

# FINLAND

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## NATIONAL POLICY

Finland condemns terrorism in all its forms and subscribes to the view that international terrorism is an important security threat. Finland underlines the importance of effective multilateral cooperation in countering international terrorism and participates actively in action against terrorism within the framework of the UN, the EU, the Council of Europe, and the OSCE as well as in other international organisations. It is the firm belief of Finland that any measures against terrorism, whether international or national, must be compatible with human rights law, international humanitarian law and refugee law in order to be effective and legitimate.

Even if it has been estimated that the risk of organized terrorism is low in Finland, no country is safe from the terrorist threat. The First Internal Security Programme (2004-2007) outlined the goals for internal security, including in the event of a terrorist attack, as well as the measures and resources to achieve them. The Programme focused especially on the improvement of cooperation between public authorities, with the aim of increasing the effectiveness of internal security measures and improving the quality of services.

According to the second Finnish Internal Security Programme (2008-2011), the key challenges in the area of internal security range from social exclusion, high number of minor accidents, relations between population groups, violence, major accidents, and the vulnerability of the society to cross-border crime, cybercrime, terrorism, and violent radicalisation. The second Programme contains intensified measures to prevent school shootings and similar incidents.

The Government of Finland adopted the third Internal Security Programme (ISP) on 14 June 2012. It concerns the years 2012-2015. The Programme, "*A Safer Tomorrow*", was prepared through broad-based cooperation between public authorities, NGOs and business. The goal of the Programme is to continue the work started within the previous programmes and tackle new security challenges. New areas of focus in the third Internal Security Programme cover inter alia security of youth and schools, prevention of violent extremism and business security. The purpose is to improve security

in everyday life. It includes 64 measures to improve safety and security based on proposals from expert working groups. The ISP also includes Finland's first national Action Plan to Prevent Violent Extremism.

The Action Plan to Prevent Violent Extremism seeks to identify and prevent violent acts aimed at promoting extremist ideas or ideologies. The goal of the action plan is among other things to address root causes of violent extremism, increase awareness and provide relevant authorities with a situation picture. A National Network for Countering Violent Extremism has been set up for the implementation of the concrete measures contained in the Action Plan. The Network was set up by the Ministry of Interior in 2012 and it is comprised of members from different key ministries and the Association of Municipalities. Its task is to coordinate the implementation of the aforementioned action plan, propose and further other initiatives that aim at preventing and countering violent extremism, and support local prevention networks. The Network also prepares a situation overview on violent extremism biannually in support of preventive work.

Finland's first counter-terrorism strategy was adopted in 2010 by the Government, and an updated version of the strategy was drafted in the autumn of 2013 through broad-based cooperation between public authorities. The strategy was finalized at the beginning of 2014 and adopted in March 2014. Rapid changes in the Finnish counter-terrorism operational environment guided the work of the working group charged with updating the national counter-terrorism strategy.

The main objective of the new counter-terrorism strategy is to prevent terrorist activities within Finland or reaching beyond the national borders, and to prepare for threats that Finns might be exposed to abroad. The main emphasis is on preventive work. For instance countering social exclusion and discrimination are important factors preventing radicalization and acts that might follow. It is outlined in the strategy that Finland will actively participate in international cooperation countering terrorism. It is a central starting point of the strategy that Finland fully respects human rights, fundamental freedoms and the rule of law in all measures against terrorism. The strategy contains a

number of policy definitions that are set out in 22 strategic actions. Their implementation will begin in 2014.

The above mentioned programmes and strategies consist of guidelines and measures to combat conditions conducive to the spread of terrorism and preventing radicalisation. The active promotion of human rights, equality, and democracy, as well as the acceptance of multiculturalism are at the core of Finland's objective of preventing radicalization and hence the spreading of terrorism. Effective cooperation between authorities and civil society helps to prevent people from turning to terrorism by tackling the factors driving terrorism that can lead to violent radicalisation and recruitment into terrorist groups. Inter-cultural and inter-religious dialogue is being promoted at national levels. The authorities are striving to combat racially motivated crimes and to increase equality and tolerance.

## **LEGAL FRAMEWORK**

### **Criminal law**

#### **Penal Code**

A separate Chapter (34a) on terrorist offences was incorporated into the Penal Code on 1 February 2003. The Chapter covers terrorist offences and their preparation, direction of a terrorist group, promotion of a terrorist group, provision of training for terrorism, recruitment for terrorism and financing of terrorism. The Chapter also contains a provision defining terrorist intent (Chapter 34a Section 6), a provision on the right of prosecution (Section 7) and a provision on corporate criminal liability. The terrorist intent definition is originally based on the EU Council Framework Decision of 13 June 2002 on Combating Terrorism.

