

FINLAND

Definition and Prosecution of Terrorist Acts

The existing Finnish Penal code contains no specific provisions on terrorism. Terrorist acts would fall under the scope of the provisions of Chapter 34 concerning endangerment offenses. Chapter 25 on Offenses against Liberty also covers threats and coercion which can be related to acts of terror. The applicable penal provisions include those on aggravated criminal mischief, aggravated health endangerment and hijacking. Persons guilty of provision or collection of funds for terrorist offenses actually committed are punished under the provisions on participation. Those aiding and abetting would receive a more lenient sentence than the one imposed on the person who actually committed the offense.

According to the Finnish Penal Code “a person who commits endangerment offenses may be sentenced to imprisonment for 10 years. In the context of the amendments to be made to the Penal Code in 2002, more severe penalties may be included in the provisions on terrorist acts.” Finally, Finnish law will apply to offenses committed on Finnish territory. In most cases, terrorist acts would be covered by the provisions of Chapter 1, section 7 of the Penal Code, and would be considered international offenses to which the Finnish Penal Code could be applied irrespective of the place of commission of those offenses.

Recruitment of persons and the supply of weapons are criminalized insofar as they relate to the preparation of high treason. With regards to recruitment to terrorist organizations, the provisions on incitement are also relevant. Under that provision “a person who orders, employs, harasses or otherwise intentionally induces or entices another person into an offense shall be punished if the offense was completed, or constitutes a punishable attempt, for incitement as if that person himself or herself was an offender.”

Weapons Control

Finland has enacted the 1991 EU directive on the acquisition and possession of weapons and is also committed to the implementation of the OSCE Document on Small Arms and Light Weapons. “Finland applies the European Union Code of Conduct for Arms Exports which specifically requires the member states of the European Union to take into account, inter alia, the record of the buyer country with regard to its support for or encouragement of terrorism and international organized crime.” In the case of small arms and light weapons, Finland is committed to the Programme of Action as a result of the UN conference aimed at preventing, combating and eradicating the illicit trade of small arms and light weapons (SALW) as well as the EU Joint Action on Small Arms. “The purpose of such cooperation is to ensure adequate customs checks, prompt investigation and effective prosecution in cases of illicit trafficking of arms as well as improving the exchange of information and data on illicit trafficking of arms, e.g. through the use of international data bases and risk analyses.”

Laws Pertaining To Biology

Various laws regulate export and transit of biological material. The Decision of the Council of Ministers on the General Guidelines for the Export and Transit of Defence sets guidelines for export of defence material and compels respect for the Biological Weapons Convention, and the Decree on the control of exports of dual-use goods outlines the requirements for export licenses for goods in the field of biology. Penalties for violating these requirements are established by the Decree on the Export and Transit of Defence Materiel which provides that anyone who illicitly exports defence materiel or who surrenders or transfers abroad the right to manufacture defence materiel, or who transports, through Finnish territory, defence materiel into

a third country, or attempts to do so, shall be sentenced for an export crime to a fine or to imprisonment for a maximum period of four years.

Toxic substances, including biological material, must be declared and prior authorization is required from the Labour Inspectorate to be imported or manufactured. The Ordinance on Toxic Substances, 1 July 1980 specifies the responsibilities and qualifications of middle-management staff supervising the manufacture or processing, and on storage and handling of toxic substances. Transport of such substances is also regulated. The Act on Transport of Dangerous Goods Outlines the obligations of the relevant authorities and all those involved in the transport process. Air Transport is regulated by the Decree on the Transport of Dangerous Goods which implements the Technical Standards for the Safe Transport of Dangerous Goods, including toxic and infectious substances, published by the International Civil Aviation Organization.

Money Laundering – Prevention and Prosecution

“Preparations are underway to add to the Penal Code an explicit provision prohibiting willful provision or collection, by any means, directly or indirectly, of funds with the intention that the funds should be used, or in the knowledge that they are to be used, in order to carry out terrorist acts.” However, the current Money Laundering Act does not allow for the freezing of suspected terrorist funds unless investigation concerning suspected money laundering is pending. The MLA is being amended in order to extend the reporting obligation to situations where funding of terrorism is suspected. “The new Chapter provides for the sentences applied to terrorist offenses and their planning, to the directing of a terrorist group, to the promoting of a terrorist group, and to the financing of terrorism.”

