cook Islands

INJURED PARTIES

Fingrid Oyj and Elering AS

1. Summary of the costs incurred in repairing the EstLink 2 cable and invoices (SECRET)
2. Report on congestion income

Elisa Corporation

1. Invoice for the cost of repairing the submarine cables (SECRET)
2. Invoice for replacement parts for the cables (SECRET)
3. Invoice for the cost of submarine cable testing (SECRET)

DEFENCE

Chaurasia

1. The defendant's maritime record
2. Weather report by the Finnish Meteorological Institute of 25 December 2024 (supplementary investigation report, etc.)
3. ECDIS data for the ship as at 1.00 pm (UTC+2) on 25 December 2024, the ship's
4. Deck Log Book of 25 December 2024
5. Documentation of the Master's standing orders
6. Eagle S SMS, Chapter 2, section 2.5
7. IMO SOLAS & STCW Regulation, Chapter 5, regulations 34, 27, 15, 19, 4, 7 and 29
8. International Chamber of Shipping Bridge Procedures Guide
9. Table showing the hierarchy of cargo ships
10. WhatsApp messages exchanged between the ship's Master (Davit) and the company's Port Captain (Shravan)

INTERESTED PARTY

1. IMO Standard Marine Communication Phrases
2. INTERNATIONAL CODE OF SIGNALS FOR VISUAL, SOUND AND RADIO COMMUNICATIONS, UNITED STATES EDITION, 1969 edition (revised 2020)
3. Response by the Energy Authority of 27 June 2025
4. Email correspondence with Maritime Director Sanna Sonninen
5. Statement by the Finnish Transport and Communications Agency of 4 July 2025
6. Notice of conclusion of the investigation by Finnish Customs of 16 January 2025
7. Handbook of Seamanship by the Naval Academy's maritime teaching staff (2000 edition)
8. ESAVI_322_04.09_2010_Hakemus_OSA_1_OTE
9. Helsingin Sanomat newspaper article of 5 January 2025
10. Fingrid Oyj's press release of 18 June 2025
11. Statement by the Finnish Transport and Communications Agency of 1 July 2025
12. CIL WORKSHOP REPORT
13. Reuters article of 3 February 2025: 'Sweden says ship broke Baltic Sea cable by accident'
14. Video recording of a similar tanker in similar weather conditions to those that prevailed on the voyage during which the accident occurred

15. Excerpt from the website of the insurer of the submarine cables: ‘InterProtect provides specialised insurance solutions tailored to the subsea cable sector’
16. Fingrid Oyj’s press release of 25 December 2025
17. Cinia Oy’s press release of 7 January 2025
18. Elisa Corporation’s release of 26 December 2024
19. Excerpts from the Eagle S SMS (safety management system)
20. ANCHOR LOSSES & DRAGGING CASES – Technical and operational challenges and loss prevention recommendations
21. Picture of Gard’s instructions concerning the lashing wire
22. Expert opinion by Jarl Fosen
23. Expert opinion by Wenzel Schabenland
24. Expert opinion by Tomas Gustafsson

VERDICT

PROCEEDINGS IN DISTRICT COURT

The Court asked the parties, on 13 August 2025, for their opinions on whether a Maritime Court within the meaning of the Finnish Maritime Act should be established to hear the case. The prosecution’s opinion was that the acts involved in the case were not punishable under the Maritime Act and that none of the claims made in the case were based on the Maritime Act. It was the prosecution’s understanding that the applicable law in respect of the maritime aspects of the case was the Maritime Transport Act of the Cook Islands, which contained provisions on, for example, the duties of a ship’s Master. Furthermore, the Master’s accountability for the events described in the indictment was undisputed and notorious. A Maritime Court within the meaning of the Maritime Act was consequently not the correct tribunal in this case. The injured parties confirmed that their claims were not based on the Maritime Act. The other parties did not respond to the Court’s enquiry. Since the charges were not based on the Maritime Act and as none of the other claims in the case were derived from the Maritime Act, the Court decided to conduct the proceedings pursuant to chapter 2, section 1, subsection 2 of the Code of Judicial Procedure. The interested party argued at the main hearing that, if the applicable law in the case was the law of Finland, then a Maritime Court would be the correct tribunal.