When the Council of Europe Convention on the Prevention of Terrorism was implemented in Finland, public incitement to an offence referred to in Chapter 17, Section 1 of the Penal Code was included among the offences carried out with terrorist intent listed under Chapter 34a, section 1(1) (2) of the Code. On the same occasion, section 4(1) was amended. Chapter 34a of the Penal Code was supplemented with separate provisions on training for the commission of a terrorist offence and on recruitment for the commission of a terrorist offence (Sections 4a and 4b respectively). These amendments to the Penal Code came into force on 1 May 2008. Thus, the EU Council Framework Decision (2008/919/JHA) of 28 November 2008 amending Framework Decision 2002/475/JHA on combating terrorism did not require any changes in legislation as the obligations had already been implemented by

the Council of Europe Convention on the Prevention of Terrorism.

A working group set up by the Ministry of Justice has been dealing with questions related to terrorist offence provisions of the Penal Code. The report of the working group was sent for comments to relevant authorities in January 2013. After this, work on the issue has continued in the Ministry of Justice, and a Government Proposal (18/2014) has been given to the Parliament in April 2014. In the Proposal, the scope of the criminalisation of financing of terrorism is proposed to be expanded and receiving training for terrorism is proposed to be criminalised.

#### **Jurisdiction**

Jurisdictional rules are contained in Chapter 1 of the Penal Code. As a basic principle, all criminal acts committed on Finnish territory are punishable according to Finnish law. In addition to this basic rule, Finnish law also applies to an offence committed outside of Finland where the punishability of the act, regardless of the law of the place of commission, is based on an international agreement binding on Finland or on another statute or regulation internationally binding on Finland (international offence). Regardless of the law of the place of commission, Finnish law applies also to an offence referred to in Chapter 34a committed outside of Finland. In sum, all terrorism-related offences regulated in Chapter 34a are recognised as international offences, thus subjecting them to universal jurisdiction.

Pursuant to Chapter 1 Section 15 of the Penal Code, "restrictions on the scope of application of Finnish law based on generally recognised rules of international law also apply". Hence, any limits that exist in international law on the application of universal jurisdiction to terrorist offences must be taken into consideration.

### **Procedural Rules**

If a terrorist offence has been committed in Finland, it is investigated according to same procedural rules given in the Criminal Investigation Act as any other crime. However, according to Section 7 of Chapter 34a of the Penal Code, the Prosecutor-General decides on the bringing of charges for offences referred to in this chapter. In so doing the Prosecutor-General shall also designate the person who is to bring the charges. Legally there are no differences between criminal proceedings concerning suspected terrorist criminal acts and proceedings concerning other suspected criminal acts.

If the terrorist offence has been committed from Finland's perspective abroad, the case cannot per se be investigated in Finland without a prosecution order by the Prosecutor-General (Chapter 1 Section 12 of the Penal Code).

### **Other relevant legislation**

#### **Investigation methods**

The new Police Act (872/2011) and Coercive Measures Act (806/2011) have entered into force on 1 January 2014. The new laws have, however, not changed the legal situation dramatically. Nevertheless, the new Coercive Measures Act offers some new forms of covert coercive measures for the use of criminal investigation authorities, also in terrorist offences investigations. For example planned surveillance, covert acquisition of information and surveillance of technical devices belong to this group of new measures. The most essential change is the transfer of decision making powers from the police to the court because of the increased emphasis on fundamental rights.

Police powers and the key principles of policing are laid down primarily in the Police Act, the Coercive Measures Act and the Pre-Trial Investigation Act. Police powers have been formulated in accordance with constitutional and human rights, and to ensure that the Finnish Police are capable of effective cooperation in the fight against international crime.

#### *- Police Act*

The Police Act permits the use of undercover activities to investigate offences in respect of which telecommunications interception is permissible. The term undercover activities refers to the continuous or repeated gathering of information on individual persons or groups of persons or their activities with the help of infiltration. Undercover transactions (purchase offers made by a policeman) are also possible, if they are necessary in order to investigate a terrorist offence or to detect objects, substances or property possessed or traded illegally due to such an offence, or to recover proceeds from such an offence. The aforementioned means of acquiring information may, as a rule, only be used for suspected persons.

Chapter 5 of the Police Act contains provisions on so called covert data acquisition measures. A general prerequisite for the use these covert measures is that their use may be assumed to produce information needed to prevent or uncover an offence or to avert a danger.

