

**Unofficial translation** form Finnish  
Legally binding only in Finnish and Swedish  
Ministry of Defence, Finland

Issued in Helsinki on 28 March 2014

**Act on Military Discipline and Combating Crime in the Defence Forces  
(255/2014)**

In accordance with the decision of Parliament, the following is enacted:

**PART I**

**GENERAL PROVISIONS**

**Chapter 1**

**General provisions**

**Section 1**

**Scope of application**

This Act lays down provisions on the combating of crime in the Defence Forces, which comprises the prevention and detection of offences and the investigation of offences falling within the scope of military disciplinary procedure. The Act also applies to a procedure in a military disciplinary matter, sanctions imposed therein and for the initiation of a military court procedure.

Provisions on persons subject to military disciplinary procedure are laid down in:

- 1) Chapter 45 of the Criminal Code of Finland (39/1889);
- 2) the Act on the Defence Forces (551/2007);
- 3) the Conscription Act (1438/2007);
- 4) the Act on Voluntary Military Service of Women (194/1995);
- 5) the Act on Voluntary National Defence (556/2007);
- 6) the Act on Military Crisis Management (211/2006); and
- 7) the Act on the Administration of the Border Guard (577/2005).

An act may be investigated in a military disciplinary procedure if there is reason to suspect that a person subject to military disciplinary procedure has committed an offence referred to in Section 2 of the Military Court Procedure Act (326/1983). A disciplinary punishment may be imposed for such an act in a disciplinary procedure or sentenced in a military court procedure as prescribed in this Act and in the Military Court Procedure Act.

## **Section 2**

### **Relationship with other legislation**

Provisions on the prevention, detection and investigation of offences laid down in the Police Act (872/2011), in the Criminal Investigation Act (805/2011), in the Coercive Measures Act (806/2011) and in other acts shall apply to combating crime in the Defence Forces, unless provided otherwise below.

## **PART II**

### **MILITARY DISCIPLINARY PROCEDURE AND INVESTIGATION OF OFFENCES**

#### **Chapter 2**

##### **Sanctions in disciplinary procedures**

### **Section 3**

#### **Disciplinary punishments**

As prescribed in Chapter 6, Section 1(4) of the Criminal Code, disciplinary punishments are an admonition, extra duty, warning, confinement to barracks, disciplinary fine and detention.

Extra duty shall be imposed or sentenced at least once and at most five times.

Confinement to barracks shall be imposed or sentenced with a minimum and maximum duration of one and fifteen days, respectively, and a disciplinary fine at least for one and at most for thirty days.

Detention may be sentenced only by a court referred to in Section 5 and 6 of the Military Court Procedure Act in a procedure under the same Act, and detention shall be sentenced at least for one and at most for thirty days.

The amount of a one-day disciplinary fine is one fifth of the average gross daily income of the person on whom the fine is imposed, but in any case not less than the amount equal to the highest daily allowance paid to a person serving under the Conscription Act. The amount of a one-day disciplinary fine for a person serving under the Conscription Act or the Act on Voluntary Military Service of Women is equal to the amount of his or her daily allowance or, if the person receives no daily allowance, the amount equal to the highest daily allowance paid to a person serving under the Conscription Act.

A disciplinary punishment may not be imposed or sentenced conditionally.

### **Section 4**

### **Sanction imposed in lieu of a fine or disciplinary punishment**

A disciplinary punishment may be sentenced in a military court procedure or imposed in a disciplinary procedure for an offence for which a fine is prescribed as a sanction.

If a disciplinary punishment is prescribed as a sanction for an offence, a fine can be sentenced in lieu of the punishment.

### **Section 5**

#### **Combined punishment**

A combined punishment may not be imposed for a disciplinary punishment and a fixed-term imprisonment or a fine, and neither may they be combined with a fixed-term imprisonment.

Should a person be sentenced at the same time to a disciplinary punishment for two or more offences, he or she shall be sentenced to a combined disciplinary punishment. In this case, detention may be sentenced for a maximum of forty days, a disciplinary fine for a maximum of forty days and confinement to barracks for a maximum of twenty-five days.

Only one disciplinary punishment shall be applied as the sanction for the same offence in a disciplinary procedure. If a person has committed several offences that come before a disciplinary superior at the same time, only one disciplinary punishment shall be imposed.

### **Section 6**

#### **Conversion prohibition**

An unpaid disciplinary fine may not be converted into imprisonment. The conversion prohibition also applies to an unpaid disciplinary fine into which confinement to barracks or detention has been converted.

### **Section 7**

#### **Limitation**

A disciplinary punishment is comparable to a fine in the application of provisions on criminal limitation.

### **Section 8**

#### **Deduction of a period of loss of liberty**

If a person who is sentenced to a disciplinary punishment or on whom such a punishment is imposed has, before the matter is decided, been deprived of his or her liberty, a deduction referred to in Chapter 6, Section 13 of the Criminal Code shall be made from the disciplinary punishment.

In calculating the deduction referred to in Subsection 1 above, a one-day loss of liberty corresponds to four times of extra duty, a three-day confinement to barracks, a three-day disciplinary fine and to a one-day detention.

### **Section 9**

## **Disciplinary punishments for professional soldiers**

Only an admonition or a warning can be given to a professional soldier referred to in the Act on the Defence Forces or a disciplinary fine imposed on him or her in a disciplinary procedure.

## **Chapter 3**

### **Powers of disciplinary superiors**

#### **Section 10**

##### **Disciplinary superiors**

*Disciplinary superiors* are the commander of a company-level/equiv. unit and his or her immediate superiors and the master sergeant of a company-level/equiv. unit within the limits prescribed in Section 12.

The immediate subordinates of a disciplinary superior shall be subject to his or her disciplinary powers.

#### **Section 11**

##### **Restrictions on acting as disciplinary superior**

A disciplinary superior may not consider the matter if the offence is directed at him or her in person or if he or she has such a relation to the matter or a party that his or her impartiality may be compromised.

A superior under whose command a person has been ordered only temporarily for carrying out a specific service duty shall have no disciplinary powers over this person. The superior must nonetheless ensure that a criminal investigation is implemented and inform the disciplinary superior of the person suspected of the offence of the matter.

If the person suspected of an offence has been transferred under another disciplinary superior before the disciplinary matter has been decided, the matter must be referred to this superior.

A matter relating to an offence may be referred to a higher disciplinary superior if the persons who have participated in the same offence are under the penal authority of different disciplinary superiors. Where an offence has been committed in the presence of a higher disciplinary superior, he or she may reserve himself or herself the right of punishment in respect of the offence.

#### **Section 12**

##### **Right to impose a disciplinary punishment**

The commander of a brigade-level/equiv. unit and a disciplinary superior above him or her has the right to impose all disciplinary punishments with the exception of detention.

The commander of a battalion-level/equiv. unit has the right to impose an admonition, extra duty, confinement to barracks, as well as a warning to a person in military service or to a person in voluntary military service of women.

The commander of a company-level/equiv. unit has the right to impose an admonition, extra duty, confinement to barracks with a minimum and maximum duration of one and ten days, respectively, as well as a warning to a person in military service or to a person in voluntary military service of women.

The master sergeant of a company-level/equiv. unit has the right to impose an admonition on a person in military service or on a person in voluntary military service of women and at most three times of extra duty.

### **Section 13**

#### **Authority of the Defence Command**

A superior in a position corresponding to that of the disciplinary superior referred to in Section 12 has the same powers. The Defence Command shall decide who is to be regarded as the superior in a corresponding position. The Defence Command may also give orders on the mutual disciplinary powers of disciplinary superiors above the commander of a brigade-level/equiv. unit which differ from their administrative and military powers.

## **Chapter 4**

### **Coercive measures in disciplinary procedures**

#### **Section 14**

##### **Coercive measures and authorities entitled to use them**

In addition to the provisions of this Act, provisions on coercive measures applicable to offences referred to in Section 2 of the Military Court Procedure Act and on authorities entitled to use them are laid down in the Coercive Measures Act.

#### **Section 15**

##### **Apprehension**

A person caught in committing or suspected on probable grounds of an offence referred to in Section 2 of the Military Court Procedure Act may be apprehended if this is required by the maintenance or restoration of discipline, order or safety.

#### **Section 16**

##### **Officials and soldiers with the right of apprehension**

Apprehension may be conducted by:

- 1) the superior of the person to be apprehended serving as a professional soldier;
- 2) a soldier acting as guard officer or duty officer or performing a military police mission;
- 3) the commander of a military unit ordered to perform a military safeguarding or order maintenance mission; and

4) an official with the power of arrest referred to in Section 17 below.

## **Section 17**

### **Officials with the power of arrest**

The following officials have the power of arrest:

- 1) the commander of the battalion-level/equiv. unit concerned and a disciplinary superior above him or her;
- 2) the commander of a garrison and a commandant;
- 3) a serving officer engaged in military police duties.

The commander of a military ship may decide on arrest if:

- 1) the official with the power of arrest referred to in Subsection 1 above cannot be reached due to a failure of communication or for another similar reason;
- 2) the matter brooks no delay; and
- 3) the arrest is necessary for maintaining general order or safety on the ship or for preventing a serious personal injury or damage to property.

## **Section 18**

### **Custody and treatment of apprehended, arrested or detained persons**

An apprehended, arrested or detained person shall be held at the main guard station or otherwise under the supervision of a military authority or in a general prison or another place of custody.

Arrested and apprehended persons shall be subject to the provisions on the treatment of arrested and apprehended persons laid down in the Act on the Treatment of Persons in Police Custody (841/2006).

The provisions laid down in the Act on the Treatment of Persons in Police Custody:

- 1) concerning the police shall apply to a military authority in respect of the persons held in custody by the military authority;
- 2) concerning a police officer or a guard shall apply to a person with the right of apprehension referred to in Section 16 of this Act and to an official referred to in Section 36(1)(2);
- 3) concerning the superior responsible for a place of custody shall apply to the official appointed as the superior of the main guard station or another supervised place; and
- 4) concerning the person who will make a decision on a complaint shall apply to the commander of the brigade-level/equiv. unit concerned.

The treatment of a prisoner on remand under the supervision of a military authority shall be governed by the provisions on the treatment of a prisoner on remand laid down in the Act on the Treatment of Persons in Police Custody.

## **Section 19**

### **Notification of apprehension and release of an apprehended person**

The person with the right of apprehension shall be notified of apprehension without delay.

An apprehended person shall be released without delay after an interrogation has been completed or another ground for apprehension has ceased to exist, and in any case no later than before 24 hours have elapsed since the moment of apprehension, unless the person is ordered to be arrested within the same period.

