

## **Translation from Finnish**

**Legally binding only in Finnish and Swedish**

**Ministry of Justice, Finland**

### **Extradition Act**

*(456/1970; amendments up to 660/2015 included)*

By decision of Parliament, the following is enacted:

### **General provision**

#### **Section 1**

Under this Act, a person who in a foreign state is suspected of or prosecuted or sentenced for an offence punishable under the law of that state may be extradited from Finland to that state, and extradition of a person who is suspected of or prosecuted or sentenced for an offence in Finland may be requested to Finland.

Separate provisions are issued on extradition between Finland and the other Member States of the European Union and between Finland and the other Nordic countries. (1287/2003)

### **Extradition from Finland**

#### **Prerequisites and conditions**

#### **Section 2**

Finnish citizens shall not be extradited.

*Subsection 2 was repealed by Act 1287/2003.*

#### **Section 3 (1287/2003)**

Extradition may be granted for an offence committed in Finland or on board a Finnish vessel or aircraft only if the judicial examination of the offence in the state requesting extradition is deemed

appropriate and the punishment that could be imposed for the offence under the law of the requesting state does not essentially differ from the punishment that could be imposed under Finnish law. If extradition is requested for the purpose of enforcing a punishment, a request may only be agreed to if the punishment does not essentially differ from the punishment that could have been imposed for the same offence in Finland.

#### **Section 4 (1287/2003)**

Extradition shall not be granted, unless the act referred to in the request for extradition is an offence for which the most severe punishment under Finnish law is at least one year of imprisonment or unless the act, had it been committed in Finland under corresponding circumstances, would be deemed such an offence.

A person who in a foreign state has been sentenced for an act referred to in subsection 1 may be extradited only if the sanction imposed on the person includes deprivation of liberty for at least four months.

If a request for extradition includes several acts and the prerequisites referred to above are present for one of the acts, the request may also be agreed to in respect of those other acts that are punishable under Finnish law and in respect of those other acts that are equivalent to acts that are punishable under Finnish law.

Notwithstanding the provisions of subsections 1 and 2, extradition may be granted for an act that would be deemed a counterfeiting offence, preparation of counterfeiting or use of counterfeit money, if committed in Finland under corresponding circumstances.

#### **Section 5**

Extradition shall not be granted for an act deemed to be a military offence. However, where the act also includes an offence for which extradition is allowed, extradition may be granted for that offence.

## **Section 6**

Extradition shall not be granted for a political offence. However, where a political offence includes or is connected to an offence not of a political character, and the act as a whole cannot be regarded as an offence of a predominantly political character, extradition is allowed.

Intentional homicide or an attempt of this, unless committed in open combat, shall not in any case be regarded as a political offence.

*Subsection 3 was repealed by Act 1287/2003.*

## **Section 7**

A request for extradition cannot be agreed to, if there is reason to believe that the requested person would, if extradited, be in danger of persecution threatening their life or liberty or other persecution because of their race, nationality, religion, political opinions or membership in a particular social group or due to the political situation.

## **Section 8**

A person cannot be extradited, if extradition would, in view of the age, health or other personal circumstances or special circumstances of the person concerned, be unreasonable for humanitarian reasons.

## **Section 9**

A request for extradition shall be based either on an enforceable judgment by which the requested person has been found guilty, on the basis of adequate evidence, for the offence referred to in the request, or on a remand warrant issued by the competent authority of the foreign state on the basis of evidence indicating the probable guilt of the person for the offence.

It may be provided by a treaty concluded with a foreign state that an enforceable judgment or a remand warrant issued by a court or a judge shall as such be accepted as a basis for extradition with respect to that state.

## **Section 10**

A request for extradition cannot be agreed to, if a judgment concerning the offence referred to in the request has been issued in Finland or if the right to bring charges for the offence or enforce a punishment for the offence would, under Finnish law, be considered lapsed.

*Subsection 2 was repealed by Act 1287/2003.*

## **Section 11**

Where a requested person is prosecuted in Finland for another offence for which a custodial sentence may be imposed, or where a judgment imposing a custodial sentence or other deprivation of liberty on the person has been passed, the person cannot be extradited as long as the said impediment exists.

Notwithstanding what is provided in subsection 1, it may, for particularly serious reasons, be ordered that a requested person may be extradited to a foreign state for judicial proceedings concerning the act referred to in the request for extradition, under the condition that the person will be handed over to Finnish authorities immediately after the conclusion of the proceedings.