The covert data acquisition measures include telecommunications interception, the obtaining of information other than through telecommunications interception, telecommunications monitoring, acquisition of the identification data showing the location of mobile communications device, and technical surveillance (which may take the form of either technical interception, technical observation or technical tracking), undercover operations and pseudo-purchases. The covert data acquisition measures may be used to uncover all terrorist offences referred to in the Penal Code Chapter 34a.

#### *- Coercive Measures Act*

For the investigation of terrorist offences, the available coercive measures are arrest, detention, travel ban, restraint order and freezing of property, seizure and search (search of premises and personal search). The powers available to the Finnish law enforcement authorities for the investigation of terrorist offences are mainly provided for in the Coercive Measures Act. Chapter 10 of the Act also contains provisions on so called covert coercive measures which are used without the person in question knowing it (telecommunications interception, the obtaining of information other than through telecommunications interception, telecommunications monitoring, acquisition of the identification data showing the location of mobile communications device, and technical surveillance (which may take the form of either technical interception, technical observation or technical tracking), undercover operations and pseudo-purchases.

A general prerequisite for the use of covert coercive measures is that their use may be assumed to produce information needed to clarify an offence. This also means that the threshold for pre-investigation has been exceeded. Furthermore, according to certain international obligations binding on Finland (e.g. the Schengen Convention), cross-border pursuits and observation may be used for investigating offences committed with a terrorist intent.

The main rule concerning the warrants for covert coercive measures is that the court decides on the use of these measures on the request of an official with the power of arrest.

#### *- Court authorisation*

Authorisation for telecommunications interception, telecommunications monitoring, acquisition of the identification data showing the location of mobile communications device, technical interception and technical observation (if measures are directed at persons kept in custody) is granted by a court, upon

a written request of an official with the power of arrest. Further, a court authorisation is necessary for technical interception and technical observation in cases where, the interception or observation device will be placed within a vehicle used by the suspect or within premises that the suspect is staying in. If the commencement of telecommunications monitoring cannot be delayed, the official with the power of arrest may provisionally take the intended measure before the court has rendered a decision on the matter. Authorisation for telecommunications interception and telecommunications monitoring, as well as for technical interception, may be granted for a maximum period of one month at a time. Authorisation for telecommunications monitoring may also be granted to cover a period preceding the related decision, which may exceed a month.

Undercover activities, undercover transactions, and the use of informants are not subject to court authorisation.

#### *- Act on Legal Assistance in Criminal Matters*

The aforementioned means of acquiring information may also be used in international cooperation. The Act on Legal Assistance in Criminal Matters provides for telecommunications interception, telecommunications monitoring, technical surveillance, undercover operations and pseudo-purchase, which, on certain conditions, may be used on the basis of a foreign state's request for legal assistance.

#### *- Protection of victims and witnesses*

The Penal Code contains provisions criminalizing the threatening of persons to be heard in the administration of justice. A person who unlawfully, by violence or by threats, prevents or attempts to prevent another person from making a statement as a witness, expert witness, other person to be heard in a trial, criminal investigation, police inquiry or other comparable official proceedings, or influences or attempts to influence the contents of the statement, shall be sentenced, unless a more severe penalty for the act has been provided by law, to a fine or to imprisonment for no more than three years.

According to the Code of Judicial Procedure, a witness or an injured party may be heard in a main hearing without the presence of a party or the public, if the court finds this appropriate and necessary in order to, inter alia, protect the person against threat to life or health. For this reason, a witness or an injured party may also be heard in the main hearing without his personal presence by using video negotiations or other applicable technical means of communication.

The Criminal Procedure Act and the Code of Judicial Procedure lay down certain restrictions on the disclosure of the contact information of parties and witnesses. Further, the Population Information and Certificate Services Act provides that the Finnish Population Register Centre may order, for a prescribed period, that information on a person's municipality of residence or his/her domicile located there or his/her temporary domicile may only be disclosed to authorities. It is required that the person requesting the information has a justifiable reason to suspect that his/her own or his/her family members' health or safety is in danger. The Act on the Openness of Government Activities permits the secrecy of contact information of witnesses and persons who have reported offences or given similar reports, to protect them, among others, against injured parties. Finally, the Names Act makes it possible to change both one's first name and surname.

The Police Act provides for the right of employees of the police to remain silent. When being heard as witnesses or otherwise, employees of the police have no obligation to reveal the identity of any person who confidentially has provided them with information during their employment or to reveal any confidential tactical or technical methods. Nor are employees of the police under an obligation to reveal the identity of a person who made an undercover transaction or who was involved in other undercover activities, if the disclosure of the information would endanger the undercover activities concerned, or if it would significantly endanger the performance of similar future duties. A court of law may, however, under certain exceptional circumstances order an employee of the police to reveal the above pieces of information. This is possible only in cases where the court is considering charges for an offence from which a punishment of at least six years in prison may follow.

