



PERMANENT MISSION OF FINLAND
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The Permanent Mission of Finland to the United Nations presents its compliments to the Secretary-General of the United Nations and, with reference to the note LA/COD/50 of December 31 2007, has the honour to inform of the following information pursuant to paragraphs 3 and 4 of the United Nations General Assembly resolution 62/63 of 6 December 2007, entitled "Criminal Accountability of United Nations officials and experts on mission".

The Finnish Penal Code is always applicable to offences committed in the territory of Finland. Further, it is largely applicable to offences committed by civilians outside of Finland, such as sexual, violent and theft offences and malicious damage. Firstly, the Penal Code is applicable when the perpetrator is a Finnish citizen. A person who was permanently resident in Finland at the time of the offence or is permanently resident in Finland at the beginning of the trial is deemed equivalent to a Finnish citizen. Further, the Penal Code is applicable if the offence is directed at a citizen of Finland.

In principle, in order to punish for offences it is required that the conduct as defined in the law of the State establishing jurisdiction also constitutes a crime under the laws of the host State, but many offences are, already as such, considered international offences. Regarding international offences it is without significance whether the act in question is punishable under the law of the place of commission (double criminality). International offences include sexual abuse of a child, genocide, torture and trafficking in human beings and a number of other offences established by international conventions binding on Finland.

In cases of serious offences the Helsinki District Court has sole competence to process offences of which crisis management staff is suspected. In principle, the Helsinki District Court may hold its sessions also abroad, in the crisis management area in question, but in practice it has never done so.

In practice, crimes other than of which Finnish citizens are suspected are not often processed in Finland, because of the slowness and rigidity of the provision of international legal assistance in criminal matters. It is simplest to process these offences in local courts, if possible. The need for cooperation with the local police and prosecution authorities is emphasised in such cases.

Finland as a Member State of the European Union is bound by several multilateral agreements concerning the extradition of offenders in addition to the Community legislation on the recognition of judgments and applicable law. Moreover, Finland has signed a number of bilateral agreements on the extradition of offenders with non-EU states.

Finland would welcome international efforts to create a common multilateral code of conduct for cases of competing competencies. It would often seem obvious to grant the jurisdiction to the state of nationality, if able to ensure the effectiveness of the extradition procedures. While it is possible to conduct investigation and the trial in different states, all states do not permit presenting evidence acquired by foreign authorities in domestic courts. Therefore it is important to ensure that cooperation with the authorities of the country of trial is possible and functions well in practice.

The Permanent Mission of Finland to the United Nations avails itself this opportunity to renew the Secretary-General of the United Nations the assurance of its highest consideration.

New York, 27 June 2008



His Excellency
the Secretary-General
of the United Nations

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