The District Court had asked the defendants’ employer to submit a response pursuant to chapter 7, section 5 of the Damages Act. The owner of the ship (Caravella LLC-FZ) and the crewing company (Peninsular Maritime India Pvt Ltd) submitted a joint response. Based on the response supplied by the companies’ counsel, the District Court concluded that the defendants’ employer was Peninsular Maritime India Pvt Ltd.

The Court rejected, as shown in the transcript of the main hearing, testimony from witnesses and expert witnesses put forward by the interested party as well as documentary evidence that the Court felt was unnecessary and irrelevant. The Court also ruled, as shown in the transcript of the main hearing, that hearing testimony from defence witnesses who had previously been treated as suspects in the case was unnecessary.

The Court ruled, as shown in the transcript of the main hearing, that some of the trial documents should be kept secret and took testimony from Elisa Corporation’s Chief Security Officer Wallenius without the public present. The District Court’s verdict is public.

QUESTIONS BEFORE THE COURT

In criminal cases, the court can only examine the defendants' conduct in so far as it is described in the indictment (pursuant to the rule whereby a person can only be sentenced for the specific crime(s) that they are formally charged with). The charges in this case were based on events that occurred on board EAGLE S as she sailed in the Gulf of Finland on 25 December 2024. There is no dispute that the ship's anchor fell into the sea in Finland's exclusive economic zone and damaged several submarine cables. However, the indictment said nothing about the defendants having expressly intended to cut or damage the submarine cables or having acted on someone else's orders. According to the indictment, the defendants nevertheless intentionally neglected certain responsibilities of theirs as specified in the descriptions of the acts and were therefore guilty of the offences that they were charged with.

Since the alleged acts were committed outside Finland's territorial waters, the Court must first determine whether the acts are subject to the criminal law of Finland. If Finnish criminal law can be applied, the Court must then determine whether the defendants acted as described in the indictment and conduct a legal assessment of their conduct. Finally, the Court must rule on the defendants' liability to pay restitution for the damage caused to the cables.

SCOPE OF APPLICATION OF THE CRIMINAL LAW OF FINLAND IN FINLAND'S EXCLUSIVE ECONOMIC ZONE

NATIONAL PROVISIONS

Provisions of chapter 1 of the Criminal Code of Finland

According to the indictment, the offence was committed outside Finland's territorial waters but the consequences of the offence as defined in the Criminal Code of Finland materialised in Finland. Pursuant to chapter 1, section 1 of the Criminal Code of Finland, 'Finnish law applies to an offence committed in Finland.' Pursuant to chapter 1, section 1, subsection 2 of the Criminal Code of Finland, '[p]rovisions on the application of Finnish law to an offence committed in the exclusive economic zone of Finland are laid down in the Act on the Exclusive Economic Zone of Finland (1058/2004) and the Act on Environmental Protection in Maritime Transport (1672/2009).' Pursuant to chapter 1, section 10 of the Criminal Code of Finland, '[a]n offence is deemed to have been committed both where the criminal act was committed and where the consequence specified in the statutory definition of the offence occurred. An offence of omission is deemed to have been committed both where the perpetrator should have acted and where the consequence specified in the statutory definition of the offence occurred.' The Court notes that, based on these provisions, the criminal law of Finland can, in theory, also be applied to acts that occurred outside Finland's territory. However, the consequences of the offence in question as specified in its statutory definition must have materialised in Finland.

The prosecution also referred, at the main hearing, to chapter 1, section 5 of the Criminal Code of Finland, which provides that 'Finnish law applies to an offence committed outside of Finland that has been directed at a Finnish citizen, a Finnish corporate entity, a Finnish foundation or another Finnish legal person, or an alien permanently resident in Finland, if a sentence of imprisonment of more than six months may be imposed for the act under Finnish law.'

The defence argued that the charges should be dismissed because the Act on the Exclusive Economic Zone of Finland does not provide for punishment for the kind of conduct involved in this case. The Court notes, in this regard, that the Act on the Exclusive Economic Zone of Finland provides for punishment for certain acts regardless of whether they are otherwise related to Finland. The Court's

understanding is that the Act on the Exclusive Economic Zone of Finland does not, however, restrict the scope of application of the Criminal Code of Finland if the act in question has another connection to Finland within the meaning of chapter 1 of the Criminal Code of Finland.