## **Section 20**

### **Personal check**

The person with the right of apprehension shall have, at the initiation of the enforcement of apprehension, arrest or detention, the right to check the person to ensure that he or she does not have in his or her possession objects or substances which may risk the custody or with which the person can harm himself or herself or other persons.

Dangerous objects or substances referred to in Subsection 1 above shall be confiscated from the person to be checked. They shall be returned to him or her upon release, unless there is a legal excuse. The procedure to be followed in respect of alcoholic beverages and drugs is prescribed in Section 25(2).

## **Section 21**

### **Time limit for bringing charges**

Provisions on the time limit set for bringing charges when the defendant is on remand are laid down in the Coercive Measures Act.

## **Section 22**

### **Confiscation, searches of premises and personal searches**

In addition to the authorities mentioned in the Coercive Measures Act, an official with the power of arrest referred to in Section 17(1) of this Act may order that a confiscation, general search of a domicile, search of an area and a personal search be conducted.

The person with the right of apprehension may nonetheless, without an order referred to in Subsection 1, take possession of an object for the purpose of confiscation if the matter does not brook delay. The person with the right of apprehension may also conduct a general search of a domicile, search of an area and a personal search without an order referred to in Subsection 1 if the purpose is to confiscate an object that could be followed or traced from the actual act of commission of an offence or if the search is necessary to prevent a serious personal injury or damage to property or the environment.

An inspection of the tidiness of a military gear locker made available for a person serving under the Conscription Act or the Act on Voluntary Military Service of Women and of the condition of the Defence Forces' gear stored in the locker shall not be regarded as a search.

A confiscated object may be retained in the possession of the military authority that conducted the confiscation for as long as the confiscation remains in force.

## **Section 23**

### **Alcohol and drug testing**

A soldier with the right of apprehension referred to in Section 16 of this Act may order that the driver of a motor vehicle serving in the Defence Forces or a person acting in another capacity referred to in Chapter 23 of the Criminal Code is to submit to a test in order to determine the possible consumption of alcohol or another intoxicating substance. The test may be performed on a person on a driving duty or acting in another capacity referred to in Chapter 23 of the Criminal Code or on a person who is about to start carrying out such a duty. A person who is on a driving duty or acts in another capacity referred to in Chapter 23 of the Criminal Code and refuses from the test shall be obligated to submit to a bodily search referred to in the Coercive Measures Act.

The test referred to in Subsection 1 above shall be taken in a manner and with a measure that does not cause undue or unreasonable inconvenience to the person being tested.

The Defence Command shall issue more detailed regulations on the taking of the test.

Information obtained from the alcohol and drug testing constitutes personal health information. Such information may be handled only by persons who use it for deciding on the performance of the driving duty or another duty referred to in Chapter 23 of the Criminal Code. If the test result requires the initiation of a criminal investigation referred to in Section 27 or 35 of this Act, the test result must be saved in the information system of military justice administration referred to in Section 106.

## **Section 24**

### **Regional scope of the use of coercive measures**

Coercive measures may be used in an area or on a vessel being used by the Defence Forces as well as elsewhere in situations where the use of coercive measures cannot be postponed and administrative assistance is not readily available from the police authority.

A general search of a domicile may, nonetheless, be conducted in a private residence only where the purpose of the search is to contact the person who is to be apprehended, arrested or detained or brought to an interrogation or court and who will flee if chased or to confiscate an object that has been traced from the actual act of commission of an offence.

## **Section 25**

### **The right of the commander of a brigade-level/equiv. unit to conduct inspections and searches**

The commander of a brigade-level/equiv. unit has the right to have inspections and searches conducted on persons subject to Chapter 45 of the Criminal Code who serve in the Defence Forces



and on the property in their possession in an area, on a vessel or in a vehicle being used by the Defence Forces, with the exception of a private residence, for the purpose of monitoring compliance with the regulations concerning weapons, ammunition and explosive agents of the Defence Forces and drugs and alcoholic beverages or for the purpose of discovering violations of these regulations.

The property of the Defence Forces, such as a weapon, ammunition and explosive agent, in an unauthorised possession of the person referred to in Subsection 1 above or a drug or alcoholic beverage in an illegal or unauthorised possession of such a person may be confiscated. In addition to the provisions laid down in Sections 60(2) and 60a of the Alcohol Act (1143/1994), an alcoholic beverage in an opened or open container may be disposed of at the decision of an official or soldier with the right of apprehension. If the alcoholic beverage is not ordered forfeit under the provisions of Chapter 10 of the Criminal Code, it shall be returned at an appropriate moment and at the latest upon repatriation or another release from service. The procedure to be followed in respect of a drug is prescribed in the Narcotics Act (373/2008).

## **Chapter 5**

### **Criminal investigation**

#### **Principles**

##### **Section 26**

#### **Principles to be applied in a criminal investigation**

The following principles laid down in the Criminal Investigation Act and in the Coercive Measures Act, in particular, shall be complied with in a criminal investigation:

- 1) the principle of proportionality;
- 2) the principle of minimum inconvenience;
- 3) the principle of neutrality;
- 4) the principle of sensitivity
- 5) the presumption of innocence;
- 6) the right against self-incrimination.

#### **Criminal investigation in a brigade-level/equiv. unit**

##### **Section 27**

#### **Conduct of a criminal investigation**

When a disciplinary superior has become aware of an offence referred to in the Military Court Procedure Act or when there is reason to suspect that such an offence has been committed, the disciplinary superior shall ensure, without delay, that a criminal investigation is conducted in the matter. In addition to the provisions of this Act, the investigation shall be governed by the provisions on criminal investigation in a criminal case.

A criminal investigation must also be conducted when the prosecutor referred to in Section 4(1) of the Military Court Procedure Act so decides.

## **Section 28**

### **Officials responsible for conducting a criminal investigation**

The disciplinary superior in command of the troop or administrative unit where the offence has been committed or where the person suspected of the offence serves shall be responsible for conducting a criminal investigation. If necessary, a higher disciplinary superior may also be responsible for conducting a criminal investigation. The official responsible for conducting a criminal investigation shall at the same time act as head investigator or appoint his or her subordinate as head investigator.

If a higher disciplinary superior has become aware that a lower superior has not taken measures on account of an offence, he or she shall, if this is warranted by the nature of the matter, order that a criminal investigation be conducted or undertake the matter himself or herself.

When an offence referred to in the Military Court Procedure Act is being investigated, an official with the power of arrest referred to in Section 17(1) of this Act or the commander of a company-level/equiv. unit shall act as head investigator. The master sergeant of a company-level/equiv. unit may act as head investigator in a matter where a criminal investigation under Section 29(2) is conducted and where a sanction mentioned in Section 12(4) may be imposed. An official serving in the Defence Forces shall act as investigator. The investigator must have an adequate training for criminal investigation.

The disciplinary superior may request officials referred to in Section 36 to conduct a criminal investigation. If a criminal investigation is transferred to the Defence Command, the official referred to in the above-mentioned Section shall also act as head investigator. The powers of the Defence Command officials in a criminal investigation are laid down in Section 37.

The entire investigation shall be transferred to the police if this is warranted by the objectivity of the investigation, seriousness of the offence or the nature of the matter. When the entire investigation of a matter is transferred to the police, the leadership for investigation is transferred to the police. The conduct of an individual interrogation or another investigation measure may be assigned to the police.

## **Section 29**

### **Scope of a criminal investigation**

A criminal investigation shall be conducted to the extent warranted by the nature of the matter under investigation and the resolution of the disciplinary matter or the consideration of charges.

If the suspect admits the act under investigation, the criminal investigation may be discontinued and the matter referred to the disciplinary superior for decision if:

- 1) the act is of a negligible nature;
- 2) it is clear that the injured party has no claims; and

3) continuation of the criminal investigation in respect of the clarified status of the matter is unnecessary when assessed as a whole.

### **Section 30**

#### **Waiver and discontinuation of a criminal investigation**

A disciplinary superior may waive a criminal investigation or discontinue an already initiated criminal investigation if he or she, based on the material available, considers that the suspected act has evidently resulted, in view of the circumstances, from forgivable oversight, thoughtlessness or ignorance or that the act would otherwise have to be regarded as being of a negligible nature in respect of the maintenance of discipline and order.

The disciplinary superior referred to in Subsection 1 above or a disciplinary superior above him or her may order that a criminal investigation be conducted or recommenced if there is justified reason for this due to new factors which have become evident in the matter.

### **Section 31**

#### **Questioning of parties**

The suspect and the injured party must be questioned in a criminal investigation. An injured party who manifestly cannot provide information clarifying the matter under investigation need not be questioned if he or she has otherwise provided the information necessary for deciding the disciplinary matter. The party shall himself or herself be present in the questioning.

A party may, however, give his or her statement by telephone or by other means of communication if this causes no inconvenience or does not compromise the reliability of the investigation. In respect of the suspect, it is further required that the matter be deemed negligible and that a personal hearing would considerably delay the proceedings due to service on a ship or other special circumstances. Notwithstanding the above-mentioned restrictions, a minor supplementation to a previous questioning of the suspect may be conducted by telephone or by other means of communication.

### **Section 32**

#### **Questioner**

The questioner must be a person other than the immediate superior of the person suspected of the offence. The said superior may nonetheless conduct the questioning in a simple and clear matter for which a sanctioning practice has been established if no other questioner is available due to service on a ship or other special circumstances.

### **Section 33**

#### **Statement by a legal adviser**

The disciplinary superior shall obtain a statement on the matter by a legal adviser unless this would considerably delay the proceedings. It is not necessary to obtain a statement on a simple and clear matter.

### **Section 34**

### **Final measures and further investigation**

Before a decision is taken on the disciplinary matter, the suspect shall be ensured an opportunity for examining the material collected in the criminal investigation, including the statement of the legal adviser, and for giving his opinion on it. The suspect may also give his or her opinion by telephone or by other means of communication, provided that the requirements laid down in Section 31(2) are fulfilled. In this case, the suspect shall, if necessary, be given an oral account of the essential content of the material collected in the criminal investigation. A corresponding opportunity shall be ensured for the injured party at his or her request.

It is not necessary to ensure the opportunity referred to in Subsection 1 for the suspect if:

- 1) the criminal investigation has been conducted in the manner referred to in Section 29(2) and no new factors or new evidence in respect of which the suspect should be heard have been disclosed in the matter; or
- 2) the disciplinary decision acquits the suspect.

The statement by a party must be included in the criminal investigation record. A party may request that further investigation measures be carried out. The request shall be made without undue delay after the party has examined the criminal investigation material. The further investigation measures requested by the party must be conducted if he or she demonstrates that they may affect the matter and if they do not result in expenses that are unreasonable in view of the nature of the matter.