. The Money Laundering Clearing House is a unit of the National Bureau of Investigation and is in charge of financial investigations. Cooperation between the different units of the Bureau, as well as between local police departments and other authorities is regulated by Finnish law, and is carried out in the most efficient way possible.

Finland is a party to the Financial Action Task Force on Money Laundering (FATF). The special recommendations on terrorist financing adopted by FATF, together with the Forty Recommendations of the FATF, lay out the basic framework for detecting, preventing and suppressing the financing of terrorism. The imposition of financial sanctions and the enactment of United Nations Security Council resolutions imposing financial sanctions fall within the jurisdiction of the European Community. UN Resolutions are implemented in the Community through Council regulations which is directly applicable legislation in the Member States of the European Union. “To meet the further requirements set by the Security Council resolution 1373, the Council of the European Union agreed on 10 December on a common position and on a regulation constituting the basis for the freezing of funds and other financial assets or economic resources of a natural or legal person, entity or group designated by the Council of the European Union.”

Information Sharing – Other States

Finland has signed all twelve UN Conventions regarding terrorist acts and has ratified ten of them. Additionally, Finland has also ratified the 1977 European Convention on the Suppression of Terrorism, the 1997 International Convention for the Suppression of Terrorist Bombings, and the 1999 International Convention for the Suppression of the Financing of Terrorism.

Finland is a party to several bilateral and multilateral agreements that allow for the exchange of information with other States to prevent the commission of terrorist acts. In addition, Finland works closely with the EU, Europol and Interpol with regards to the exchange of information.

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The Finnish Act on International Legal Assistance in Criminal Matters provides a flexible basis for cooperation. Requests for legal assistance can be made directly to the proper Finnish authority. Moreover, Finnish courts, prosecutors and investigating authorities may directly request legal assistance from another state, and double criminality is not required for rendering mutual legal assistance. "The provision of legal assistance is not based on the principle of reciprocity. Nor is it required that the requesting state is a party to any convention on legal assistance." Finally, the UN counter-terrorism conventions contain provisions on legal assistance, and Finland has concluded bilateral agreements on legal assistance with five other nations, and Finland is also a party to the European Convention on Mutual Assistance in Criminal Matters.

BIBLIOGRAPHY OF FINNISH LEGISLATION

Definition and Prosecution of Terrorist Acts

1. Finnish Penal Code, Chapter 34(a) – Terrorist Offenses.
2. Finnish Penal Code, Chapter 1, Section 7 – Offenses Committed on Finnish Territory.
3. Finnish Penal Code, Chapter 25 – Offenses Against Liberty.
4. Finnish Penal Code, Chapter 9 – Corporate Criminal Liability.

Laws Pertaining To Biology

1. Penal Code of Finland, 39/1889 (amended 18 October 2002 with regard to terrorism and biological weapons)
2. Decree on the Export and Transit of Defence Materiel 108/1997, 7 February 1997
3. Decree on the control of exports of dual-use goods 645/96, 23 August 1996
4. Decision of the Council of Ministers on the General Guidelines for the Export and Transit of Defence Materiel 474/95, 24 March 1995
5. Decree on the Enforcement of the Basel Convention 362/1992 -- Act on the Acceptance of Certain Regulations in the Basel Convention 361/1992
6. Act on Contagious Diseases 1985/583, 25 July 1986
7. Order No. 492 Concerning Toxic Substances, 1 July 1980
8. Ordinance on Toxic Substances, 1 July 1980
9. Act on Transport of Dangerous Goods 719/1994, 9 February 2001
10. Decree on the Transport of Dangerous Goods by Air 210/1997, 11 March 1997

Information Sharing

1. Finnish Act on International Legal Assistance in Criminal Matters.
2. 1951 UN Convention on the Status of Refugees
3. 1977 European Convention on the Suppression of Terrorism.
4. 1997 International Convention for the Suppression of Terrorist Bombings.
5. 1999 International Convention for the Suppression of the Financing of Terrorism.