On the other hand, the applicability of the Criminal Code of Finland outside Finland can be restricted by chapter 1, section 15 of the Criminal Code of Finland, which provides that, '[i]f an international treaty binding on Finland or another statute or regulation that is internationally binding on Finland in some event restricts the scope of application of the criminal law of Finland when compared with the provisions of [chapter 1 of the Criminal Code of Finland], such a restriction applies as agreed. Notwithstanding the provisions of [chapter 1 of the Criminal Code of Finland], the restrictions on the scope of application of Finnish law based on generally recognised rules of international law shall also apply.' The government proposal that led to the enactment of the Criminal Code of Finland mentions as one example of a treaty that restricts the scope of application of Finnish criminal law the Convention on the High Seas and Contiguous Zones, which is effectively the predecessor of the United Nations Convention on the Law of the Sea, but says nothing about the kinds of circumstances that are at hand in this case (government proposal HE 1/1996 vp, p. 31).

Consequences specified in the statutory definitions of criminal mischief and aggravated criminal mischief

The charge in count 1 is based primarily on chapter 34, section 3 of the Criminal Code of Finland, which provides for punishment for aggravated criminal mischief. For the statutory definition of non-aggravated criminal mischief to be satisfied, the act must have caused serious danger to energy supply, public health care, national defence or another comparable important societal function. Pursuant to chapter 34, section 3 of the Criminal Code of Finland, for criminal mischief to be classified as aggravated, the act must have caused particularly serious danger to an important societal function due to the long duration or wide impact of the imminent danger or for another reason. According to the government proposal that led to the enactment of the provisions in question, safeguarding energy supply by the threat of a severe penalty is necessary because the loss of access to energy can cripple society (government proposal HE 94/1993 vp, p. 121). The government proposal goes on to explain that, to satisfy the statutory definition of non-aggravated criminal mischief, the danger must be tangible. In addition, the act must cause a direct or indirect widespread and highly probable danger to the societal interests that the provisions are designed to safeguard. The word 'serious' refers to both the probability of harm and its scale. The government proposal also states that, if the harm that could be caused is particularly significant, the associated danger can be considered serious even if its probability is lower (government proposal HE 94/1993 vp, pp. 120 and 121). There is no preliminary ruling by the Supreme Court of Finland on the evaluation of the consequences of criminal mischief in respect of the kinds of circumstances that are at hand in this case, and the District Court is not aware of any pertinent case law on the subject otherwise either. The prevailing view in legal literature is that both of the criteria that must be met to satisfy the statutory definition need to be applied strictly because the wording of the law is relatively imprecise, and that the imminent danger in each case must be evaluated from the perspective of the specific function that could be affected (Lappi--Seppälä, et al., *Rikosoikeus* [Criminal Law], Helsinki 2022, p. 1136).

Evidence presented of the consequences of the cable breakages

Based on the evidence presented in the case, the anchor of EAGLE S damaged a number of electricity and telecommunications cables owned by various companies as described in count 1. Fingrid Oyj's General Counsel **Louhija**, who was heard as a witness, testified that the impact of the loss of the EstLink 2 electricity cable was comparable to the loss of one nuclear power station, and

that the damage caused to the cable significantly compromised energy supply. If the winter had been particularly cold or had there been other faults in the system at the same time, the loss of the cable would have affected the company's ability to supply electricity to its customers. Louhija had stated at her pre-trial interview, as pointed out by Egizaryan, that the damage caused to the cable did not jeopardise Finland's energy supply because the electricity system was designed and built to withstand isolated failures of power plants or transmission connections. Every fault nevertheless reduces the available transmission capacity and therefore increases the risk to the electricity system (p. 47 of the pre-trial investigation report).

Cinia Oy's Business Director for Network and Connectivity Solutions **Muikku** testified that the cable failure meant a loss of all telecommunication traffic between Finland and Germany that relied on the cable in question. There were no other cables between Finland and Germany. The damage caused to the cable created a risk to functions that require a real-time connection, such as stock trading. Multiple simultaneous failures could have caused, for example, the internet not to work if the servers were located outside Finland.