The disciplinary superior shall ensure that the measures referred to in Subsections 1 and 3 are carried out.

### **Criminal investigation at the Defence Command**

#### **Section 35**

#### **Criminal investigation conducted by the Defence Command**

The Defence Command may conduct a criminal investigation at the request of a disciplinary superior when:

- 1) the offence is tried as a military court case or dealt with in a military disciplinary procedure;
- 2) a punishment is laid down for the offence in Chapter 40 of the Criminal Code and the person suspected of the offence is a soldier serving in the Defence Forces;
- 3) a punishment is laid down for the offence in Chapter 40 of the Criminal Code and the person suspected of the offence is a person other than a soldier serving in the Defence Forces, provided that a soldier can also be suspected of the offence on probable grounds;
- 4) the offence concerned is an offence referred to in Section 2(2) of the Military Court Procedure Act which has been committed in an area, ship, aircraft or vehicle in the possession of the Defence Forces or on service duty and which is directed at the property of the Defence Forces, and the person suspected of the offence is a person other than a soldier serving in the Defence Forces, provided that a soldier can also be suspected of the offence on probable grounds.

The Defence Command shall conduct a criminal investigation if the prosecutor referred to in Section 4(1) of the Military Court Procedure Act so decides.

### **Section 36**

#### **Defence Command officials responsible for criminal investigations**

Defence Command officials are responsible for criminal investigations and exercise the related powers as follows:

- 1) the powers laid down for a police command officer and for an official with the power of arrest are exercised by the chief legal adviser and a legal adviser from the Defence Forces;
- 2) the powers laid down for a police officer and investigator are exercised by a senior detective and a professional soldier referred to in the Act on the Defence Forces who have been assigned to conduct a criminal investigation or by another official serving in the Defence Forces who has been assigned to the duty.

Provisions on the posts of the officials referred to in Subsection 1 above, appointment to the posts, assignment to a duty and qualifications required for the posts and duties are laid down in the Act on the Defence Forces.

### **Section 37**

#### **Powers of Defence Command officials in criminal investigations**

The provisions on the powers of a police officer in the criminal investigation of offences laid down in the Criminal Investigation Act, in the Coercive Measures Act and in other acts shall apply to the powers of the Defence Command officials responsible for a criminal investigation in connection with a duty referred to in Section 35. The said officials may, nonetheless, use only the following covert coercive measures referred to in Chapter 10 of the Coercive Measures Act:

- 1) obtaining base station data;
- 2) extended surveillance;
- 3) on-site interception except for in domestic premises;
- 4) technical observation;
- 5) technical surveillance of an object, substance or property;
- 6) obtaining identification data on a telecommunications address or telecommunications terminal equipment.

### **Section 38**

#### **Assistance provided by the police and collaboration with the police**

If the Defence Command has no power to perform a measure necessary for carrying out a duty referred to in Section 35, the police may, at the written request of an official referred to in Section 36(1)(1), perform such an individual measure falling within its powers.

The police shall give any recordings and documents obtained in connection with the measure referred to in Subsection 1 to Defence Command officials. The police may provide the recordings and documents in an unedited format. In this case, the Defence Command officials shall be responsible for inspecting the recordings and documents as well as for other information processing tasks as prescribed in Chapter 10 of the Coercive Measures Act.

The duty referred to in Section 35 shall be carried out in cooperation with the police if this is warranted by the nature of the matter.

The Defence Command and the relevant police authority shall agree on the head investigator and, if necessary, on other issues related to the duty.

### **Section 39**

#### **Transfer of a duty to the police**

The duty referred to in Section 35 shall be transferred to the police in its entirety if this is necessary in view of the objectivity of the investigation or the seriousness of the offence. The duty may also otherwise be transferred to the police if this is warranted by the nature of the matter. The police also have, for a specific reason, the right to undertake, on their own initiative, the investigation of a matter where the Defence Command conducts a criminal investigation.

### **Section 40**

#### **Obligation to notify**

The Defence Command officials responsible for a criminal investigation shall notify the police of an offence referred to in Section 35, of measures they have adopted to investigate the offence and, without undue delay, of the use of covert coercive measures mentioned in Section 37 in the investigation of the offence. The Defence Command officials responsible for a criminal investigation shall agree in collaboration with the police on the offences falling within the scope of the obligation to notify and on the notification procedure. The information may be disclosed via a technical user connection or by other electronic means.

### **Section 41**

#### **Conclusion of a criminal investigation**

After a criminal investigation has been completed, the Defence Command officials or the police shall refer the matter they have investigated to the disciplinary officer.

The Defence Command officials shall submit the criminal investigation record drafted by the Defence Forces on an offence committed by a civilian serving in the Defence Forces to a competent prosecutor, unless the matter has been dealt with in accordance with Section 24 of the Government Officials Act (750/1994) or unless otherwise provided in Chapter 10, Section 2 of the Criminal Investigation Act.

A criminal investigation shall be concluded without submitting the matter to the consideration of the disciplinary superior or prosecutor if the investigation has shown that no offence has been committed or that no charges may be brought against anyone or that no other requests under public law may be presented in respect of an offence. The disciplinary superior or prosecutor shall, nonetheless, be notified of the conclusion of the criminal investigation.

#### **Right to obtain information in a criminal investigation conducted by the Defence Command**

##### **Section 42**

#### **Right to obtain information from the registers of certain authorities**

Notwithstanding the confidentiality provisions, the Defence Command has, in order to carry out a duty referred to in Section 35, the right to obtain the information necessary for carrying out its duties as follows:

- 1) information in accordance with Sections 13 to 17 of the Act on Population Information System and Certificate Services Provided by the Population Register Centre (661/2009) from the population information system;
- 2) information on fines and their enforcement from the register of fines, information on criminal cases which are pending or have been pending before prosecuting authorities or a court from the national document and case management data processing system of the judicial administration's national information system, and information on decisions made in criminal cases and whether they are final, where available, from the judgement and decision notification system;
- 3) information on the owner or holder from the vehicle traffic register laid down in the Act on Vehicle Traffic Register (541/2003);
- 4) information from the register of disciplinary decisions laid down in Section 118;
- 5) information from the register of persons liable for military service laid down in the Conscription Act;
- 6) information from the crisis management personnel register laid down in the Act on Military Crisis Management;
- 7) information from the registers of the National Defence Training Association laid down in the Act on Voluntary National Defence;
- 8) information necessary for the provision of administrative assistance from the authority that has requested such assistance.

Provisions on the right to obtain information are also laid down in the Act on the Processing of Personal Data by the Police (761/2003), in the Act on the Processing of Personal Data in the Enforcement of Sentences (422/2002), in the Act on the Defence Forces and in other acts.

The information referred to in this Section may be disclosed free of charge and also via a technical user connection or by other electronic means as agreed with the controller.

#### **Section 43**

##### **Right to obtain information from other authorities**

The Defence Command has the right to obtain the information and documents necessary for performing a duty referred to in Section 35 free of charge and notwithstanding the confidentiality provisions from an authority and from an entity and person appointed to act in a public capacity, unless the disclosure of the information or document to the Defence Command or the use of the information as evidence has been prohibited or restricted by law.

A decision to obtain confidential information shall be made by an official referred to in Section 36(1)(1).

#### **Section 44**

##### **Right to obtain information from a private entity**

The Defence Command has the right to obtain the contact information of a subscription which is not listed in a public directory from a telecommunications company and from a corporate or association subscriber or the information identifying a subscription, email address, another telecommunications address or terminal equipment if the information is needed in an individual case for performing a duty referred to in Section 35. The Defence Command has a corresponding right to obtain postal address information from an entity engaged in postal operations.

### **Chapter 6**

#### **Conclusion of a disciplinary matter**

##### **Section 45**

##### **Measures after conclusion of a criminal investigation**

The disciplinary superior shall, without undue delay, make a decision on the basis of the criminal investigation record on the measures necessary in the disciplinary matter.

##### **Section 46**

##### **Resolution of the matter in a disciplinary procedure and imposition of a disciplinary punishment**

An offence for which the maximum punishment expected in a court in accordance with the general sentencing practice is a fine can be dealt with in a disciplinary procedure.

A disciplinary punishment may be imposed if the person suspected of the offence has admitted the act or if his or her guilt can otherwise be considered clear.



A matter may nonetheless not be dealt with in a disciplinary procedure if:

- 1) the person who has committed the offence is no longer subject to Chapter 45 of the Criminal Code;
- 2) the injured party has not agreed to the handling of the matter in a disciplinary procedure but requests that it be examined in a court;
- 3) in the case of several offences, one offence warrants prosecution before a court and the offences are connected to one another; or
- 4) one of the persons who are parties to the same offence has to be prosecuted in a court and the resolution of the matter separately cannot be considered appropriate.

#### **Section 47**

##### **Referral to a higher disciplinary superior**

If the disciplinary superior does not have sufficient powers for deciding the matter or if he or she is disqualified, the matter shall be referred to a higher disciplinary superior.

#### **Section 48**

##### **Referral to a prosecutor**

The Military Court Procedure Act lays down provisions on the referral of a matter to a competent prosecutor.

If a criminal investigation has been conducted in the matter at the order of a prosecutor, the disciplinary superior shall inform the prosecutor of the decision taken in the criminal investigation. After the prosecutor has received the notice, he or she has the right to take up the matter for consideration of charges if this is warranted by the nature of the matter or there is another specific reason for this.

#### **Section 49**

##### **Circumstances affecting the consideration of a disciplinary punishment**

A disciplinary punishment shall be in a reasonable proportion to the offence and appropriate in respect of the offender's post. When disciplinary punishments are sentenced or imposed, attention shall be paid to the uniformity of the sentencing practice. Grounds affecting the punishability of the act under the Criminal Code and any earlier disciplinary punishments of the offender shall be taken into account when considering the type and amount of a disciplinary punishment.

A disciplinary punishment may be increased if:

- 1) there have been several offences;
- 2) the act has been committed in the presence of soldiers with the effect that it can endanger discipline and order;

3) the offender has abused his or her seniority while committing the act.

A disciplinary punishment may be mitigated if reprehensible conduct of the superior has essentially weakened the capacity of the offender to comply with the law.

#### **Section 50**

##### **First options for a more lenient disciplinary punishment**

An admonition, extra duty, or confinement to barracks for a maximum of ten days shall be used as the disciplinary punishment unless the nature of the offence or the number of offences, maintenance of discipline and order, earlier service of the offender or other factors related to the offence or the offender warrant the imposition of another disciplinary punishment.

