



## **PLATFORM TO PROMOTE THE PROTECTION OF JOURNALISM AND SAFETY OF JOURNALISTS**

### **Reply by the Government of Finland to the platform alert concerning charges brought against three journalists from Helsingin Sanomat**

**10 December 2021**

The Deputy Prosecutor General has brought charges against three journalists from the Helsingin Sanomat newspaper. They are being charged with disclosure of a national secret or an attempt of disclosure of a national secret. The charges relate to an article published in Helsingin Sanomat, the newspaper with the highest circulation in Finland, on 16 December 2017 and to a series of articles intended to be published later.

The defendants have denied the accusations. For two suspects, the Deputy Prosecutor General decided to waive charges.

The application for a summons was submitted to Helsinki District Court on 29 October 2021. The application and the pre-trial investigation material will become public after the District Court has heard the matter in an oral hearing, unless the court orders otherwise. The District Court has not yet set the timetable for the proceedings.

Unlike suggested in the alert, the case is not about an attempt to criminalise journalistic work. Instead, the three journalists are being suspected of disclosure of a national secret – an offence punishable under chapter 12, section 7 of the Finnish Criminal Code –, committed by publishing, in the article in Helsingin Sanomat, information that deals with the military intelligence of Finland and is secret by law.

Furthermore, the journalists are suspected of having attempted the said offence by trying to publish more of secret information on military intelligence in the additional articles they intended to publish. However, the publishing of new articles was prevented when the police started a criminal investigation of the suspected offences.

Investigation and prosecution do not constitute advance censorship when they are conducted after the commission of an offence or a punishable attempt of an offence.

Anyone may make themselves guilty of disclosure of a national secret by acting in the manner described in the statutory definition of the offence. Journalists do not enjoy a special status in this respect. The search and confiscation directed at journalist Halminen and her property were conducted in compliance with the relevant legislation. The view expressed by Helsingin Sanomat that the published article did not contain any secret information does not coincide with the prosecutor's view.

Nor did reporting on the public enactment process for the new intelligence legislation justify the publishing of information on military intelligence, which is secret under specific provisions of law and is not included in the new intelligence legislation. However, the issues concerning the secrecy of the information referred to in the charges and the right to publish it will be adjudicated by an independent court in due course.

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