Criminal Procedure Act

(689/1997; AMENDMENTS UP TO 260/2002 INCLUDED)

Chapter 1 — **Right to bring a charge**

General provision

Section 1

(1) A criminal case is not admissible unless a charge for the offence has been brought by a person who by law has the right to do so.

(2) However, a court of law may, on its own initiative, sentence a person to punishment for a procedural infraction.

Right of the public prosecutor to bring a charge

Section 2

(1) It is the duty of the public prosecutor to bring a charge for the offence and to prosecute the case.

(2) If special conditions, for instance a request by the injured party or the order or consent of an authority, have been laid down by law for the bringing of a charge, they shall be observed.

Section 3

(1) If an injured party has requested that a charge be brought for an offence for which the public prosecutor is not to bring a charge without such request, and several people are suspected of participation in the offence, the prosecutor may bring charges also against those suspects not covered by the request.

(2) If the custodian, guardian or other legal representative of a minor or a person otherwise without full legal capacity has directed an offence referred to in paragraph (1) at that person, the prosecutor may bring a charge even if no request that a charge be brought has been made. (445/1999)

Section 4

(1) If an offence is directed at a person without full legal capacity and the public prosecutor is not to bring a charge without a request of the injured party, the guardian or other legal representative of that person shall have the right to make the request. However, as regards an offence directed at the person of a minor, his/her custodian or other legal representative shall have the right to make the request. (445/1999)

(2) A person without full legal capacity shall alone have the right to request that a charge be brought, if an offence has been directed at property which is under his/her sole administration or if it concerns a transaction which he/she has the capacity to make. A person without full legal capacity shall have the right also when an offence has been directed at his/her person and he/she is at least 18 years of age and can obviously understand the significance of the matter.

(3) If a minor is at least 15 years of age, he/she shall have a right parallel to that of the custodian or other legal representative to request that a charge be brought for an offence directed at his/her person.

Section 4a (445/1999)

If the competence of a person has been restricted otherwise than by a declaration that he/she is fully without legal competence, and the offence for which the public prosecutor is not to bring a charge without a request of the injured party is directed at a matter in the sole competence of the guardian, only the guardian shall be entitled to make the request for prosecution. However, the guardian and the ward both are entitled to make the request, if the offence is directed at a matter in their joint competence.

Section 5

The injured party shall make the request that a charge be brought to the public prosecutor or police within whose district the charge for the offence can be brought. If the request is made to another prosecutor or police, it is without delay to be forwarded to the competent authority.

Section 6

The public prosecutor is to bring a charge if there is a *prima facie* case against the suspect.

Section 7

The public prosecutor may decide not to prosecute:

(1) where a penalty more severe than a fine is not anticipated for the offence and the offence is deemed of little significance in view of its detrimental effects and the degree of culpability of the offender manifest in it; and

(2) where a person under 18 years of age has committed the offence and a penalty more severe than a fine or imprisonment for at most six months is not anticipated for it and the offence is deemed to be the result of lack of judgment or incaution rather than heedlessness of the prohibitions and commands of the law.

Section 8

Unless an important public or private interest otherwise requires, the public prosecutor may, in addition to the events referred to in section 7, not prosecute:

(1) where the trial and punishment are deemed unreasonable or pointless in view of the settlement reached by the offender and the injured party, the other action of the offender to prevent or remove the effects of the offence, the personal circumstances of the offender, the other consequences of the offence to the offender, the welfare or health care measures undertaken and the other circumstances; or

(2) under the provisions on joint punishment and the consideration of previous punishments in sentencing, the offence would not have an essential effect on the total punishment.

Section 8a (894/2001)

Unless a public interes otherwise requires, the prosecutor may waive a demand for forfeiture, if:

(1) the benefit or the value of the object or property is insignificant;

(2) the examination of the grounds for the demand or its hearing in court would cause expenses that are manifestly unreasonable in view of the nature of the case; or

(3) no charge is brought for the offence by virtue of section 7 or 8 or of a comparable statutory provision.

Section 9

(1) The decision on non-prosecution is to be issued and served on the offender and the injured party early enough so that the injured party has time to prepare and bring

a charge in accordance with section 14. The decision shall be served by post or in accordance with the provisions in chapter 11 of the Code of Judicial Procedure.

(2) The prosecutor may issue an oral reprimand on the offender, where this is deemed necessary.

Section 10

(1) If the public prosecutor has decided not to prosecute by virtue of section 7 or 8, the prosecutor is on the demand of the offender to submit his/her decision on the culpability of the offender to be dealt with by the court. The demand shall be delivered to the prosecutor in writing within 30 days of the service referred to in section 9(1).

(2) When the decision on non-prosecution has been submitted to the court, the offender shall without delay be notified of the time and place of the hearing and of the fact that the matter may be decided also in his/her absence. Otherwise, the provisions on criminal procedure apply to the hearing of the matter in so far as appropriate.

Section 11

(1) If the public prosecutor has decided not to prosecute, he/she may withdraw the decision only if there is new evidence which shows that the decision has been based on essentially incomplete or erroneous information.