The Enforcement of Sentences Act makes it possible to notify an injured party or another person of the release of a prisoner, if there are reasonable grounds to suspect that the prisoner will make himself guilty of an offence against the life, health or freedom of that person.

### **Preventing the financing of terrorism**

Financing of terrorism is criminalised in the Finnish Penal Code, in Chapter 34a, section 5. A person shall be sentenced for the financing of terrorism to imprisonment for at least four months and at most eight years, if he or she directly or indirectly provides or collects funds in order to finance, or is aware that these shall finance a terrorist offence or an offence of general endangerment as defined in

Chapter 34 or Chapter 34 a (1) of the Penal Code. An attempt is punishable. The criminalisation of terrorist financing is consistent with the International Convention for the Suppression of the Financing of Terrorism, ratified by Finland in June 2002, and the EU Framework Decision on combating terrorism.

The obligation to freeze terrorist assets imposed by the UN Security Council has been implemented in the EU by decisions and regulations adopted by the Council. In Finland, the Sanctions Act (Act on the Enforcement of Certain Obligations of Finland as a Member of the United Nations and of the European Union, Act No 659/1967) and Penal Code provide for sanctions and forfeitures to be imposed for violations EU Council regulations on restrictive measures, including those implementing UN Security Council sanctions resolutions. According to Chapter 46 of the Penal Code, a person who violates or attempts to violate a regulatory provision in a sanctions regulation shall be sentenced for a regulation offence to a fine or to imprisonment for no more than four years.

The legislation concerning a freezing system on the basis of the Government Proposal 61/2012 is in force since 1 June 2013. The Act provides for the freezing of funds of persons and entities involved terrorist act. The Act also criminalizes making funds available to a natural or a legal person whose assets and funds have been frozen, thus supplementing the existing regime of criminalizing financing of terrorism. The Act lays down in detail the process to be followed in the designation of person and entities.

The Act on Preventing and Detecting Money Laundering and Terrorist Financing entered into force on 1 August 2008. The purpose of the amended Act is to cover the obligations laid down in Directive 2005/60/EC of the European Parliament and of the European Council of 26 October 2005 on the prevention of the use of the financial system for the purposes of money laundering and terrorist financing, as well as the related FATF recommendations. The purpose of the Act is to prevent money laundering and terrorist financing, to promote their detection and investigation, and to reinforce the tracing and recovery of the proceeds of crime.

The Financial Supervisory Authority is the authority for supervision of Finland's financial and insurance sectors. Since 1 January 2009, this Authority has been responsible for most of the supervisory functions previously undertaken by the Financial Supervision Authority and the Insurance Supervisory Authority. The Financial Supervisory Authority supervises the compliance with the Act on Preventing and Detecting Money Laundering and

Terrorist Financing by the credit and financial institutions and provides training on the provisions of the Act. The Financial Intelligence Unit, which is a unit of the National Bureau of Investigation, is in charge of financial investigations.

All entities providing payment services (e.g. money transfer services) are governed by the Payment Institutions Act and the Payment Services Act, as well as the Act on Preventing and Detecting Money Laundering and Terrorist Financing. The Payment Services Act and Payment Institutions Act became effective on 1 May 2010. These acts transposed into Finnish legislation the European Parliament and Council directive 2007/64/EC, which harmonises legislation on payment services. The Financial Supervisory Authority supervises compliance with these Acts.

When money transfer services are provided by banks, full license is required (and the services are supervised by the Financial Supervisory Authority). Any alternative money transmitting business provided by other than banks requires either authorisation or registration (notification of intention to provide payment services without authorisation, and AML/CFT laws are applied to it).

For cash entering or leaving the EU, the EU Regulation 1889/2005 has been complemented by the national Act on the controls of cash entering or leaving the European Community (653/2007) which came into force on 15 June 2007. According to the Act, any natural person entering or leaving the European Community (but not between Finland and another EU country) must declare any cash that they are carrying if it amounts to EUR 10 000 or more (or the equivalent in other currencies). The declaration must be made to the Customs at the point of entry or exit.

Particularly with regard to the non-profit sector, a special license is needed for money collection and the running of a lottery in Finland. Money collection and the running of a lottery are supervised by the National Police Board. To prevent any misuse and criminal behaviour, the new Money Collection Act defines more efficient license conditions and allows, among other things, a more efficient supervision of accounts and practical operation on money collection.