#### **Section 51**

##### **Hearing of the suspect in the resolution of a disciplinary matter**

The disciplinary superior shall, prior to deciding a disciplinary matter, hear the suspect in person unless the hearing would, due to special circumstances, delay considerably the handling of the matter and there is no reason to assume that the hearing would contribute to the handling of the matter. The disciplinary superior may hear the suspect by telephone or by other means of communication if the requirements laid down for a hearing in the manners referred to in Section 31(2) are fulfilled.

If the disciplinary superior deems that the suspect has committed an act or acts other than those referred to in Section 29(2) in respect of which he or she has been heard in accordance with Section 34(1), the suspect shall be heard again.

#### **Section 52**

##### **Outcome of a disciplinary decision**

The decision on a disciplinary matter either finds the suspect guilty or acquits the suspect.

Even if the disciplinary decision finds the suspect guilty, it is possible not to impose a disciplinary punishment if the act has resulted, in view of the circumstances, from forgivable oversight, thoughtlessness or ignorance or the act must otherwise be regarded as being of a negligible nature in respect of the maintenance of discipline and order.

#### **Section 53**

##### **Contents of a disciplinary decision**

A written decision shall be made on a disciplinary matter, stating the following:

- 1) the disciplinary superior who has decided the matter and the date of the decision;
- 2) names of the parties;
- 3) an account of the matter;

4) grounds;

5) applicable legal provisions;

6) the outcome and, if necessary, the type and amount of the disciplinary punishment and any reduction from it.

#### **Section 54**

##### **Service of a disciplinary decision**

A disciplinary decision finding the suspect guilty shall be served on the person on whom the disciplinary punishment has been imposed and on the injured party at his or her request. The time when the decision has been served on the person on whom the disciplinary punishment has been imposed must be noted in the copy of the decision served on him or her. The copy of the decision served on the party shall include information on how the person on whom the disciplinary punishment has been imposed can refer the matter to a higher disciplinary superior or to a court for decision.

If a disciplinary punishment has been waived under Section 52(2), the parties shall be demonstrably informed of the decision without delay. If a criminal investigation record has been drafted in the matter, the decision shall also be noted in the record.

The parties shall be demonstrably informed of an acquitting disciplinary decision without delay. If a criminal investigation record has been drafted in the matter, the decision shall also be noted in the record.

### **Chapter 7**

#### **Appeal**

##### **Section 55**

##### **Right of appeal**

An appeal (*request for decision*) against a disciplinary decision by the commander of a battalion-level/equiv. unit, the commander of a company-level/equiv. unit or by the master sergeant of a company-level/equiv. unit may be made to the commander of a brigade-level/equiv. unit.

Review of a disciplinary decision by the commander of a brigade-level/equiv. unit or by a disciplinary superior above him or her and of a decision made by the commander of a brigade-level/equiv. unit on the basis of a request for decision may be sought by filing an appeal (*disciplinary appeal*). Provisions on the competent court are laid down in Sections 5 and 6 of the Military Court Procedure Act.

Only the person on whom a disciplinary punishment has been imposed or a person in respect of whom a disciplinary punishment has been waived in accordance with Section 52(2) shall have the right of appeal.

##### **Section 56**

## **Provisional order**

If a disciplinary punishment can be enforced without a legal effect, the commander of a brigade-level/equiv. unit may order on account of a request for decision and a court may order on account of a disciplinary appeal, prior to deciding the matter, that the disciplinary decision should not be enforced or the enforcement continued until further notice.

## **Section 57**

### **Contents of a request for decision**

A request for decision shall state in writing:

- 1) the disciplinary decision under appeal;
- 2) which aspects of the decision the appeal concerns;
- 3) what changes are requested to the decision;
- 4) the grounds for appeal and which aspects of the grounds for the decision the person filing the request for decision considers incorrect.

## **Section 58**

### **Filing of a request for decision**

A request for decision shall be filed within seven days from the service of the disciplinary decision. The provisions on the filing of an appeal laid down in Sections 61(2) to 61(4) shall apply to the filing of a request for decision. A request for decision filed after the time limit shall not be examined.

## **Section 59**

### **Decision of the commander of a brigade-level/equiv. unit on a request for decision**

The commander of a brigade-level/equiv. unit shall give a written decision on a request for decision. The disciplinary superior who has made the disciplinary decision shall submit the material collected in the matter and his or her statement on the request for decision to the commander of a brigade-level/equiv. unit. The commander of a brigade-level/equiv. unit may hear the person who filed the request for decision and the disciplinary superior who made the disciplinary decision if this contributes to the resolution of the matter.

The commander of a brigade-level/equiv. unit may, on account of the request for decision, repeal the disciplinary decision, mitigate the imposed disciplinary punishment or maintain the decision. The commander of a brigade-level/equiv. unit may not change the disciplinary decision to the detriment of the person who filed the request for decision. The provisions on the contents of a disciplinary decision laid down in Section 53 shall apply to the contents of a decision to be made on the request for decision.

The commander of a brigade-level/equiv. unit shall give a decision on a request for decision within seven days from the filing of the request.

Provisions on appeal against a decision made by the commander of a brigade-level/equiv. unit on a request for decision are laid down in Section 55(2). The commander of a brigade-level/equiv. unit shall attach instructions for appeal to the decision on the request for decision.

## **Section 60**

### **Contents of a disciplinary appeal**

An appeal which is to be addressed to the relevant court shall state the following:

- 1) the disciplinary decision under appeal;
- 2) which aspects of the decision the appeal concerns;
- 3) what changes are requested to the decision;
- 4) the grounds for appeal and which aspects of the grounds for the decision the appellant considers incorrect;
- 5) the evidence the appellant intends to present and what he or she intends to prove with each piece of evidence;
- 6) any request for dealing with the matter in written proceedings.

The appeal shall state the names of the parties and the contact information of their legal representatives, agents or counsels, and the postal address and any other address to which the exhortations, invitations and notifications pertaining to the case may be delivered to the appellant, and the telephone numbers of the parties, witnesses or other persons to be heard. The contact information of the parties, witnesses or other persons to be heard must also be provided in an appropriate manner. It is nonetheless unnecessary to provide the above-mentioned information if it appears from the criminal investigation record or from other material to be otherwise submitted to the court.

The appeal must be signed by the appellant or, if he or she has not drafted it, by its author.

The documents to which the appellant refers and which are not included in the material to be otherwise submitted to the court must be attached to the appeal.

## **Section 61**

### **Filing of a disciplinary appeal**

A disciplinary appeal shall be filed within seven days from the service of the relevant decision.

The appeal shall be submitted within the time limit to the disciplinary superior who made the disciplinary decision or to a court referred to in Section 55(2). The appeal may also be submitted to the commander of the company-level/equiv. unit or the master sergeant of the company-level /equiv. unit where the appellant serves, or to the duty officer of the brigade-level/equiv. unit.

If the appellant serves in a troop separate from his or her unit or on a ship at sea, the appeal may also be submitted to the commander of the troop or ship. If the appellant has been deprived of his or

her liberty, the appeal may also be submitted to the superior of the main guard station or another place of custody.

If the appeal has been submitted to an authority referred to in Subsection 2 or 3, other than a court, the recipient must note its time of arrival on the appeal and submit it without delay to the disciplinary superior who has decided the matter.

## **Section 62**

### **Obligations of a disciplinary superior**

The appellant is entitled to use a counsel, and the appellant's right to draft an appeal shall be safeguarded. The disciplinary superior shall ensure that the appellant has the possibility of obtaining a counsel and drafting an appeal as well as of participating in the court proceedings of the disciplinary appeal.

The disciplinary superior who has made the disciplinary decision shall immediately submit the appeal to the office of a court referred to in Section 55(2) and attach the criminal investigation record drafted in the disciplinary matter, any decision on a request for decision and other documents collected as well as his or her statement on the matter.

If a disciplinary appeal has been submitted directly to a court, the disciplinary superior shall, at the request of the court, submit the criminal investigation record drafted in the disciplinary matter and other documents collected and his or her statement to the court.

## **Section 63**

### **Preparation in a court**

A disciplinary appeal becomes pending when an appeal has arrived at the office of a court referred to in Section 55(2).

If the appeal is incomplete and it is necessary to supplement it for the continuation of the proceedings, the appellant shall be admonished to remedy the defect within the time set by the court under threat of inadmissibility of the appeal. If the appellant fails to comply with the exhortation and if the appeal is so incomplete that it is unsuitable as the basis for proceedings, the appeal shall be dismissed.

If the appeal has been submitted directly to the court, the court shall, without delay, request a statement from the disciplinary superior on the appeal, unless the court dismisses the appeal or this is otherwise deemed manifestly unnecessary. The statement shall be served on the appellant.

If the court considers that the matter must be decided in accordance with the changes requested by the appellant, the court may issue such a decision on the principal claim.

## **Section 64**

### **Main hearing in a court**

Unless otherwise provided in Section 63, a main hearing shall be organised in a matter concerning a disciplinary appeal. The matter may nonetheless be dealt with in written proceedings at the appellant's request. The court may conduct a main hearing despite the request.

The court shall invite the appellant to the main hearing. The invitation shall state the date and time as well as the place of the main hearing. The court may, on its own initiative or at the request of the disciplinary superior, invite the disciplinary superior to the main hearing for a specific reason. The matter can be examined and decided regardless of the absence of the appellant or the disciplinary superior.

## **Section 65**

### **Resolution of a matter and appeal prohibition**

A matter shall be decided in the main hearing on the basis of the material presented and written litigation material. The court shall examine on its own initiative whether the examination and resolution of the matter referred to in the disciplinary appeal was allowed in a disciplinary procedure and, if necessary, annul the disciplinary decision. The court may not change the disciplinary decision to the detriment of the appellant.

If the disciplinary decision is repealed or annulled, the provisions on the compensation of legal costs laid down in Chapter 9, Section 1a(1) of the Criminal Procedure Act (689/1997) shall apply to the State's liability to compensate for the appellant's legal costs. If the disciplinary decision is repealed or annulled in part, the provisions of Subsection 2 of the said Section shall apply *mutatis mutandis*.

Review of the decision made by a court in a matter concerning a disciplinary appeal may not be sought by filing an appeal.

## **Section 66**

### **Miscellaneous provisions**

The court may send the invitations and exhortations referred to in this Chapter to the last address indicated by the party as an address to which exhortations, invitations and notifications relating to the matter can be sent.

The provisions on the handling of criminal cases laid down in the Military Court Procedure Act shall otherwise apply to the handling of a disciplinary appeal.