Elisa Corporation's Chief Security Officer **Wallenius** testified that the cable failures caused Elisa to lose three international connections, but the impact on customers was negligible. This meant a higher level of risk in Finland, however, and Wallenius had considered the situation serious.

The Energy Authority had issued an opinion to the National Bureau of Investigation regarding the damage and risks resulting from the failure of the EstLink 2 electricity cable. According to the opinion, the failure of the cable weakened the adequacy of electrical power on particularly cold and windless winter days, which nevertheless could have been offset by price elasticity. Had market-based demand-side flexibility not been enough to reduce peak consumption to a comfortable level or had there been additional faults in major domestic power plants or other transmission connections and had it consequently not been possible to balance electricity consumption and supply by market-based means, Fingrid as the national transmission system operator could have used its powers as the grid operator with system responsibility to deal with the resulting power shortage and restore power balance. The available means would have included starting up the reserve power plants that Fingrid controls in case of faults in the electricity system and, as a last resort, what are known as rolling blackouts, whereby distribution system operators would have disconnected the required amount of electricity supply to end users for a few hours at most at a time based on pre-agreed plans and Fingrid's instructions. The opinion also comments on the estimated impact of the failure on the electricity market. According to the opinion, the price of electricity has dropped slightly in Finland as a result of the failure, and may have increased in Estonia.

According to press releases published by Fingrid on 25 December 2024 and 18 June 2025, the failure of the EstLink 2 cable had not affected the operation of the electricity system in Finland but had reduced the transmission capacity between the two countries by 650 megawatts. The cable was being used to transmit electricity from Finland to Estonia when the failure occurred.

According to a release published by Elisa on 26 December 2024, the faults had no impact on Elisa's services in Finland or Estonia thanks to the network's back-up infrastructure. The faults may have affected businesses and other operators that had used the cables for live transmission purposes.

According to a release published by Cinia Oy on 7 January 2025, the fault was faster to fix than expected, and the effects of the outage on telecommunications in Finland and on Cinia's customers had been minor.

Conclusion regarding the consequences specified in the statutory definitions of criminal mischief and aggravated criminal mischief

The statutory definition of criminal mischief identifies energy supply as the most important societal function to be safeguarded. The District Court's interpretation

is that ‘energy supply’ in this context mostly refers to the availability and adequacy of electrical power. The principle of legal certainty precludes a broad interpretation of the concept of energy supply whereby it would also cover the operation of the electricity market in a wider sense or international electricity transmission. In so far as the cable breakages jeopardised energy supply in other countries, the consequences did not materialise in Finland within the meaning of chapter 1, section 10 of the Criminal Code of Finland. The Court is satisfied, based on the evidence presented in the case, that the cable failures did cause very severe economic loss. However, the Court is of the opinion that the consequences specified in the statutory definition of the offence need to be examined from the perspectives of energy supply and telecommunications only and that the economic consequences of the act are irrelevant from the perspective of jurisdiction in this context.

The evidence presented in the case shows that the failure of the electricity cable could, in a worst-case scenario, have resulted in an increase in the price of electricity and power outages lasting a few hours in various areas. The danger in this respect was relatively serious, but not comparable to the ‘crippling of societal functions’ referred to in the government proposal. Regarding the probability of harm, the Court notes that the materialisation of the danger would have required other simultaneous serious faults in energy supply as well as cold and windless weather conditions. Although it is clear that it can be very cold in Finland in December, the simultaneous occurrence of other significant problems with energy supply is still relatively unlikely. Based on the evidence presented in the case, the disturbance caused to telecommunications was relatively minor. The fact that the ship would very likely have also damaged other cables had the authorities not stopped her is irrelevant in this respect. It is consequently the District Court’s conclusion that the act did not have the kinds of consequences that would satisfy the statutory definition of criminal mischief or aggravated criminal mischief in Finland. This conclusion is also, in respect of the electricity cable, supported by the fact that, when the failure occurred, the cable was being used to transmit electricity from Finland to Estonia.