Further information about the Finnish legislation can be obtained from the following website: [www.finlex.fi](http://www.finlex.fi)

### **Finnish Security Intelligence Service**

The Finnish Security Intelligence Service is the main authority responsible for counter-terrorism and co-operate in this function with various actors both nationally and internationally. The work of the Finnish Security Intelligence Service consists of the gathering of intelligence information by human and technical resources and international cooperation, as well as of strategic analysis and forecasting of emerging threats. The Finnish Security Intelligence Service maintains a situation awareness regarding issues and events connected to terrorism. The situation awareness is distributed between all relevant authorities and decision makers. The Finnish Security Intelligence Service also produces threat assessments concerning civil infrastructure. Such assessments (analyses) are prepared for use by political leaders, leading officers of the state and other relevant actors.

As part of its normal counter-terrorism activities, the Finnish Security Intelligence Service monitors and prevents criminal and other activities possibly connected to terrorism, including possible attempts to recruit individuals into terrorist groups. If such activities are detected, their nature will preliminarily be investigated by the Finnish Security Intelligence Service. If a formal pre-trial investigation is commenced, the National Bureau of Investigation will normally be in charge of it, with the Finnish Security Intelligence Service affording all necessary aid to the NBI. The Finnish Security Intelligence Service also aims to prevent terrorism by advancing situational awareness of different kinds of threats through information briefings and media relations. The Finnish Security Intelligence Service also cooperates with the National Bureau of Investigation in investigations regarding the financing of terrorism.

As most potential terrorist targets are located in Helsinki, the Helsinki District Police are responsible for the physical protection of such targets. Two special units operating under the Helsinki District Police also carry out counter-terrorist operations as part of their duties. One of them is a group specialised in the diffusion of explosives, whereas the other one is a unit intended for securing demanding police tasks and handling serious and dangerous incidents such as terrorist attacks. As both units are administratively part of the Helsinki District Police, they can be seconded outside Helsinki by a decision of the Supreme Police Command.

### **The National Bureau of Investigation**

The National Bureau of Investigation (NBI) is responsible for the pre-trial investigation of terrorism

offences. The first pre-trial investigation concerning terrorism offences has been initiated during 2011. The investigation has been conducted jointly by the NBI and the Finnish Security Intelligence Service. The consideration of charges has begun in early 2014.

### **The Financial Intelligence Unit of Finland**

The Financial Intelligence Unit (FIU) of Finland operating in connection with the National Bureau of Investigation is responsible for preventing both money laundering and the financing of terrorism. The FIU has published a Best Practices paper in 2012 related to reporting obligations for all entities obligated under the Act on Preventing and Clearing Money Laundering and Terrorist Financing (AML Act).

### **The Police, Customs and the Border Guard**

Integrated border management is a key instrument for safeguarding internal security of the European Union Member States and, in particular, to prevent and reveal illegal immigration and related crime as well as other cross-border crime including terrorism. This includes efficient co-operation between all relevant agencies. Act on Cooperation between the Police, Customs and the Border Guard (PCB authorities) is to promote cooperation between the Police, Customs and the Border Guard and implement the joint strategies of PCB authorities so that the tasks laid down for these authorities and individual measures that are connected with the prevention, detection and investigation of crimes (combating of crime), control and monitoring and related international cooperation are carried out in an appropriate, efficient and cost-effective manner.

The main duties of the Border Guard include border control (incl. border surveillance, border checks and crime prevention), security of the territorial waters, international cooperation and national defence. Furthermore, the Border Guard supervises the observance of the legislation on the possession of firearms, ammunitions and other dangerous items, drugs and other materials (CBRNE-materials). The Police and Customs also carry out border checks at certain border crossing points. The Border Guard Act outlines the customs and police tasks to be performed by the Border Guard. Special response teams operating under the Gulf of Finland Coast Guard district and South-East Finland Border Guard district carry out also counter-terrorist operations in cooperation with Police special units as part of their duties.

This close cooperation and exchange of information between the authorities, for instance, in respect to persons wanted for offences, is aimed at optimising

the efficiency of counter-terrorism activities within the available resources. The border crossing points are provided with electronic passport readers which are automatically connected through a common browser with registries overseen by the other relevant authorities. The information provided by this system facilitates immediate intervention in cases of suspected illicit activity.

Customs is the key authority of controlling the movements of goods in foreign trade. Customs carry out checks concerning the restrictions of firearms, dual use items, defence material, radioactive and nuclear material, explosives, fertilizers, hazardous chemicals and the movements of cash.

