



**EMBASSY OF FINLAND**  
The Hague

HAA7058-29

## **VERBAL NOTE**

The Embassy of Finland presents its compliments to the Secretariat of the Assembly of States Parties and has the honour to refer to its note no. ICC-ASP/8/S/PA/19, dated 24 April 2009, containing a request to convey information referred to in paragraph 6, sub-paragraph (h), of the Plan of Action of the Assembly of States Parties for achieving universality and full implementation of the Rome Statute of the International Criminal Court and in recommendations 1 through 5 on the Plan of Action contained in annex I to resolution ICC-ASP/6/Res.2, as well as an Implementing legislation questionnaire prepared by the Court.

As concerns information relating to the ratification and implementation of the Rome Statute by Finland, the Embassy wishes to refer to the responses to the attached questionnaire. Additional information is included in earlier responses to corresponding requests by the Secretariat in 2007 and 2008, which also contain information on efforts to promote the ratification and full implementation of the Statute. For ease of reference texts of earlier responses are also inserted in the end of the present note.

As noted in the response submitted in 2007, the Ministry for Foreign Affairs of Finland has a separate fund for providing financial assistance to projects related to the fight against impunity. During the past 24 months the fund has been used, inter alia, for sponsoring various ICC and ASP projects and funds. These include projects such as the Legal Tools project, the Internship and Visiting Professionals Programme, and the Seminar of Counsel. The Ministry for Foreign Affairs of Finland has also contributed to the Trust Fund for Victims and to the LDC Fund as well as to the organization of the intersessional meeting on the Crime of Aggression. Finland has also supported other institutions that strengthen directly or indirectly the universality and full implementation of the Rome Statute, such as the Coalition for the International Criminal Court and the International Criminal Law Network.

Since Finland has taken action to promote universality and full implementation of the Rome Statute both individually and through the European Union's plan of action, the Embassy also wishes to refer to the information submitted by Portugal in 2007 and by Sweden in 2009 on behalf of the European Union.

The Embassy of Finland avails itself of this opportunity to renew to the Secretariat of the Assembly of States Parties the assurance of its highest consideration.

28 September 2009

The Secretariat  
Assembly of the States Parties  
International Criminal Court

### Implementing legislation questionnaire for States Parties (2009)

1. Has your Government adopted any national legislation implementing the Rome Statute ("the Statute")?

Yes, a parliamentary Act on the implementation of the provisions of a legislative nature of the Rome Statute of the International Criminal Court and on the application of the Statute (No. 1284/2000 of the Statute Book of Finland) as well as an Act on the amendment of the Criminal Code (No. 1285/2000 of the Statute Book of Finland) were passed in December 2000 when Finland ratified the Statute. Subsequently, the criminalizations in Chapter 11 of the Criminal Code were amended in April 2008 (No. 212/2008 of the Statute Book of Finland).

#### **IF NOT** **Part A**

2. What legislative efforts, if any, has your Government taken to implement the provisions of the Statute into national law?

3. What obstacles, if any, has your Government faced in its efforts to implement the provisions of the Statute?

4. What form of assistance would benefit your Government's efforts to implement the Statute?

#### **IF YES** **Part B**

5. In implementing the Statute, did your Government draft special implementing legislation or did it incorporate the articles or substantive provisions of the Statute into pre-existing law?

Both methods were used in connection with the ratification of the Statute in 2000. The Act on the implementation of the provisions of a legislative nature of the Rome Statute of the International Criminal Court and on the application of the Statute stipulates that the provisions of the Statute, insofar as they are of a legislative nature, shall be in force as applicable law in accordance with the commitments of Finland. In addition, the Act contains a few specific provisions on the application of the Statute. For an unofficial English translation of Act No. 1284/2000 please refer to <http://www.finlex.fi/fi/laki/kaannokset/2000/en20001284.pdf>.

Also, an Act on the amendment of the Criminal Code was passed in 2000. For later amendments of the Criminal Code that relate to the Statute, please see response to question no. 6.

6. Does the implementing legislation incorporate the substantive crimes through reference to the Statute or by incorporating the crimes in the legislation itself?

The substantive crimes have been incorporated in the Finnish Criminal Code. When the Statute was ratified by Finland in December 2000 no major amendments were introduced in the Finnish Criminal Code. It was acknowledged, however, that for the national courts to be fully able to exercise jurisdiction over crimes within the Court's jurisdiction it was necessary to amend the Criminal Code. The amendments with regard to the criminalizations of genocide, crimes against humanity and war crimes in Chapter 11 of the Criminal Code as well as the new provisions implementing Articles 28 and 33 of the Statute were adopted on 11 April 2008 and entered into force on 1 May 2008. An unofficial English translation of Chapter 11 of the Criminal Code is annexed to this response. For an unofficial English translation of the Criminal Code please refer to <http://www.finlex.fi/fi/laki/kaannokset/1889/en18890039.pdf>. A consolidated translation of the Criminal Code will be available at <http://www.finlex.fi> in the near future.

7. Does the implementing legislation fully incorporate all modes of cooperation under Part 9 of the Statute?

Yes. The Finnish Act on International Legal Assistance in Criminal Matters (No. 4/1994 of the Statute Book of Finland) forms the basis for cooperation between Finland and the International Criminal Court. However, Act No. 1284/2000 clarifies certain obligations of Finland based on Part 9 of the Statute. Also, for the purpose of full implementation of the provisions of the Statute, more extensive legal assistance is provided for in Act No. 1284/2000 than would have been possible otherwise under existing domestic law.

8. Does the implementing legislation designate a channel of communication with the Court?

Yes. Section 2 of the Act on the implementation of the provisions of a legislative nature of the Rome Statute of the International Criminal Court and on the application of the Statute provides that the Ministry of Justice shall have the authority to receive requests for cooperation made by the International Criminal Court, concerning the investigation and prosecution of crimes within the jurisdiction of the Court, including requests for the arrest and surrender of persons and for the enforcement of orders of the Court, and shall execute the requests either itself or with the help of other competent authorities. Replies to the International Criminal Court shall be delivered through the Ministry of Justice even in cases where the Ministry of Justice has not itself executed the request, unless otherwise provided in the request for cooperation. Notwithstanding these provisions, the International Criminal Court may also contact competent Finnish authorities directly or through the diplomatic channels, or through the International Criminal Police Organization or any other appropriate regional organization.

Erillinen sivu elektronisen version käsittelyyn:

Haag  
HAA

Miia Aro-Sanchez

28.09.2009

Asia

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Asiasanat      ICC

**Hoitaa**            **OIK-10**

**Hoitaa UE**        **HAA**

Koordinoi

Tiedoksi

OIK-01; OIK-20; OIK-40; POL-50  
BER; YKE

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Laatija jakanut