Consequences specified in the statutory definition of the offence pursued by the alternative charge

As an alternative, the prosecution were pursuing a charge of aggravated criminal damage within the meaning of chapter 35, section 2 of the Criminal Code of Finland. According to the provision in question, satisfying the statutory definition of the offence requires that very serious economic loss is caused by the act.

The District Court notes that the claims for damages arising from the cable breakages amount to tens of millions of euros in total. The amounts specified in the claims for damages have not been contested. The Court is satisfied that the conduct described in the indictment resulted in very serious economic loss within the meaning of the statutory definition of aggravated criminal damage and that these consequences materialised, in respect of the Finnish companies, in Finland.

Consequences specified in the statutory definition of aggravated interference with communications

In count 2, the prosecution were pursuing a charge of aggravated interference with communications within the meaning of chapter 38, section 6 of the Criminal Code of Finland. The charge was based specifically on chapter 38, section 6, subsection 1, paragraph 5 of the Criminal Code of Finland, which penalises offences that cause particularly significant harm or economic loss. As has been stated above in reference to the consequences specified in the statutory definition of the offence pursued by the alternative charge, the defendants’ conduct also had consequences that satisfy the statutory definition of aggravated interference with communications, namely the causing of particularly significant economic loss, which materialised in Finland.

PROVISIONS OF THE UNITED NATIONS CONVENTION ON THE LAW OF THE SEA

General points

In the light of the above, the alleged offences can be considered to have been committed in Finland pursuant to chapter 1, sections 1 and 10 of the Criminal Code of Finland in respect of the alternative charge in count 1 and in respect of count 2. The Court must now determine, pursuant to chapter 1, section 15 of the Criminal Code of Finland, whether there are any international treaties that are binding on Finland that could restrict the scope of application of Finnish criminal law.

The one international treaty that could potentially restrict the scope of application of Finnish criminal law in the case is the United Nations Convention on the Law of the Sea (UNCLOS), which Finland has ratified and transposed into Finnish law (Act No 524/1996). UNCLOS is an extensive treaty that covers a broad range of issues relating to navigation and the exploitation of natural resources. UNCLOS generally divides waters into territorial seas, exclusive economic zones and high seas. The powers that countries have under UNCLOS in different situations vary by location.

The alleged offences were committed in Finland's exclusive economic zone, but the criminal investigation into the actions of the ship and her crew were initiated in Finland's territorial waters. Since the alleged offences were committed before the ship entered Finland's territorial waters, the scope of application of Finnish criminal law cannot be based on the legal framework that applies to territorial seas. Whether the ship entered Finland's territorial waters voluntarily, as the prosecution claim, or whether she was forced there, as the defence claim, is irrelevant.

Finland's jurisdiction in the exclusive economic zone

Exclusive economic zones are, pursuant to Article 58 of UNCLOS, subject to the freedom of the high seas as well as certain other articles of the convention that relate to the high seas and that will be discussed in more detail below. The same jurisdictional provisions of UNCLOS therefore apply both in the exclusive economic zone and on the high seas in so far as they are relevant in this case.

The provisions that are relevant from the perspective of the scope of application of Finnish criminal law are, firstly, Article 92, the first paragraph if which provides, in its first sentence, that '[s]hips shall sail under the flag of one State only and, save in exceptional cases expressly provided for in international treaties or [UNCLOS], shall be subject to its exclusive jurisdiction on the high seas.' The District Court notes that, based on the wording of the article, it applies to ships but not to, for example, persons on board ships. Legal writers have also interpreted the wording to mean that the article does not preclude the exercise of other jurisdictions alongside that of the flag State (see Matti Tupamäki, *Valtion rikosoikeudellisen toimivallan ulottuvuus kansainvälisessä oikeudessa* [Scope of a Country's Criminal Jurisdiction in International Law], Helsinki 1999, p. 195). It is consequently the District Court's conclusion that Article 92 of UNCLOS does not constitute a restriction of the scope of application of Finnish criminal law within the meaning of chapter 1, section 15 of the Criminal Code of Finland.