In accordance with the European Unions' Customs Code operators are obliged to give Customs electronically advance information of their shipments. Customs will utilize this information to perform risk analyses when controlling the foreign trade. In international border crossing points Customs also have gamma- and neutron radiation detectors.

Besides the control of goods traffic Customs carry out passport checks and grant visas for cargo vessels crews.

### **Finnish Immigration Service**

The Finnish Immigration Service maintains a register of aliens and processes and decides matters concerning immigration and international protection and Finnish nationality. Further, the Finnish Immigration Service issues residence permits to aliens residing abroad and in Finland and decides on the removal of persons residing in Finland from the country. The Finnish Immigration Service also makes decisions on granting and withdrawing refugee status.

The preconditions for an alien's entry into Finland include, among other things, that the person is not deemed to jeopardise public order and safety. Further, the Aliens Act lays down specific grounds for refusal of entry and deportation. The removal of an alien is possible in cases where the person has committed an offence, jeopardises other people's safety, is justifiably suspected of preparing sabotage or endangers Finland's foreign relations. Terrorist activities, the support of terrorist activities, or membership in a terrorist organisation, including suspicion thereof, are grounds for deeming that an alien is likely to jeopardise public order and safety. In such cases no residence permit for Finland is granted or extended.

If necessary, the Finnish Immigration Service consults the Finnish Security Intelligence Service.

For certain types of cases, the Finnish Security Intelligence Service are always consulted. If the Finnish Security Intelligence Service do not support the admission of the person concerned into Finland (or his continued residence in the country), the person is, as a rule, refused a residence permit. Likewise, Finnish nationality is refused if there is reason to suspect that to grant nationality might endanger public order or the security of the state.

The Finnish Security Intelligence Service also issue opinions on the admission of persons into Finland for the selection of quota refugees. Since autumn 2001, their representative has participated in visits abroad for interviews with and selection of refugees to be admitted into Finland. When processing applications for international protection, the Finnish Immigration Service has paid particular attention to the application of the so-called exclusion clause in Article 1.F of the 1951 Convention on the Status of Refugees due to engagement in terrorist activity or membership in a terrorist organisation. The Finnish Immigration Service has gathered information about organisations classifiable as terrorist organisations in order to better identify persons to whom international protection may not be granted. The application of the exclusion clause has also been discussed in international fora.

The Finnish Immigration Service is represented in national working groups, which are set up between different authorities to deal with the prevention of illegal entry into the country and immigration issues in general. In these working groups, the competent authorities exchange information about issues of significance to counter-terrorism activities and measures.

### **Office of the Prosecutor General**

It is up to the Prosecutor General to decide whether a terrorist offence under Chapter 34a of the Penal Code is to be prosecuted. The Prosecutor General also decides, on a case-by-case basis, who is to pursue the charge.

The Prosecutor General has entrusted one of the state prosecutors in his office (The Office of the Prosecutor General) to cooperate with the interest groups in issues related to terrorism. This state prosecutor cooperates with the Finnish Security Intelligence Service, the National Bureau of Investigation and other national and international authorities in this field, for instance by attending terrorism related meetings, training and seminars in Finland and abroad.

In spring 2008 the Office of the Prosecutor General arranged training on terrorism related offences for state prosecutors and other law enforcement



authorities focusing on the new provisions implementing the Council of Europe Convention on the Prevention of Terrorism.

### **Finnish Defence Forces**

The tasks of the Finnish Defence Forces are: 1) defence of the country; 2) supporting other authorities in responding to non-military threats including situations involving terrorism; and 3) participating in international crisis management.

As the substantial part of preventing and combating terrorism per se falls to the mandate of the police, legal and other authorities, the Defence Forces contribute effectively to national and international efforts against terrorism. Within this task the Defence Forces participate in intensive exchange of information between security and law enforcement authorities.

Nationally, the Defence Forces are prepared to support the police in protecting against and responding to terrorist crimes. The full range of the Defence Forces capabilities can be utilized to support the police, including the use of necessary force. However, the operations are always led by the police. The decisions on use of force are also always the responsibility of the police. Internationally, the Defence Forces participate in international military co-operation and in crisis management. The Defence Forces also take part in international and national exercises as well as possible acts concerning Proliferation Security Initiative to interdict trafficking of WMD and related material.