(2) A superior prosecutor has the right to reopen the case in accordance with the specific provisions thereon.

Section 11a (894/2001)

The decision to waive a demand for forfeiture shall be served on the person concerned, as provided in section 9(1). Moreover, the provisions in sections 10 and 11 shall be observed, in so far as appropriate.

Section 12

(1) If, after the bringing of a charge, there appears a circumstance on the basis of which the public prosecutor would have been entitled not to prosecute under section 7 or 8, he/she may abandon the charge. Notice of the abandonment is to be served on the persons concerned as provided in section 9(1).

(2) However, the prosecutor is not to abandon the charge if the defendant in the criminal case objects or if a judgment has already been handed down in the case.

Section 13

The public prosecutor may lodge an appeal also in favour of the defendant and amend an appeal lodged against the defendant to be in favour of the defendant.

Right of the injured party to bring a charge

Section 14

(1) The injured party may bring a charge for an offence only if the public prosecutor has decided not to prosecute. Section 118(3) of the Constitution of Finland applies to the right of the injured party to bring a charge for an offence in public office. (1250/1999)

(2) However, a person who has been the subject of a request that a charge be brought or who has been charged with an offence may always, without need for a decision on non-prosecution by the prosecutor, bring a charge for false and unsubstantiated accusation.

(3) An injured party has the right to endorse a charge brought by the public prosecutor or another injured party and present new circumstances in support of the charge. An injured party may lodge an appeal against a decision made in the case regardless of whether he/she has made a statement in the case.

Section 15

(1) An injured party may assume the prosecution of a charge which has been abandoned by the public prosecutor or another injured party.

(2) If the injured party assumes the prosecution of the charge, he/she shall notify the court of the same in writing within 30 days of receiving notice of the abandonment.

(3) If the injured party does not assume prosecution, he/she shall forfeit his/her right to bring a charge. In this event, the charge is on the request of the defendant to be rejected by judgment.

Section 16

(1) If an injured party withdraws a request that a charge be brought, he/she shall no longer have the right to make such a request for the offence. If the injured party abandons a charge or declines to bring a charge or to prosecute the case, he/she shall forfeit the right to bring a charge.

(2) If the public prosecutor is not to bring a charge without the injured party making a request that a charge be brought, and if the injured party has withdrawn the request before the prosecutor has brought a charge, also the prosecutor is not to bring a charge for the offence. The withdrawal of the request does not prevent the prosecutor from bringing a charge if the withdrawal does not pertain to all the participants in the offence.

Section 17

(1) If someone has been killed through an offence, the surviving spouse and children have the right of the injured party to bring a charge. If the person who is killed does not leave survivors, the parents and the siblings have the right of the injured party to bring a charge. The parents and siblings have the right of the injured party to bring a charge also in the event that one or more members of the group with the primary right to bring a charge are suspected of the offence in question.

(2) Where an injured party has died for other causes, the relatives referred to in paragraph (1) have the same right to make a request for prosecution and to bring a charge and prosecute the case as the original injured party would have had, except where it has been the wish of the injured party that a request that a charge be brought is not made and that a charge is not brought.

Chapter 2 — **Counsel** (107/1998)

Section 1 (107/1998)

(1) A person suspected of an offence has the right to self take care of his/her defence in criminal investigations and in a trial.

(2) On the request of the suspect, a defence counsel is to be appointed for him/her, if:
   (1) he/she is suspected of or charged with an offence punishable by no less than imprisonment for four months or an attempt of or participation in such an offence; or
   (2) he/she is under arrest or in detention.

(3) A defence counsel is to be appointed to a suspect *ex officio*, when:
   (1) the suspect is incapable of defending himself/herself;
   (2) the suspect, who has not retained a defence counsel, is under 18 years of age, unless it is obvious that he/she has no need of a defence counsel;
   (3) the defence counsel retained by the suspect does not meet the qualifications required of a defence counsel or is incapable of defending the suspect; or
   (4) there is another special reason for the same.

Section 1a (107/1998)

A court may appoint a counsel for the injured party for criminal investigations and, where the injured party has a claim in a case prosecuted by the public prosecutor, for the trial:

(1) in a case relating to a sexual offence referred to in chapter 20 of the Penal Code, unless this is for a special reason deemed unnecessary; and

(2) in a criminal case referred to in chapter 21, section 1—6 of the Penal Code, if this is to be deemed necessary in view of the relationship between the injured party and the suspect of the offence.

Section 2 (107/1998)

(1) A person appointed under section 1 or 1a as defence counsel or counsel for the injured party must be a public legal aid attorney or an advocate. If there is no suitable public legal aid attorney or advocate available or there is another special reason for it, also another person with the degree of *oikeustieteen kandidaatti/juris kandidat* who by law is competent to act as an attorney may be appointed as defence counsel or counsel for the injured party. The person to be appointed as defence counsel or counsel for the injured party is to be reserved an opportunity to be heard on the appointment. (260/2002)

(2) When the suspect or the injured party has self nominated a person meeting the qualifications as defence counsel or counsel for the injured party, the nominee is to be appointed unless there are special reasons for the contrary.

