

Executive Summary: Finland

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Executive Summary

Issuing Procedures

- Framework Decision of the Council of the European Union (2002/584/YOS, FD) has been internally enforced in Finland by the Act on Surrender Procedures between Finland and Other Member States of the European Union (1286/2003, the EU Surrender Act).
- Finnish legislation fulfils the standards of the FD.
- The Supreme Court (SC) has given several precedents on questions related to the interpretation and implementation of the FD rules in European Arrest Warrant (EAW) cases involving Finland.
- The SC, on one hand, has emphasized the importance of the execution of efficient criminal liability, but on the other, it has also emphasized the perfect consideration of basic and human rights when considering accepting the request for surrender.
 - SC 2020:25: surrender of the convicted, violation of human rights: prison conditions; SC dismissed the request for surrender.
 - SC 2017:11: surrender of the convicted, violation of human rights: prison conditions, connections to Finland, residency in Finland, SC accepted the surrender.
 - SC 2005:39 and SC 2011:8: grounds for refusal; Finnish nationality and residency in Finland
 - SC 2010:59, SC 2017:30 and SC 2018:18: whether the prosecuted act was identically described in the request for surrender, prosecuted in Finland; SC: prosecution was in accordance with the request for surrender.
 - SC 2015:99: limitation of prosecution, mutual trust, connections to Finland; SC accepted a conditional surrender.

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- SC 2021:24: the question of whether the surrender of the suspect or the convicted person breaches the prohibition of subjecting the surrendered person to inhumane or derogatory treatment, SC accepted the surrender.
- SC 2021:62: an enhanced travel ban as an option to keeping in custody; the SC retained keeping in custody in force.

Executing Procedures

- When executing an EAW, the Helsinki district court makes the decision of surrendering a person to another state based on prosecutor's demand in Finland.
- When issuing an EAW, a request for surrender to Finland is presented by an independent prosecutor and it is always preceded by district court's decision on remand.
- In the surrender process, the person whose surrender is requested always has the right to be assisted by a legal counsel.
- A court appoints the counsel ex officio, if the person requested for surrender has not appointed one him- or herself.
- The person requested for surrender always has the right to know the contents of the request.
- The principle of proportionality is applied in surrender cases.
- The procedures of surrender cases fully comply with the demands of fair trial.

Key interpretation and implementation challenges

- The biggest issues have concerned cases in which a convicted person has been requested for surrender from Finland to another state for the enforcement of an imprisonment sentence. The SC has carefully considered the conditions of the surrender especially from the perspective of the prison conditions in the state requesting the surrender. If there have been no reliable guarantees of not breaching human rights, the surrender has been rejected.