*Further information can be obtained from the following websites:*

[Office of the Prosecutor General](#)

[Finnish Security Intelligence Service](#)

[Finnish Police](#) (including the National Bureau of Investigation)

[Finnish Defence Forces](#)

[Border Guard](#)

[Finnish Customs](#)

[Finnish Immigration Service](#)

## **INTERNATIONAL CO-OPERATION**

### **Mutual assistance in criminal matters and extradition**

According to the Act on International Legal Assistance in Criminal Matters (4/1994) coercive measures can be carried out on the basis of mutual legal assistance (MLA) requests as stipulated in Section 15 and Section 23. According to Section 15.1 when coercive measures are requested or where the request otherwise involves the use of coercive measures under the Coercive Measures Act (450/1987), such measures shall not be used, where not permitted under Finnish law had the offence been committed in Finland in similar circumstances. Section 23 permits the use of a wide range of specific coercive measures, if this has been requested or deemed necessary in the execution of the request.

In overall, the Act on International Legal Assistance in Criminal Matters enables the use of coercive measures in similar situations in which coercive measure can be used in national preliminary investigation. As coercive measures can be used widely in the national preliminary investigation of financing of terrorism, coercive measures can be used similarly on the basis of MLA requests.

Questions related to extradition are regulated by the Extradition Act (456/1970). According to Section 6 of the Act, extradition shall not be granted for a political offence. However, where a political offence includes or is connected with an offence not political by nature and the act as a whole cannot be regarded as an offence of a predominantly political nature, extradition shall be permissible. Intentional homicide or an attempt thereof, unless committed in overt combat, shall not be regarded as a political offence.

International conventions that are in force in Finland restrict the power of discretion of Finnish authorities in the consideration which offences are political according to Section 6 of the Extradition Act (Government Proposal 209/2011, p. 10). This is based on the fact that international conventions are in force in Finland as national laws and they are applied in parallel with the Extradition Act. In practice, Finnish authorities cannot regard an offence as political if it is in conflict with international obligations of Finland.



## Measures at international level

### The United Nations

Finland supports the key role of the United Nations as the only global forum to enhance international co-operation against terrorism and promotes the effective implementation of the UN Global Counter-terrorism Strategy. Finland has ratified fourteen UN anti-terrorism conventions and protocols and is preparing to ratify the two instruments that were adopted in 2005 relating to maritime security. The most recent update to this status has been that the internal procedures necessary for the entry into force of the Amendment to the Convention on the Physical Protection of Nuclear Material were finalised and Finland deposited its instrument of Acceptance on 17 June 2011.

Finland hosted CTED's (UN Counter-Terrorism Committee Executive Directorate) expert assessment visit in June 2012, and a useful dialogue with the CTED has been continued after the visit. The visit was coordinated by the Ministry for Foreign Affairs, and it included meetings with a large number of relevant authorities.

### The European Union

In accordance with the EU's strategic commitment, Finland continues to combat terrorism globally while respecting human rights, and to make Europe safer, allowing its citizens to live in an area of freedom, security and justice. An effective implementation of the EU Counter-terrorism strategy as well as the EU Strategy for Combating Radicalisation and Recruitment to Terrorism remains one of the priorities of Finland. Finland has also fully implemented the EU Council Framework Decision 2002/475/JHA on combating terrorism and the EU Council Framework Decision 2008/919/JHA of 28 November 2008 amending Framework Decision 2002/475/JHA.

### Council of Europe

Finland appreciates the contribution of the Council of Europe in the area of preventing and suppressing terrorism based on its commitment to democracy and focus on human rights. Finland participates actively in the work of the CODEXTER and other Council of Europe commitments and working groups dealing with questions related to terrorism. Finland ratified the 2005 Council of Europe Convention on the Prevention of Terrorism in 2008.

## Financial Action Task Force against Money Laundering (FATF)

Finland is a member of the FATF. In June 2013, the Financial Action Task Force (FATF) recognized that Finland had made significant progress in further improving its AML and CFT framework, and consequently removed Finland from its regular follow-up process.

## The Organization for Security and Co-operation in Europe (OSCE)

Finland considers the OSCE an important actor in promoting international stability, security and co-operation. Finland supports the OSCE's activities against transnational threats, including terrorism, based on the Organisation's comprehensive approach to security and full respect of human rights and the rule of law. The main goals of the OSCE counter-terrorism work are to promote the ratification of the universal anti-terrorism instruments and support participating States in their implementation.

One concrete example worth mentioning is a handbook by the ODIHR (OSCE Office for Democratic Institutions and Human Rights), published in 2007, called "Countering Terrorism, Protecting Human Rights". It is a working manual for policy makers and counter-terrorism practitioners. This handbook has been completed in 2013 by a manual "Human Rights in Counter-Terrorism Investigations", exploring in detail the different phases of counter-terrorism investigations and linking them to relevant human rights standards.