## **Section 67**

### **Right of a party to extraordinary appeal**

The provisions on extraordinary appeal laid down in Chapter 31 of the Code of Judicial Procedure shall apply to the right of a party in a disciplinary matter to extraordinary appeal. A letter of complaint or an application shall be filed with a court referred to in Section 55(2) of this Act within six months from the date of the disciplinary decision. An application for a new time limit shall be made within 30 days of the termination of the excuse.

Provisions on the right of a disciplinary superior to apply for the annulment or cancellation of a disciplinary decision are laid down in Section 126.

## **Section 68**

### **Compensation**

The punished person shall be given a compensation in so far as the disciplinary punishment imposed in a disciplinary decision has been enforced and the disciplinary decision has been finally repealed or annulled or the disciplinary punishment has been mitigated. The commander of a brigade-level/equiv. unit shall decide on the compensation.

If the disciplinary decision has been enforced in part, the punished person shall be paid a compensation for the enforced part.

The amount of the compensation shall be laid down in a Government Decree.

## **Chapter 8**

### **Enforcement**

#### **Section 69**

##### **Officials responsible for enforcement**

The commander of the company-level/equiv. unit where the person on whom a disciplinary punishment has been imposed serves or another immediate disciplinary superior shall ensure that the disciplinary punishment is enforced. An official with an adequate training in a brigade-level/equiv. unit may be ordered to ensure enforcement.

The official referred to in Subsection 1 shall be responsible for the aggregation of detentions to be enforced at the main guard station or elsewhere within the Defence Forces. The punished person must, on request, be provided with a certificate showing how the aggregation has been carried out.

Provisions on the authorities in the enforcement of a disciplinary fine and a fine are laid down in the Act on the Enforcement of a Fine (672/2002).

#### **Section 70**

##### **Initiation of enforcement**

The official referred to in Section 69(1) above shall initiate, without delay, the enforcement of a disciplinary punishment imposed in a disciplinary decision, with the exception of a warning, immediately after the decision has been made. A warning may not be enforced until the decision imposing it has become legally valid. Provisions on the enforceability of a disciplinary fine are laid down in Section 2(2) of the Act on the Enforcement of a Fine.

#### **Section 71**

##### **Interruption or postponement of enforcement**



Enforcement shall be interrupted immediately or may not be initiated if the commander of a brigade-level/equiv. unit or a court issues an order referred to in Section 56.

The superior supervising the disciplinary procedure may order that the enforcement of a disciplinary punishment imposed in a disciplinary procedure be postponed or interrupted if he or she has detected an essential mistake in the disciplinary decision in connection with the supervision task.

The commander of a brigade-level/equiv. unit may postpone or interrupt the enforcement of a disciplinary punishment if the health of the punished person warrants this or there is another particularly strong reason.

## **Section 72**

### **Enforcement of an admonition**

An admonition shall be given in person and in writing.

The enforcement of an admonition lapses when the punished person is discharged or at another moment of terminating service, and in any case no later than within a year since the admonition was imposed.

## **Section 73**

### **Enforcement of extra duty**

Carrying out of work not included in the service programme shall be imposed as extra duty.

One time of extra duty consists of one two-hour period in a day.

Extra duty may not be enforced such that it could harm the health of the punished person due to overexertion or for another reason or essentially hinder the performance of his or her service duties.

The enforcement of extra duty lapses when the punished person is discharged or at another moment of terminating service, and in any case no later than within a year since the extra duty was imposed.

## **Section 74**

### **Enforcement of confinement to barracks**

Confinement to barracks for a maximum of three days may not be enforced during a weekend leave, public holiday or a similar leave included in the weekly programme of the person on whom confinement is imposed, unless this is justified by the need to schedule the punishment immediately after the act that resulted in the punishment. In this case, there must be a strong reason for scheduling the punishment, which shall be justified separately in the disciplinary decision.

The person on whom confinement to barracks has been imposed may not leave during the confinement from the barrack or accommodation area or from a comparable area defined as the confinement area by the commander of a brigade-level/equiv. unit without permission from the superior responsible for enforcement.

The time during which the person on whom confinement to barracks has been imposed is treated in a hospital shall be counted as part of the punishment period. If the person has himself or herself intentionally caused the need for treatment, the commander of a brigade-level/equiv. unit may, nonetheless, decide that this time shall not be counted as part of the punishment period.

If the person on whom confinement to barracks has been imposed is invited to witness or to be heard in a court, the time spent in the court and the time needed for getting to and returning from the court shall be counted as part of the enforcement time of the sanction.

The enforcement of confinement to barracks for a maximum of ten days lapses when the person is discharged from military service or at another moment of terminating service, and in any case no later than within a year since confinement was imposed.

#### **Section 75**

##### **Enforcement of a warning**

A warning shall be published in the order of the day of the troop where the person serves or has served last and, in respect of the commander of a brigade-level/equiv. unit and a person in a corresponding or a higher position, in the order of the day of the Defence Command.

#### **Section 76**

##### **Enforcement of a disciplinary fine**

A disciplinary fine shall be enforced following the provisions on the enforcement of a fine.

The person on whom a disciplinary fine has been imposed shall be immediately provided with the information for paying the disciplinary fine.

#### **Section 77**

##### **Enforcement of detention**

Detention consists of deprivation or restriction of liberty. Detention shall be enforced at the main guard station or at another guard station. More than one person serving detention may be kept in the same room for a specific reason.

If detention cannot be carried out at the main guard station or at another guard station for a specific reason, it shall be enforced in a guarded room, tent or cabin suitable for the purpose or in another similar place.

The provisions laid down in and under the Act on the Treatment of Persons in Police Custody shall apply *mutatis mutandis* to a person serving detention. The Defence Command may give orders on the practical arrangements of detention and on the internal order of the main guard station.

If unconditional imprisonment or conversion sentence must be enforced simultaneously with detention, detention shall also be served in a prison in accordance with the provisions on the enforcement of unconditional imprisonment or conversion sentence.

#### **Section 78**

### **Service or work obligation combined with the serving of detention**

The commander of a brigade-level/equiv. unit may order that detention be served in its entirety or in part such that the serving of detention will be combined with a service obligation if this is justified by the health of the person, by the interests of service or by another specific reason.

If the sentenced detention exceeds eight days, the part of the punishment exceeding this period shall be combined with a service obligation.

If detention is combined with a service obligation, the service shall be conducted, in so far as possible, by performing duties in accordance with the service programme of the unit where the person serving the punishment serves or of another actual service location.

A person serving detention may, if necessary, be ordered to carry out appropriate temporary work at the location where the punishment is enforced or in its immediate vicinity.

### **Section 79**

#### **Determining the time of detention**

A detention day shall consist of twenty-four hours from the initiation of its enforcement.

If the person serving detention has left from detention without permission, the time from the beginning of the day when he or she left till the end of the detention day when he or she returned to serve the rest of the punishment shall not be counted as part of his or her total detention.

The time during which the person serving detention is treated in a hospital shall be counted as part of the total detention. If the person has himself or herself intentionally caused the need for treatment, the commander of a brigade-level/equiv. unit may, nonetheless, decide that this time shall not be counted as part of the detention.

If the person serving the detention referred to in Subsection 1 is invited to witness or to be heard in a court, the time spent in the court and the time needed for getting to and returning from the court shall be counted as part of the enforcement of the detention.

### **Section 80**

#### **Detention in connection with discharge from military service**

Detention shall be completed despite the fact that the person should be discharged from military service. If the person needs to be discharged for health reasons, the provisions laid down in Section 85(1) shall nonetheless apply.

### **Section 81**

#### **Simultaneous enforcement**

Disciplinary punishments cannot be enforced simultaneously, with the exception of an admonition, extra duty, warning and disciplinary fine.

### **Section 82**

### **Simultaneously enforceable confinements to barracks**

Simultaneously enforceable confinements to barracks shall be aggregated in full. The total time of the aggregated confinements may nonetheless not exceed forty days.

### **Section 83**

#### **Simultaneously enforceable detentions and other punishments**

Simultaneously enforceable detentions shall be aggregated in full. The total time of aggregated punishments may nonetheless not exceed forty days.

When punishments are aggregated, in the case referred to in Section 77(4) detention shall be converted into imprisonment such that a one-day detention corresponds to a one-day imprisonment. If, in this case, two or more detentions are to be enforced, the prison governor must first aggregate them as prescribed in Subsection 1.

If detention has been aggregated with another punishment in accordance with Subsection 2, the conversion sentence of detention shall be served first and thereafter the other punishment.

### **Section 84**

#### **Conversion of confinement to barracks into a disciplinary fine**

Confinement to barracks for a minimum of eleven days where the enforcement has not been initiated or which has not been completed upon discharge from military service of the person shall be converted into a disciplinary fine.

When confinement to barracks is converted into a disciplinary fine, each full day not served corresponds to a one-day disciplinary fine. The conversion shall be carried out by the commander of a brigade-level/equiv. unit in compliance with the grounds laid down in Section 3(5) and in Section 82.

### **Section 85**

#### **Conversion of detention into a disciplinary fine**

Detention shall be converted into a disciplinary fine if the enforcement of the detention has not been initiated before discharge from military service or the person liable for military service is discharged for health reasons.

When detention is converted into a disciplinary fine, each unserved full detention day corresponds to a three-day disciplinary fine. The conversion shall be carried out by the commander of a brigade-level/equiv. unit in compliance with the grounds laid down in Section 3(5) and in Section 83(1).

## **PART III**

## **PREVENTION AND DETECTION OF OFFENCES**

### **Chapter 9**

## **Prevention and detection of offences**

### **Section 86**

#### **Powers in the prevention and detection of offences**

The purpose of the prevention and detection of offences in the Defence Forces is to ensure the prevention and detection of offences related to intelligence activities directed at Finland in the field of military national defence and to activities endangering the purpose of military national defence.

The duty imposed on the Defence Forces in Subsection 1 does not limit the statutory powers of the Finnish Security Intelligence Service.

The Finnish Security Intelligence Service shall be responsible for investigating an offence related to intelligence activities directed at Finland in the field of military national defence and an offence endangering the purpose of military national defence.

### **Section 87**

#### **Officials responsible for the prevention and detection of offences**

Officials of the Defence Forces shall be responsible for the prevention and detection of offences and exercise the related powers as follows:

- 1) powers laid down for a police command officer and for a police officer with the power of arrest are exercised by an officer appointed to the post of deputy head of the department responsible for counter-intelligence at the Defence Command and by a legal adviser;
- 2) powers laid down for a police officer are exercised by an officer, special officer, warrant officer or a non-commissioned officer who have been assigned to the duty of preventing and detecting offences or by another official serving in the Defence Forces who has been assigned to the duty; these officials are acting under the Defence Command in connection with the duties referred to in Section 86.