## **Section 12 (1287/2003)**

Where a request for extradition is agreed to, the following conditions shall be set for the extradition, as appropriate:

- 1) the extradited person shall not, without permission referred to in section 32, be prosecuted or punished, in the state to which the person is extradited, for another offence committed prior to the extradition or be re-extradited to a third state, except if the person has not left the state within 45 days from the end of the existence of the impediment or if the person has returned there after leaving;
- 2) the extradited person shall not, without permission, be prosecuted for the offence in question in a court that is only provisionally or under special exceptional conditions competent to issue a judgment in such cases.

*Paragraph 3 was repealed by Act 13/2008.*

In a case referred to in section 5, it shall expressly be mentioned that the extradited person shall not be punished under a provision applicable to military offences.

When a person is, under section 6, extradited for an act that cannot be deemed an offence of a predominantly political character, the extradition shall be made subject to the condition that the act shall not be deemed a political offence when the extradited person is sentenced to a punishment.

In addition, where extradition is granted, other conditions considered necessary may be set.

## **Procedure**

### **Section 13**

A request for extradition shall be submitted through the diplomatic channel, unless otherwise agreed with the foreign state in question.

A copy of the remand warrant or the enforceable judgment shall be appended to the request. The request shall also indicate the nationality and domicile of the requested person, the nature of the offence, the time and place of commission of the offence, and the applicable penal provisions of the foreign state in question, if these details do not otherwise appear from the documents. A description of the personal characteristics of the requested person shall be provided, where possible.

The received documents shall be transmitted to the Ministry of Justice.

### **Section 14**

The Ministry of Justice decides whether a request for extradition shall be agreed to.

If the documents indicate that the request cannot be agreed to under law, or if the Ministry otherwise deems that no grounds exist for granting extradition, the request shall be rejected immediately.

The Ministry of Justice also decides on extradition referred to in section 11, subsection 2, on the permission referred to in section 12, subsection 1, paragraph 2, and on the conditions referred to in section 12, subsection 4.

## **Section 15**

If a request is not immediately rejected, the documents shall be transmitted to the National Bureau of Investigation, which shall urgently investigate the matter. In addition to the provisions of this Act, the provisions governing criminal investigation shall be observed, as appropriate, in the investigation. (465/1987)

If the requested person is being prosecuted for an offence in Finland, the prosecutor in question and, where feasible, the injured party shall be heard with regard to the request for extradition.

After the conclusion of the investigation, the records and other documents concerning it shall be submitted to the Ministry of Justice without delay.

On the basis of the findings of the investigation, the Ministry may request any supplementary information that it deems necessary from the requesting state.

## **Section 16**

Where the requested person has, during the investigation or in a written statement submitted to the Ministry of Justice before a decision on the request is made, declared that they consider that no legal grounds for extradition exist, the Ministry shall, unless the request for extradition is rejected immediately, request the opinion of the Supreme Court on the matter before deciding on the request. The Ministry may also in other cases request the opinion of the Supreme Court if it considers this necessary.

During the investigation, the requested person shall be informed of the legal remedy referred to in subsection 1, and an entry to this effect shall be made in the record.

## **Section 17**

The Supreme Court shall, while taking into account the provisions of sections 1–10 of this Act or the corresponding provisions of an international treaty binding on Finland, consider whether the request for extradition may be agreed to.

Where the Supreme Court considers that there is an impediment to extradition, the request for extradition cannot be agreed to.

## **Section 18 (607/1993)**

The Supreme Court may order that evidence shall be presented or another necessary measure undertaken in a court of first instance deemed appropriate by the Supreme Court, or, if the requested person has been taken into custody as provided below, in the court of first instance that has decided on the taking into custody. In that case, the provisions governing the criminal procedure apply. The prosecutor shall advocate the interests of the foreign state in the procedure. Once the procedure has been concluded, the district court shall, without delay, submit an extract of its records and other relevant documents to the Supreme Court.

## **Section 19**

In order to further an investigation and to secure the enforcement of extradition, a police officer with the power of arrest may take a person whose extradition has been requested into custody. The district court with jurisdiction in the municipality where the person is taken into custody, the prosecutor and the Ministry of Justice shall without delay be informed of the taking into custody. (607/1993)

The provisions governing remand imprisonment apply to taking into custody, as appropriate.