## North Atlantic Treaty Organisation (NATO)

North Atlantic Treaty Organisation (NATO) NATO's most recent strategic concept, adopted at the Lisbon Summit in November 2010, recognizes the emergency of new threats such as terrorism and cyber attacks. Terrorism is also mentioned in NATO's partnership policy, adopted in April 2011, as one priority area for dialogue and cooperation with NATO's partners. Finland participates in NATO's Partnership for Peace Programme (PfP) and continues to take part in discussion open for NATO's partners on developing initiatives on anti-terrorism and cyber defence. Furthermore, Finland participates in NATO's Civil Emergency Planning (CEP), which concerns securing society's critical infrastructure, vital commodities and services supply, taking into account possible emergency situations.

<b>Relevant Council of Europe conventions – Finland</b>	<b>Signed</b>	<b>Ratified</b>
Council of Europe Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime and on the Financing of Terrorism [CETS No. 198]	16/12/2005	-
Council of Europe Convention on the Prevention of Terrorism [CETS No. 196]	16/05/2005	17/01/2008
Convention on Cybercrime [ETS No. 185]	23/11/2001	24/05/2007
Additional Protocol to the Convention on Cybercrime, concerning the criminalisation of acts of a racist and xenophobic nature committed through computer systems [ETS No. 189]	28/01/2003	20/05/2011
Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime [ETS No. 141]	25/09/1991	09/03/1994
European Convention on the Compensation of Victims of Violent Crimes [ETS No. 116]	11/09/1990	15/11/1990
European Convention on the Suppression of Terrorism [ETS No. 90]	16/11/1989	09/02/1990
Protocol amending the European Convention on the Suppression of Terrorism [ETS No. 190]	15/05/2003	27/5/2005
European Convention on the Transfer of Proceedings in Criminal Matters [ETS No. 73]	-	-
European Convention on Mutual Assistance in Criminal Matters [ETS No. 30]	-	29/01/1981 (accession)
Additional Protocol to the European Convention on Mutual Assistance in Criminal Matters [ETS No. 99]	-	30/01/1985 (accession)
Second Additional Protocol to the European Convention on Mutual Assistance in Criminal Matters [ETS No. 182]	09/10/2003	-
European Convention on Extradition [ETS No. 24]	-	12/05/1971 (accession)
Additional Protocol to the European Convention on Extradition [ETS No. 86]	-	-
Second Additional Protocol to the European Convention on Extradition [ETS No. 98]	-	30/01/1985 (accession)
Third Additional Protocol to the European Convention on Extradition [CETS No. 209]	10/11/2010	-
Fourth Additional Protocol to the European Convention on Extradition [CETS No. 212]	-	-

<b>Relevant United Nations conventions – Finland</b>	<b>Signed</b>	<b>Ratified</b>
Convention on Offenses and Certain Other Acts Committed on Board Aircraft (Tokyo, 1963)	24/10/1969	02/04/1971
Convention for the Suppression of Unlawful Seizure of Aircraft (the Hague, 1970)	08/01/1971	15/12/1971
Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation (Montreal, 1971)		13/07/1973
Protocol for the Suppression of Unlawful Acts of Violence at Airports Serving International Civil Aviation, Supplementary to the Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation (Montreal, 1988)	16/11/1988	03/04/1998
Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents (New York, 1973)	10/05/1974	31/10/1978
International Convention against the Taking of Hostages (New York, 1979)	29/10/1980	14/04/1983
Convention on the Physical Protection of Nuclear Material (Vienna, 1979)	25/06/1981	22/09/1989 (acceptance)
Amendment to the Convention on the Physical Protection of Nuclear Material (Vienna, 2005)	-	17/06/2011 (acceptance)
Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation (Rome, 1988)	-	12/11/1998
2005 Protocol to the Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation (London, 2005)	27/02/2006	-
Protocol for the Suppression of Unlawful Acts against the Safety of Fixed Platforms Located on the Continental Shelf (Rome, 1988)	-	28/04/2000 (accession)
2005 Protocol to the Protocol for the Suppression of Unlawful Acts against the Safety of Fixed Platforms Located on the Continental Shelf (London, 2005)	27/02/2006	-
Convention on the Marking of Plastic Explosives for the Purpose of Detection (Montreal, 1991)	25/03/1993	05/12/2001 (acceptance)
International Convention for the Suppression of Terrorist Bombings (New York, 1997)	23/01/1998	28/05/2002 (acceptance)
International Convention for the Suppression of the Financing of Terrorism (New York, 1999)	10/01/2000	28/06/2002 (acceptance)
International Convention for the Suppression of Acts of Nuclear Terrorism (New York, 2005)	14/09/2005	13/01/2009 (acceptance)