Provisions on the posts of the officials referred to in Subsection 1 above, appointment to the posts, assignment to a duty and qualifications required for the posts and duties are laid down in the Act on the Defence Forces.

### **Section 88**

#### **Principles applied to the prevention and detection of offences**

The following principles laid down in the Police Act, in particular, shall be applied in the prevention and detection of offences in the Defence Forces:

- 1) respect for fundamental and human rights;
- 2) the principle of proportionality;
- 3) the principle of minimum inconvenience;

4) the principle of intended purpose.

## **Section 89**

### **Powers in the prevention and detection of offences**

The provisions on the powers for preventing and detecting offences laid down in the Police Act shall apply to the powers of the officials responsible for the prevention and detection of offences in the Defence Forces in connection with the duties referred to in Section 86(1). Only the following secret methods of gathering information referred to in Chapter 5 of the Police Act are available for the officials responsible for the prevention and detection of offences in the Defence Forces:

- 1) obtaining base station data;
- 2) extended surveillance;
- 3) covert information gathering;
- 4) on-site interception;
- 5) technical observation;
- 6) technical tracking;
- 7) obtaining identification data on a telecommunications address or telecommunications terminal equipment.

The secret methods of gathering information referred to in Subsection 1 above may only be used in the detection of the following offences:

- 1) compromising the sovereignty of Finland;
- 2) incitement to war;
- 3) treason and aggravated treason;
- 4) espionage and aggravated espionage;
- 5) disclosure of a national secret; and
- 6) unlawful intelligence operations.

The person responsible for the prevention and detection of offences in the Defence Forces must inform the Finnish Security Intelligence Service, without undue delay, of the use of the covert methods of information gathering referred to in Subsection 1.

The protection of covert information gathering and the use of surplus information in the prevention and detection of offences in the Defence Forces shall be governed by the relevant provisions of this Act and the Police Act.

## **Section 90**

### **Assistance provided by the police and collaboration with the police in the prevention and detection of offences**

If the persons responsible for the prevention and detection of offences in the Defence Forces have no power to perform a measure necessary for carrying out a duty referred to in Section 86(1), the police may, at the written request of an official mentioned in Section 87(1)(1), perform such an individual measure falling within its powers.

The police shall give the recordings and documents obtained in connection with the measure referred to in Subsection 1 to the persons responsible for the prevention and detection of offences in the Defence Forces. The police may provide the recordings and documents in an unedited format. In this case, the persons responsible for the prevention and detection of offences in the Defence Forces shall be responsible for inspecting the recordings and documents as well as for other information processing tasks as prescribed in Chapter 5 of the Police Act.

The duty referred to in Section 86(1) shall be carried out in collaboration with the police if this is warranted by the nature of the matter. The person responsible for the prevention and detection of offences in the Defence Forces shall agree in collaboration with the relevant police authority on the issues related to the duty. The police also have, for a specific reason, the right to undertake, on their own initiative, the investigation of a matter related to the prevention and detection of offences in accordance with Section 86(1).

## **Section 91**

### **Right to obtain information from the registers of certain authorities in the prevention and detection of offences**

Notwithstanding the confidentiality provisions, the officials responsible for the prevention and detection of offences in the Defence Forces have, in order to carry out a duty referred to in Section 86(1), the right to obtain the information necessary for carrying out its duties as follows:

- 1) information in accordance with Sections 13 to 17 of the Act on Population Information System and Certificate Services Provided by the Population Register Centre from the population information system;
- 2) information on fines and their enforcement from the register of fines, information on criminal cases which are pending or have been pending before prosecuting authorities or a court from the national document and case management data processing system of the judicial administration's national information system, and information on decisions made in criminal cases and whether they are final, where available, from the judgement and decision notification system;
- 3) information on visa applications and decisions from the sub-register of visa matters included in the register of aliens laid down in the act on the register of aliens (1270/1997) from the Ministry for Foreign Affairs, and information from the information systems of the Ministry for Foreign Affairs on staff members of diplomatic or consular missions representing their sending state or of institutions of international organisations situated in Finland, on their family members and on persons in private service;
- 4) information from the passport register laid down in the Passport Act (617/2006) on passport applications and decisions in passport matters, information on a passport or another travel document

issued by a Finnish authority, information on the loss, theft or seizure of a passport and information on objections to the issuance of a passport and on observations related to passport matters;

5) information from the enforcement data register and investigation and administrative assistance system laid down in the Customs Act (1466/1994);

6) information from the enforcement register laid down in the Enforcement Code (705/2007);

7) information on the owner or holder from the vehicle traffic register laid down in the Act on Vehicle Traffic Register;

8) information from passenger lists pursuant to the Act on the Lists of Persons on Passenger Ships (1038/2009);

9) necessary information on travellers pursuant to the Act on Accommodation and Food Service Activities (308/2006) from persons engaged in accommodation and food service activities;

10) information on the use of frequencies referred to in the Act on Radio Frequencies and Telecommunications Equipment (1015/2001);

11) information from the register of disciplinary decisions laid down in Section 118;

12) information from the register of persons liable for military service laid down in the Conscription Act;

13) information from the crisis management personnel register laid down in the Act on Military Crisis Management;

14) information from the register of the National Defence Training Association laid down in the Act on Voluntary National Defence;

15) information from the Ministry of Defence on authorisations referred to in the Act on the Export of Defence Material (282/2012);

16) information from the Ministry for Foreign Affairs on authorisations referred to in the Act on the Control of Exports of Dual-Use Goods (562/1996);

17) information necessary for the provision of administrative assistance from the authority that has requested such assistance.

Provisions on the right to obtain information are also laid down in the Act on the Processing of Personal Data by the Police, in the Act on the Processing of Personal Data in the Enforcement of Sentences, in the Act on the Processing of Personal Data by the Border Guard (579/2005), in the act on the register of aliens, in the Act on the Defence Forces and in other acts.

The information referred to in this Section may be disclosed free of charge and also via a technical user connection or by other electronic means as agreed with the controller.

## **Section 92**



### **Right to obtain information from another authority**

The officials responsible for the prevention and detection of offences in the Defence Forces have the right to obtain the information and documents necessary for performing a duty referred to in Section 86(1) free of charge and notwithstanding the confidentiality provisions from an authority and from an entity and person appointed to act in a public capacity, unless the disclosure of the information or document to the Defence Command or the use of the information as evidence has been prohibited or restricted by law.

A decision to obtain confidential information shall be made by an official referred to in Section 87(1)(1).

### **Section 93**

#### **Right to obtain information from a private entity**

The officials responsible for the prevention and detection of offences in the Defence Forces have the right to obtain the contact information of a subscription which is not listed in a public directory from a telecommunications company and from a corporate or association subscriber or the information identifying a subscription, email address, another telecommunications address or terminal equipment if the information is needed in an individual case for performing a duty referred to in Section 86(1). The persons responsible for the prevention and detection of offences in the Defence Forces have a corresponding right to receive information on postal addresses from an entity engaged in postal operations.

## **PART IV**

### **COMMON PROVISIONS**

#### **Chapter 10**

##### **Serious disruptions under normal conditions and emergency conditions**

#### **Section 94**

##### **Application of the provisions of this Chapter**

The provisions of this Chapter shall apply when the President of the Republic has decided on extra service in accordance with Section 83 of the Conscription Act.

#### **Section 95**

##### **Increase of the maximum amounts of disciplinary punishments**

In addition to the provisions on disciplinary punishments laid down in Section 3, the following may be imposed in a disciplinary procedure:

- 1) a maximum of fifteen times of extra duty;
- 2) confinement to barracks for a maximum of forty days;

3) a disciplinary fine for a maximum of sixty days.

A court may sentence detention for a maximum of sixty days.

Notwithstanding the provisions on a combined disciplinary punishment laid down in Section 5(2), it is permissible to impose confinement to barracks for a maximum of fifty days and a disciplinary fine for a maximum of eighty days and to sentence detention for a maximum of eighty days.

#### **Section 96**

##### **Imposition of disciplinary punishments on professional soldiers**

Notwithstanding the provisions of Section 9, all disciplinary punishments may be imposed on all soldiers.

#### **Section 97**

##### **Powers of disciplinary superiors**

Notwithstanding the provisions of Section 12, the commander of a battalion-level/equiv. unit may impose all disciplinary punishments with the exception of detention.

Notwithstanding the provisions of Section 12, the commander of a company-level/equiv. unit may impose confinement to barracks for a maximum of 15 days.

#### **Section 98**

##### **Powers of Defence Command officials responsible for a criminal investigation**

In addition to the provisions of Section 36(1)(1), an official of the Defence Command, who has completed a degree qualifying for commanding positions within the police, may act as head investigator in the criminal investigation of an offence referred to in Section 35.

#### **Section 99**

##### **Powers of a person serving under the Conscription Act**

A person serving under the Conscription Act who acts as the commander of a company-level/equiv. unit or as his or her immediate superior or as the master sergeant of a company-level/equiv. unit may impose a disciplinary punishment in accordance with the provisions on the right to impose a disciplinary punishment laid down in Section 12.

The disciplinary superior referred to in Subsection 1 above may act as head investigator as provided in Section 28. A person serving under the Conscription Act and with an adequate training may act as investigator.

In addition to the provisions of Section 16, apprehension may be conducted by a person serving under the Conscription Act who is the immediate superior of the person to be apprehended.

A person serving under the Conscription Act and with an adequate training may be ordered to ensure enforcement.

## **Section 100**

### **The powers of a reservist serving under the Conscription Act in the investigation of offences**

A reservist serving under the Conscription Act and with an adequate training may act as head investigator or investigator in connection with a duty referred to in Section 35.

In addition to the provisions of Section 16, apprehension may be conducted by a reservist serving under the Conscription Act who has been assigned to a duty referred to in Section 35.

A reservist serving under the Conscription Act who has been assigned to a duty referred to in Section 35 may participate in performing it under the guidance and supervision of an official of the Defence Forces assigned to the criminal investigation duty.

## **Section 101**

### **Enforcement of disciplinary punishments**

Notwithstanding the provisions of Section 70, a warning may be enforced immediately after the disciplinary decision has been made.

The punished person shall be given a compensation in so far as the warning has been enforced and the disciplinary decision has been finally repealed or annulled or the disciplinary punishment has been mitigated. The amount of compensation shall be laid down in a Government Decree.

The decision on the repeal of a warning must be published. The provisions on the publication of a warning laid down in Section 75 shall apply to the publication of the decision repealing a warning. The commander of a company-level/equiv. unit or a disciplinary superior above him or her may postpone the enforcement of a disciplinary punishment or interrupt its enforcement in a situation prescribed in Section 71(3).