## **Section 20**

After being informed of the taking into custody, the district court shall urgently take the matter up for consideration, in accordance with the provisions governing the consideration of a request for remand, and decide whether the measure shall remain in effect. The court shall immediately inform the Ministry of Justice of its decision. (607/1993)

Upon the request of the person taken into custody, the matter shall always be taken up for reconsideration at the court within two weeks from when the request was presented.

## **Section 21**

If the Ministry of Justice rejects a request for extradition or the Supreme Court considers that there is an impediment to extradition, they shall order that the person taken into custody shall be released immediately.

If the Ministry agrees to the request, it shall set a time limit within which the foreign state shall take over the person whose extradition is ordered. This period of time shall not, unless there are special reasons for it, exceed one month from the date on which the state concerned is informed of the extradition decision, nor shall it in any case exceed two months.

The competent district court shall, without delay, be informed of a decision of the Ministry and of the Supreme Court referred to in this section.

## **Section 22**

A written complaint may, regardless of any time limit, be filed with the Supreme Court due to an unnecessary adjournment of the matter in a court of first instance or due to a decision concerning the taking into custody of a requested person by a court of first instance.

## **Section 23**

A police officer may conduct a search and seizure, as separately provided, also where an act similar to that referred to in the request for extradition would be deemed an offence if committed in Finland, even if the act itself is not punishable under Finnish law.

In its decision on extradition, the Ministry of Justice has the power to order that a seized object shall be handed over to the possession of the authority requesting extradition.



## **Section 24 (1176/2011)**

A person whose extradition is requested has the right to legal counsel.

A defence counsel shall be appointed for a requested person, if the person so requests. The provisions of chapter 2 of the Criminal Procedure Act (689/1997) apply, as appropriate, to the appointment of a defence counsel by virtue of office and to the defence counsel also in all other respects. The defence counsel shall be appointed by the district court considering the taking into custody or another court considering the extradition matter. A requested person who has been apprehended or otherwise caught in Finland shall without delay be informed of their right to be assisted by a legal counsel and of the fact that a defence counsel may be appointed for them.

The Ministry of Justice orders a reasonable remuneration to be paid to the defence counsel from state funds.

## **Section 25 (1287/2003)**

If several foreign states are requesting the extradition of the same person, the Ministry of Justice shall decide which state the person shall be extradited to, taking into account the nature of the offence, the time and place of its commission, the order of arrival of the requests, the nationality and domicile of the requested person, and other relevant circumstances. (1384/2007)

Where the requests concern different offences, the Ministry may simultaneously order that a person who is extradited to a given state shall be re-extradited from that state to a third state under the conditions allowing extradition to the third state in question.

## **Extradition to Finland**

### **Section 26**

When the police or prosecution authority or, in a matter concerning enforcement of a punishment, the Prison and Probation Service Finland wishes that a request for extradition to Finland of a person staying in a foreign state be made, the authority shall present a proposal on the matter to the Ministry of Justice. If the Ministry deems that the proposal shall be agreed to, it makes a

request for extradition and submits it through the diplomatic channel, unless otherwise agreed with the foreign state in question. (1287/2003)

The Ministry of Justice may also make a request for extradition referred to in subsection 1 on its own initiative. (114/1979)

## **Section 27**

The provisions of section 13, subsection 2 above apply, correspondingly, to the information that shall be submitted in connection with a request for extradition. In addition, the request shall be supported by such evidence that may be required for extradition from the foreign state.

## **Sections 28–29**

*Sections 28–29 were repealed by Act 465/1987.*

## **Section 30**

The conditions mentioned in section 12, subsection 1 shall, correspondingly, be observed with regard to a person extradited to Finland, as shall also any conditions set in the extradition decision.

If a person extradited to Finland is with probable cause suspected of an offence other than the one referred to in the request for extradition, which may lead to a sentence of imprisonment and was committed before the person was extradited to Finland, a court may, at the request of a public official with the power of arrest, order that the person shall be remanded for the said offence in order to obtain consent of the foreign state to the prosecution of the person. However, the suspect shall not be deprived of their liberty by virtue of this decision on remand until the foreign state in question has given its consent to the bringing of charges for the act referred to in the decision on remand. The decision on remand shall lapse if the foreign state does not give its consent to the bringing of charges. (296/2002)

If a foreign state has given the consent referred to in subsection 2 and the suspect has been deprived of their liberty by virtue of the decision on remand referred to in the said subsection, the question of remanding the suspect under chapter 2, section 11 of the Coercive Measures Act