Article 97(1) of UNCLOS provides that '[i]n the event of a collision or any other incident of navigation concerning a ship on the high seas, involving the penal or disciplinary responsibility of the master or of any other person in the service of the ship, no penal or disciplinary proceedings may be instituted against such person except before the judicial or administrative authorities either of the flag State or of the State of which such person is a national.' The prevailing view in legal literature is that this article precludes the exercise of any other criminal jurisdiction in the circumstances referred to in the article than those of the States

mentioned in the article (see Dan Helenius, *Straffrättslig jurisdiktion* [Criminal Jurisdiction], 2014, p. 409 and Tupamäki, p. 196 as well as Alexander Proelss, et al., *United Nations Convention on the Law of the Sea – A commentary*, 2017, p. 722).

However, UNCLOS does not explain what exactly is meant by 'incident of navigation'. The 1958 Convention on the High Seas, which preceded UNCLOS, contained a similar provision, in the context of which there is a precedent whereby an 'incident of navigation' can refer to, for example, damage to submarine cables (International Law Commission, *Articles concerning the Law of the Sea with commentaries*, 1956, p. 281).

An arbitral tribunal within the meaning of Annex VII of UNCLOS addressed the definition of 'incident of navigation' in the context of the *Enrica Lexie* case. According to the ruling, in order for an event to constitute an 'incident of navigation' within the meaning of Article 97(1) of UNCLOS, the damage caused must be related to the 'manoeuvring or movement' of a ship. Legal writers have argued, however, that this article would not necessarily apply in situations where a ship deliberately drags an anchor with the intention of damaging submarine cables, or where cables are otherwise damaged intentionally (International Law Association Committee on Submarine Cables and Pipelines under International Law, [third] interim report 2024, paragraph 46).

Damage to submarine cables is also covered by Article 113 of UNCLOS, which obligates every State to 'adopt the laws and regulations necessary to provide that the breaking or injury by a ship flying its flag or by a person subject to its jurisdiction of a submarine cable beneath the high seas done wilfully or through culpable negligence, in such a manner as to be liable to interrupt or obstruct telegraphic or telephonic communications, and similarly the breaking or injury of a submarine pipeline or high-voltage power cable, shall be a punishable offence.' The wording of the article is somewhat unclear as to its effects on the possibility of States other than the flag State of the vessel to apply their own legislation in the case of damage to cables, but legal writers believe that the article limits jurisdiction to the flag State of the vessel (Proelss, p. 782). This interpretation is supported by the Act on the Protection of Certain Underwater Cables, which implements the legislative obligation under this article in Finland, and on the basis of which the cutting or damaging of an underwater cable is punishable in all sea areas. According to section 1, subsection 2 of the Act, however, outside territorial waters it applies only to ships flying the Finnish flag, to Finnish citizens and to Finnish corporate entities. The government proposal that led to the enactment of the Act states that the limitation of the scope of application of the section in question results from Article 113 of UNCLOS (government proposal HE 53/2004 vp, p. 40).

CONCLUSION ON THE APPLICABILITY OF THE CRIMINAL LAW OF FINLAND

The District Court's conclusion is that, as per the clear wording of Article 97 of UNCLOS, jurisdiction in incidents of navigation lies only with the States mentioned in the article, even when the act in question is a criminal act. The wording of the article does not support the interpretation put forward by the prosecution that this article would not apply to intentional crimes.

Based on the evidence presented in the case, the ship's anchor fell into the sea due to a failure of the anchor securing mechanism, and the defendants' alleged negligence related to their duties on board the ship. The Court finds that the events described in the indictment were directly related to the movement and manoeuvring of the ship as referred to in the ruling in the *Enrica Lexie* case. There has been no allegation in this case of the ship's anchor having been used to intentionally damage cables as discussed in the aforementioned legal literature. The event therefore constituted an incident of navigation within the meaning of Article 97 of UNCLOS.