## **Section 102**

### **The powers of a reservist serving under the Conscription Act in the prevention and detection of offences**

The powers laid down for a police officer may be exercised by a reservist serving under the Conscription Act who has an adequate training in connection with a duty referred to in Section 86(1).

A reservist serving under the Conscription Act who has been assigned to carry out the duty of preventing and detecting offences in the Defence Forces in accordance with this Act may participate in performing a duty referred to in Section 86(1) and in the use of information gathering methods referred to in Section 89(1) under the guidance and supervision of an official assigned to carry out the duty of preventing and detecting offences in the Defence Forces.

## **Section 103**

### **Public liability of a person serving under the Conscription Act**

Provisions on criminal public liability shall apply to a person serving under the Conscription Act who exercises the powers referred to in Section 99, 100 or 102.

## **Section 104**

### **Liability for damages of a person serving under the Conscription Act**

The state shall be liable for a damage caused in connection with a duty referred to in Section 99, 100 or 102 above in accordance with the provisions laid down in the Tort Liability Act (412/1974).

Provisions on the liability for damages of conscripts laid down in Chapter 4 of the Tort Liability Act are applied to the liability for damages of a person performing a duty referred to in Section 99, 100 or 102.

## **Chapter 11**

### **Personal registers**

#### **Section 105**

##### **Relationship with other legislation**

Unless otherwise provided in this Act, the Personal Data Act (523/1999) and the Act on the Openness of Government Activities (621/1999) shall apply to the processing of personal information under this Act.

#### **Section 106**

##### **Information system of military justice administration**

The information system of military justice administration is a permanent personal register intended for the use of persons responsible for the investigation of offences in the Defence Forces. The Defence Command acts as the controller of the information system.

The information system may contain information which needs to be processed in the investigation of offences referred to in Sections 27 and 35. Information on the identity of a person suspected of an offence investigated in the Defence Forces or of a person subject to a criminal investigation conducted on behalf of the Defence Forces or to a coercive measure, of a person reporting an offence, of a witness or an injured party or of a person otherwise involved in the matter may be saved in the information system in so far as is necessary for the purpose of the information system, including the person's full name, date of birth, personal identity code, gender, mother tongue, citizenship, statelessness, nationality, home country, marital status, country of birth, municipality of birth, domicile, occupation, military rank, service location, employment and service history, address and telephone number or other contact information, information on whether the person is deceased or declared deceased, and information necessary for identifying a legal person.

Information obtained in connection with the application of this act that is necessary for performing and recording the investigation duties referred to in Sections 27 and 35 and for searching information may also be saved in the information system as follows:

- 1) the number of the report of an offence or another incident, time and place of the incident, reporting time, title of the offence and other titles, limitation period of the most serious offence, investigating administrative unit, investigators, status of the investigation, head investigator,

disciplinary superior, decisions made to conclude the matter, as well as information on the outcome of the matter;

2) information on coercive measures and stages of the criminal investigation;

3) information on property forfeited due to an offence or on seized property for the purpose of recovering the property and returning it to its owner or holder;

4) information on a person affecting his or her own safety or the occupational safety of the Defence Forces;

5) information on other necessary descriptions, circumstances and details related to criminal investigation duties, measures and incidents in the Defence Forces.

The information system shall indicate the person who has saved the information.

#### **Section 107**

##### **Right to use the information system of military justice administration**

The information system may be used by officials responsible for the duty of investigating offences laid down in this Act.

#### **Section 108**

##### **Security information register**

The security information register is a permanent personal register intended for the use of persons responsible for the prevention and detection of offences in the Defence Forces. The Defence Command acts as the controller of the security information register.

The security information register may contain information which needs to be processed for performing a duty referred to in Section 86(1). Information on the identity of a person may be saved in so far as is necessary for the purpose of the register, including the person's full name, date of birth, personal identity code, gender, mother tongue, citizenship, former citizenship, statelessness, nationality, home country, marital status, family relations, country of birth, municipality of birth, domicile, education, occupation, employment and service history, address and telephone number or other contact information, information on whether the person is deceased or declared deceased, audio and visual recordings relating to the person and identification information based on the physical characteristics of the person, travel document information, customer number issued by the authorities, names and address of the parents of a foreign national, information on the person affecting his or her own safety or the occupational safety of the Defence Forces, and information necessary for identifying a legal person.

Necessary information on the security clearance of a person or company may also be saved in the register.

The register shall indicate the person who has saved the information.

#### **Section 109**

### **Right to use the security information register**

The security information register may only be used by the officials referred to in Section 87(1)(1) and 87(1)(2) who have been assigned to perform the duty of preventing and detecting an offence referred to in Section 86(1).

The Defence Command may also give access to the security information register to officials employed by the Police, Customs or the Border Guard who have been assigned to perform criminal intelligence, surveillance and crime analysis duties to the extent that these authorities have the right to receive information from the Defence Forces.

### **Section 110**

#### **Temporary personal registers**

The Defence Forces may have temporary personal registers in nationwide use, or an official or a working group of officials responsible for the prevention and detection of offences may have such registers in their use.

Only information necessary for performing a duty or a set of duties referred to in Section 86(1) may be saved and processed in a temporary personal register. Information on a person necessary in respect of his or her own safety or the occupational safety of the Defence Forces may be saved in the register. The official or officials for whose use the temporary personal register has been established have the right to use it. The register shall indicate the person who has saved the information.

The Defence Command acts as the controller of a nationwide temporary personal register. The administrative unit responsible for its operation acts as the controller of a temporary personal register other than a nationwide temporary personal register established for the use of an official or a working group of officials.

The Defence Command shall decide on the establishment of a nationwide temporary personal register. The administrative unit responsible for its operation shall decide on the establishment of a temporary personal register other than a nationwide temporary personal register established for the use of an official or a working group of officials. A written decision shall be made on the establishment of a register. The Data Protection Ombudsman shall be informed of a decision to establish or essentially amend a temporary personal register in nationwide use no later than one month prior to the establishment or amendment of the register. The purpose of the personal register shall be mentioned in the establishment decision.

### **Section 111**

#### **Processing of information not related to an individual duty**

Information obtained in an individual duty referred to in Section 27, 35 and 86 of this Act which is necessary for performing duties but is not related to the duty concerned or to another duty being performed but is probably necessary in another future duty may be collected and saved in the security information register referred to in Section 108 and in a temporary personal register referred to in Section 110 under the conditions laid down in the said provisions.

When information is saved, it shall, where possible, be provided with an assessment on the reliability of the source of the information and on the accuracy of the information.

#### **Section 112**

##### **Processing of surplus information obtained through covert methods of information gathering or covert coercive measures**

Surplus information obtained through covert methods of information gathering in accordance with Sections 89 and 90 of this Act may be saved in the security information register and in a temporary personal register if the information concerns an offence in the prevention or detection of which the information gathering method by which the information was obtained would have been allowed or if the information is necessary in order to prevent an offence referred to in Chapter 15, Section 10 of the Criminal Code.

Provisions on the saving of surplus information obtained through covert coercive measures in accordance with Sections 37 and 38 of this Act in the information system of military justice administration are laid down in Chapter 10, Section 57(1) of the Coercive Measures Act.

#### **Section 113**

##### **Disclosure of information to a military authority**

Notwithstanding the confidentiality provisions, the Defence Command has the right to disclose information from the information system of military justice administration and from the security information register to a military authority if this is warranted by the performance of the statutory duties of the military authority.

Information from the information system of military justice administration and from the security information register as well as information referred to in Sections 111 and 112 may, nonetheless, be disclosed for a purpose other than that of the register only when this is necessary for:

- 1) protecting national security;
- 2) preventing an immediate threat to life or health or considerable damage to property;
- 3) preventing or investigating an offence for which the most severe punishment by law is at least two years of imprisonment.

The information may be disclosed via a technical user connection or by other electronic means.

#### **Section 114**

##### **Disclosure of information to other authorities**

Notwithstanding the confidentiality provisions, the Defence Command may disclose information from the information system of military justice administration and from the security information register to the following authorities if the information is needed in the following duties:

1) to the Police for the duties referred to in Chapter 1, Section 1(1) of the Police Act which are related to securing the rule of law, maintaining public order and security, preventing, detecting and investigating offences, and submitting cases to prosecutors for consideration of charges;

2) to the Border Guard for a duty in accordance with the Territorial Surveillance Act (755/2000) and for preventing, detecting and investigating offences, and submitting cases to prosecutors for consideration of charges referred to in the Border Guard Act (578/2005) or for controlling the entry and exit of persons and carrying out the related border checks;

3) to the Customs for controlling international traffic, preventing, detecting and investigating customs offences, and for submitting cases to prosecutors for consideration of charges or for controlling the entry and exit of persons and carrying out the related border checks;

4) to the prosecutor for carrying out official duties to the extent laid down in Section 25 of the Act on the Prosecution Service (439/2011);

5) to the Ministry for Foreign Affairs for obtaining authorisations referred to in the Act on the Control of Exports of Dual-Use Goods;

6) to the Ministry of Defence for obtaining authorisations referred to in the Act on the Export of Defence Material.

The information in the register may be disclosed for a purpose other than that of the register only for a purpose mentioned in Section 113(2).

The information may be disclosed via a technical user connection or by other electronic means as agreed with the controller.

## **Section 115**

### **Deletion of information from the information system of military justice administration**

Information on a person shall be deleted from the information system of military justice administration:

1) no later than ten years after the last entry;

2) no later than one year after the limitation period if the limitation period of the offence exceeds ten years;

3) no later than one year after the controller has received information on a decision made by the prosecutor under Chapter 1, Section 7 or 8 of the Criminal Procedure Act or under another similar provision not to take measures to bring a charge against the person who has committed an offence or on a decision made by the prosecutor that no offence has been committed or there is no evidence of an offence;

4) no later than one year after the controller has received information on a decision made by the prosecutor that the offence has become time-barred;



5) no later than one year after the controller has received information that the charges have been finally dismissed or the charges brought have been dismissed due to time-barring;

6) no later than one year after the registered person has deceased.

#### **Section 116**

##### **Deletion of information from the security information register**

The information on a person shall be deleted from the security information register after 25 years have elapsed from the last entry.

The justification for the information and the need of processing shall be evaluated at least every five years.

The information on the security clearance of a person included in the security information register shall be deleted within a year after a corresponding new clearance has been performed, and in any case no later than ten years after the clearance has been issued.