(806/2011) shall be referred to a court for decision in compliance with the provisions of chapter 3, sections 4 and 5 of the said Act, as appropriate. If the suspect has been deprived of their liberty for some other reason, the decision on remand shall be referred to a court for consideration without delay after the foreign state has given its consent. (826/2011)

In all other respects, the provisions of the Coercive Measures Act on a remand hearing apply, where appropriate, in situations referred to in subsections 2 and 3. (296/2002)

## **Supplementary provisions**

### **Section 31**

A person may be taken into custody for an offence for which extradition may under this Act be granted even if a request for extradition has not yet arrived, if a foreign state has requested the taking into custody or if the police has issued a warrant of apprehension on the person in that state for such an offence. The provisions of sections 19–22 shall, correspondingly, be complied with in the taking into custody. A request mentioned above, which shall be based on a remand warrant or an enforceable judgment, may be made directly by the competent authority of the foreign state to a Finnish public official with the power of arrest. A search and seizure may also be conducted in these cases. The Ministry of Justice shall without delay be informed of the use of the coercive measures. (465/1987)

If the Ministry of Justice considers that there is an impediment to the extradition of a person taken into custody, the Ministry shall immediately order that the person shall be released. If there is no impediment and a district court has not ordered that the person taken into custody shall be released, the foreign state shall without delay be notified of the measure and, at the same time, a time limit shall be set for submitting a request for extradition of the person, not exceeding 30 days or, for special reasons, 45 days from the date on which the notification was sent. If no request for extradition has been received within the said time limit, the person shall be released. The Ministry of Justice decides on the issue of the notification. (660/2015)

A public official with the power of arrest may request, directly from the police or another competent authority of the foreign state where a person whose extradition to Finland will be requested is staying, that the person shall be taken into custody and that a search and seizure

shall be conducted, if this is allowed in the foreign state in question under a treaty or otherwise. The Ministry of Justice shall immediately be notified of such a request. (465/1987)

### **Section 31a (826/2011)**

In cases where a person may under this Act be taken into custody, a travel ban may be imposed on the person instead of taking into custody. The provisions of the Coercive Measures Act on a travel ban and the provisions of this Act on taking into custody apply to the travel ban, as appropriate.

### **Section 32**

Regardless of the conditions set for extradition, the Ministry of Justice may, on the request of a foreign state, grant the foreign state permission to prosecute or punish an extradited person for another offence than the one for which the person was extradited, committed prior to the extradition, or grant permission for their re-extradition to a third state. The provisions on extradition from Finland apply, correspondingly, to such a request and to conditions to be set for such extradition. (1287/2003)

Permission may only be granted if the documents indicate that legal grounds for extradition to the state in question exist.

If the documents indicate that the request cannot be agreed to under law, or if the Ministry otherwise deems that no grounds exist for agreeing to the request, the request shall be rejected immediately. In other cases, the Supreme Court decides whether the requested measure complies with the law. If the Supreme Court considers that there is an impediment to granting permission, the request cannot be agreed to.

### **Section 33**

The Ministry of Justice may permit transit through the territory of Finland of a person extradited from one foreign state to another, provided that the person is not a Finnish citizen.

A Finnish citizen may, however, be transported through the territory of Finland, if the person is being extradited to another Nordic country and the prerequisites for their extradition to the

requesting state, laid down in the Act on Extradition between Finland and the Other Nordic Countries (1383/2007), exist, or if the person is being extradited to another Member State of the European Union and the prerequisites for the transit, laid down in the Act on Extradition between Finland and the Other Member States of the European Union (1286/2003), exist. (1384/2007)

A request concerning transit of a person through the territory of Finland to a state other than one of the Nordic countries shall be submitted through the diplomatic channel, unless otherwise agreed with the foreign state in question.

### **Section 34 (1287/2003)**

No judicial review may be requested by way of appeal in respect of decisions made by the Ministry of Justice under this Act.

### **Sections 35–48**

*Sections 35–48 were repealed by Act 1287/2003.*

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This Act enters into force on 1 January 1971. This Act repeals the Extradition Act of 11 February 1922 (43/1922) as amended.

Where a foreign state has made a request for extradition prior to the entry into force of this Act, but the matter has not been finally ruled on, it shall be decided in accordance with this Act. However, the provisions of the previous Act shall apply to the procedure.

Any agreement in force between Finland and a foreign state at the time of the entry into force of this Act shall be continued to be complied with for as long as it remains in force, even if the provisions laid down in the agreement do not correspond to the provisions of this Act.