The application of Finnish criminal law is also opposed by Article 113 of UNCLOS

and the aforementioned government proposal that led to the enactment of the Act on the Protection of Certain Underwater Cables, which is based on the article in question. It is the District Court's understanding that the legislator's intention was that only cable damage caused by Finnish citizens and Finnish vessels outside Finland's territory would be dealt with in accordance with Finnish law, and that jurisdiction would otherwise be determined in accordance with Article 113 of UNCLOS. The indictment and the claims for damages arising from the indictment must therefore be dismissed pursuant to chapter 1, section 15 of the Criminal Code of Finland. The conclusion is the same in respect of all the rules of chapter 1 of the Criminal Code of Finland that provide for ways in which offences can be related to Finland, and it is not necessary to comment further on the defendants' conduct.

LEGAL COSTS

Since the indictment has been dismissed, the State is liable, under chapter 9, section 1a of the Criminal Procedure Act, to cover the defendants' legal costs, within reason. The District Court is of the opinion that the case involved a number of complex legal and technical issues, which counsel had to familiarise themselves with in order to deliver an effective defence. The work itemised in the counsels' bills was necessary in this case, and the amounts sought are reasonable, considering the nature and complexity of the case. No value-added tax has been added to the bills pursuant to section 69h of the Value-added Tax Act.

The interested party, Peninsular Maritime India Pvt Ltd, has asked the Court to order the State to cover the company's legal costs. The company is seeking reimbursement not only for the costs incurred in court but also for costs relating to assistance that was given to individuals who were previously named as suspects in the case, the defendants' accommodation expenses, salaries that were paid to them while they were subject to a travel ban as well as legal costs of the defendants that were paid by the interested party, which the defendants have also included in their own claims for compensation from the State. The Court notes that, in so far as the requested amount could be classified as legal costs, the company's position in the case was based on chapter 7, section 5 of the Damages Act. Neither the prosecution nor the injured parties had any claims against the company in this case, and the company's involvement in the proceedings was by choice. The claim therefore lacks valid legal foundation and is consequently denied. It is the District Court's opinion that a separate claim for damages must be submitted for the reimbursement that the company is seeking from the State in respect of accommodation expenses, salaries, the legal costs of other suspects and other costs that are not directly related to the trial.

In view of the outcome of the case, the injured parties' requests to have the defendants cover their legal costs are denied.

OUTCOME

The Court's ruling is set out in the operative part of the judgment. The verdict is unanimous.

HELSINKI DISTRICT COURT **OPERATIVE PART**

R 706/2025/12270

3 October 2025 1035 6447

Chaurasia Santosh Kumar, born on 20 March 1995

Dismissed charges

1. Aggravated criminal mischief
25 December 2024

2. Aggravated interference with communications
25 December 2024

Liability for damages

The State is to reimburse Chaurasia EUR 68,572.87 for his legal costs in District Court, with interest pursuant to section 4, subsection 1 of the Interest Act calculated as of one month after the date of the District Court’s judgment.

HELSINKI DISTRICT COURT **OPERATIVE PART**

R 706/2025/12270

3 October 2025 1035 6447

Egizaryan Robert, born on 30 November 1991

Dismissed charges

1. Aggravated criminal mischief
25 December 2024

2. Aggravated interference with communications
25 December 2024

Liability for damages

The State is to reimburse Egizaryan EUR 54,880.94 for his legal costs in District Court, with interest pursuant to section 4, subsection 1 of the Interest Act calculated as of one month after the date of the District Court’s judgment.

HELSINKI DISTRICT COURT **OPERATIVE PART**

R 706/2025/12270

3 October 2025 1035 6447

Vadatchkoria Davit, born on 29 July 1985

Dismissed charges

1. Aggravated criminal mischief
25 December 2024

2. Aggravated interference with communications
25 December 2024

Liability for damages

The State is to reimburse Vadatchkoria EUR 69,270 for his legal costs in District Court, with interest pursuant to section 4, subsection 1 of the Interest Act calculated as of one month after the date of the District Court’s judgment.

APPEALS

This ruling is open to appeal.

Deadlines	Notice of intent to appeal	10 October 2025
	Appeal	3 November 2025
	Counter-appeal	17 November 2025

Electronic signature

District Judge Antti Ignatius

The Court has a legal obligation to collect certain personal information about you to enable the administration of justice. The privacy statement on the Court's website explains, among other things, what kinds of personal data the Court collects about you, the purposes for which your data may be used and the legal bases of processing as well as data retention periods and your rights in respect of your personal data.