#### **Section 117**

##### **Deletion of information from a temporary personal register**

Information on a person shall be deleted from a temporary personal register:

- 1) when the information has been found unnecessary in respect of the purpose of the register;
- 2) no later than one year after the limitation period if the limitation period of the offence exceeds ten years;
- 3) no later than one year after the controller has received information on a decision made by the prosecutor under Chapter 1, Section 7 or 8 of the Criminal Procedure Act or under another similar provision not to take measures to bring a charge against the person who has committed an offence or on a decision made by the prosecutor that no offence has been committed or there is no evidence of an offence;
- 4) no later than one year after the controller has received information on a decision made by the prosecutor that the offence has become time-barred;
- 5) no later than one year after the controller has received information that the charges have been finally dismissed or the charges brought have been dismissed due to time-barring;
- 6) no later than one year after the registered person has deceased.

The justification for the information and the need of processing shall be evaluated at least every three years.

A temporary personal register established for the use of the Defence Forces which has become unnecessary shall be destroyed unless it is transferred for archival.

#### **Section 118**

## **Register of disciplinary decisions**

The register of disciplinary decisions is a nationwide permanent personal register of the Defence Forces. The register of disciplinary decisions is maintained for the purposes of saving and monitoring decisions made on disciplinary matters in military disciplinary procedures, for the purposes of reviewing earlier disciplinary decisions and maintaining statistics on offences and sanctions as well as for the purpose of saving decisions made on matters tried as military court cases, including disciplinary punishments. Necessary information may be transferred from the register into the register of persons liable for military service as provided in the Conscription Act.

Information on the outcome of decisions made in disciplinary procedures is saved in the register of disciplinary decisions as well as on matters prosecuted and tried as military court cases, information on the outcome of decisions made by the prosecutor in military court cases and on decisions made in disciplinary procedures. The information to be saved in respect of decisions include the name of the authority which dealt with the matter, identification information on the matter and the decision, the decision or information on the outcome of the matter, and information on the legal validity of the decision.

In addition to the information referred to in Subsection 2, the information referred to in Section 53 is also entered into the register in respect of a decision made in a disciplinary procedure as well as:

- 1) the time when the decision was served on a party;
- 2) information on appeals and relevant decisions;
- 3) inspection notes and measures arising from the supervision of the disciplinary procedure; and
- 4) information on the enforcement of the sanction.

Information on persons referred to in Section 1 who have been suspected of an offence in a military disciplinary procedure shall be entered into the register. The following information on the identity of the registered person may be saved in the register: the person's name, personal identity number, gender, mother tongue, citizenship, domicile and address.

## **Section 119**

### **Controller of the register of disciplinary decisions**

The following entities shall act as the controller of the register of disciplinary decisions:

- 1) a company-level/equiv. unit or another corresponding troop or institution in respect of persons serving there under the Conscription Act;
- 2) a brigade-level/equiv. unit or a corresponding troop or institution in respect of persons other than those serving there on the ground referred to in Paragraph 1, with the exception of the commander of a brigade-level/equiv. unit or a person in a corresponding position; and
- 3) the Defence Command in respect of persons serving there and commanders of brigade-level/equiv. units or persons in corresponding or higher positions.

## **Section 120**

### **Deletion of information from the register of disciplinary decisions**

Information shall be deleted from the register of disciplinary decisions

1) in respect of an admonition, extra duty and confinement to barracks for a maximum of ten days after three years and

2) in respect of a warning, confinement to barracks for more than ten days and detention after five years

since the sentencing or imposition of the disciplinary punishment, unless the party has been punished by a court decision or in a disciplinary procedure during this period.

If the person has been punished by a court decision or in a disciplinary procedure more than once, the information shall be deleted from the register of disciplinary decisions after five years since the last disciplinary punishment.

## **Section 121**

### **Processing of sensitive information**

The information referred to in Section 11(3) of the Personal Data Act may be collected and saved in the personal register referred to in this Chapter when the processing of the information is warranted by the purpose of the register.

The information referred to in Section 11(1) and Section 11(2), as well as in Sections 11(4) to 11(6) of the Personal Data Act may be collected and saved in the personal register referred to in this Chapter only when the processing of the information is necessary for performing an individual duty referred to in Section 27 or 35 or in Section 86(1) of this Act.

The information referred to in Section 11(4) of the Personal Data Act may also be collected and saved in the personal register referred to in this Chapter when the processing of the information is necessary for the safety of the registered person or for ensuring the occupational safety of the authorities.

## **Section 122**

### **Access to personal information**

A registered person who wishes to have access to information on himself or herself shall make a request to this effect personally to the controller or another administrative unit designated by the controller and entitled to disclose the information on behalf of the Defence Forces, and prove his or her identity.

The controller or the administrative unit appointed by it shall provide the information for inspection.

## **Section 123**

### **Limitations to the right of access**

Registered persons have no right of access to the security information register or to a temporary personal register.

The Data Ombudsman may, at the request of a registered person, inspect the lawfulness of the information saved on the registered person in the security information register or in a temporary personal register.

## **Chapter 12**

### **Supervision**

#### **Section 124**

##### **Inspections of disciplinary punishments**

The commander of a brigade-level/equiv. unit shall inspect the disciplinary punishments imposed by his or her subordinates at least quarterly.

The Defence Command may conduct inspections of disciplinary punishments or have them conducted whenever necessary.

#### **Section 125**

##### **Inspections of registers of disciplinary punishments**

Assisted by a legal adviser, the Commander of the Army, the Commander of the Navy, the Commander of the Air Force and an equivalent disciplinary superior shall inspect the registers of disciplinary decisions of troops and institutions subordinate to him or her at least once a year.

#### **Section 126**

##### **Supervision of the exercise of disciplinary powers**

The disciplinary superior shall supervise the exercise of disciplinary powers by the disciplinary superiors subordinate to him or her.

If the commander of a brigade-level/equiv. unit or a disciplinary superior above him or her notices that an essential mistake has occurred in a disciplinary procedure, the disciplinary superior has exceeded his or her powers or the outcome of a decision made on a disciplinary matter is incorrect or manifestly unreasonable, he or she shall repeal the decision or mitigate the disciplinary punishment. A decision may, nonetheless, not be repealed or changed if at least two years have passed since its issuance, unless this is required by particularly strong reasons.

If the disciplinary superior referred to in Subsection 2 considers that the disciplinary matter should be reconsidered or the disciplinary decision should be changed for the detriment of the defendant in the disciplinary matter, he or she can apply for annulment or reversal of the disciplinary decision. Provisions on the prerequisites for the annulment of a judgement laid down in Chapter 31, Section 1(1) of the Code of Judicial Procedure and on the prerequisites for the reversal of a judgement laid down in Section 9(1) of the same Chapter shall apply *mutatis mutandis* to a disciplinary decision.

The application shall be filed with a court referred to in Section 55(2) of this Act within six months from the date of the disciplinary decision. Provisions on the processing of extraordinary appeal laid down in Chapter 31 of the Code of Judicial Procedure shall apply to the proceedings in the court.

If a court or a superior supervising a disciplinary procedure has changed the decision made by a lower superior in a disciplinary matter or repealed it, the decision shall be served on the parties. Provisions on the service of a disciplinary decision laid down in Section 54 shall apply to the service of notice.

If the sanction imposed in a disciplinary decision has been enforced and the disciplinary decision has been repealed or annulled or the sanction has been mitigated, the provisions on compensation laid down in Section 68 shall apply. A decision on compensation shall be made by the disciplinary superior referred to in Subsection 2 of this Section.

### **Section 127**

#### **Supervision of the combating of crime in the Defence Forces**

The Command of the Defence Forces referred to in the Act on the Defence Forces shall supervise the combating of crime in the Defence Forces. The Chief Legal Advisor of the Defence Forces referred to in Section 36(1)(1) of this Act also supervises the investigation of offences under Section 35 of this Act, and the Head of the Intelligence Department supervises the prevention and detection of offences under Section 86.

### **Section 128**

#### **Supervision by the Ministry of Defence**

A record drafted on the use of covert coercive measures mentioned in Section 37 above and on the use of covert methods of information gathering mentioned in Section 89(1) shall be submitted to the Ministry of Defence.

Information on matters related to the combating of crime in the Defence Forces which are of social or economic importance or have a significant degree of severity shall be submitted to the Ministry of Defence.

The organisation and supervision of the use of covert coercive measures and covert methods of information gathering, the recording of measures, and the reports to be submitted for supervision are governed by the provisions laid down in and under the Coercive Measures Act and the Police Act.

### **Section 129**

#### **Report to the Parliamentary Ombudsman**

The Ministry of Defence shall submit an annual report to Parliament on the use and supervision of the covert coercive measures mentioned in Section 37 and of the covert methods of information gathering mentioned in Section 89(1) and of their protection. The report shall also be submitted for information to the Finnish Security Intelligence Service.

## **Chapter 13**

## **Miscellaneous provisions**

### **Section 130**

#### **More detailed provisions**

More detailed provisions on notifications related to the enforcement of disciplinary punishments and on other notifications between the authorities may be laid down in a Government Decree.

### **Section 131**

#### **Entry into the judgement and decision notification system**

A court shall enter a disciplinary decision it has imposed in the judgement and decision notification system of the national information system of justice administration in order to communicate the information to military authorities. The provisions laid down in and under the Act on the National Information System of Justice Administration (372/2010) shall apply to the entry.

## **Chapter 14**

### **Entry into force and transitional provisions**

#### **Section 132**

##### **Entry into force**

This Act enters into force on 1 May 2014.

This Act repeals the Act on Military Discipline (331/1983) and the Act on the Performance of Police Duties in the Defence Forces (1251/1995).

#### **Section 133**

##### **Transitional provisions**

If an offence to be dealt with in a disciplinary procedure has been committed before this Act has entered into force, the sanctions to be imposed, coercive measures, handling of the matter and appeal as well as enforcement and supervision shall be governed by the provisions in force upon the entry into force of this Act.

Before joining in the national information system of justice administration, the Supreme Court shall submit the information referred to in Section 131 by sending a copy of its decision to the Legal Register Centre for the submission of the information to the military authorities, unless a Decree of the Ministry of Justice provides for the submission of the information by other means.

The information processing related to the information system of military justice administration under Section 106 of this Act shall be implemented in accordance with this Act within four years since its entry into force.

The information included in the criminal record referred to in Section 10 of the Act on the Performance of Police Duties in the Defence Forces shall be transferred into the information system of military justice administration in relevant parts.

If a reference is made to the provisions of the Act on Military Discipline or the Act on the Performance of Police Duties in the Defence Forces in another act or decree, the reference shall be regarded as a reference to this Act after this Act has entered into force.