(3) The following are not to be appointed as defence counsel:

(1) a person who has advised the suspect in a matter connected with the offence under investigation;

(2) a person who is suspected, charged with or convicted of an offence which is conducive to reducing his/her credibility as a defence counsel; or

(3) a person who is otherwise disqualified as a defence counsel.

(4) If a defence counsel is appointed for the suspect, no attorney is to be appointed for him/her on the basis of the Legal Aid Act (257/2002). If an attorney has been appointed for the suspect on the basis of the Legal Aid Act before the appointment of a defence counsel, the attorney is to be appointed as defence counsel. (260/2002)

Section 3 (107/1998)

On the conditions referred to in section 1a, an adequately qualified support person may be appointed for an injured party in an offence referred to in section 1a who does not make a claim in the trial and who is being heard in person in order to resolve the case, if it is deemed that he/she needs assistance in the criminal investigation or the trial.

Section 4 (107/1998)

(1) A defence counsel, a counsel for the injured party and a support person are to be appointed by the court where the criminal case is pending or where a charge for the offence may be brought. Subject to the criteria provided in section 13(1) and (2) of the Legal Aid Act, the appointment may be given retroactively to concern the necessary measures already undertaken in the case. If the hearing of the case has been concluded and the appeal period or response period has not yet expired, the appointments mentioned above are to be made by the court which last dealt with the case. (260/2002)

(2) In matters referred to in paragraph (1), a district court has a quorum with a single judge and a court of appeal with one member attending. The appointment may be transferred to be dealt with in connection with the criminal case for which the appointment has been requested. When a request for an appointment is decided in chambers and it is not granted, the requesting party is to be notified of the date of the pertinent court order well in advance of the issue of the order.

(3) If the prerequisites for the appointment of a defence counsel, as referred to in section 1, no longer exist, the appointment shall lapse. The provisions on an attorney in the Legal Aid Act apply, in so far as appropriate, to the revocation of the appointment of a defence counsel, a counsel for the injured party or a support person. (260/2002)

Section 5 (107/1998)

A defence counsel and a counsel for the injured party shall not without permission have someone else act in their stead.

Section 6 (107/1998)

A defence counsel and a counsel for the injured party shall conscientiously and in accordance with good advocacy practice uphold the rights and interests of his/her client and for this purpose promote the resolution of the case.

Section 7 (107/1998)

(1) A defence counsel and a counsel for the injured party shall as soon as possible confer with his/her client and begin to prepare the counsel, as well as undertake the measures necessary for the upholding of the rights of the client. Where necessary, the counsel shall serve his/her client also on appeal in a higher court.

(2) The appointment as defence counsel or counsel for the injured party made in accordance with this chapter shall be in force also in the separate proceedings for the hearing of the civil claim of the injured party, opened by virtue of chapter 3, section 3.

Section 8 (107/1998)

In addition, the provisions in chapter 15 of the Code of Judicial Procedure on attorneys and counsel apply, in so far as appropriate, to a defence counsel and a counsel for the injured party.

Section 9

The support person shall provide personal support to the injured party in the criminal investigation and the trial and assist him/her in the matters arising from resolution of the case.

Section 10 (260/2002)

(1) A defence counsel, counsel for the injured party and support person appointed under this chapter, as well as a witness named by a defendant to whom a defence counsel has been appointed or by an injured party to whom an attorney has been appointed, shall be entitled to a fee and compensation from State funds; the provisions in sections 17 and 18 of the Legal Aid Act on the fees and compensation payable to attorneys and witnesses apply, in so far as appropriate, to the fee and compensation.

(2) The provisions in section 22 of the Legal Aid Act apply, in so far as appropriate, on the liability of the opposing party to reimburse the State.

(3) The court orders referred to in section 4 and in this section are open to appeal as provided, in so far as appropriate, in sections 26 of the Legal Aid Act.

Section 11 (260/2002)

If the court finds the defendant guilty of the offence for whose criminal investigation and trial a defence counsel was appointed, the defendant is to be obliged to reimburse the State for the compensation paid under section 9 from State funds. If the suspect meets the criteria for legal aid, the reimbursement is not to exceed the compensation which would be payable under Legal Aid Act.

Chapter 3 – **Civil claims**

Section 1

A civil claim arising from the offence for which a charge has been brought may be heard in connection with the charge. If such a claim is made separately, the provisions on civil procedure apply.

Section 2

(1) If the charge and the civil claim arising from the offence for which the charge has been brought are separately pending in the same court, the court may join the civil claim to be heard in connection with the charge.

(2) If the charge is pending in another court, the court may transfer the civil claim arising from the offence for which the charge has been brought to be heard in connection with the charge, if there is a special reason for the transfer.

Section 3

If the civil claim has been made in connection with the hearing of the charge, the court may separate the claim from the charge; in this event, the civil claim is to be heard in accordance with the provisions on civil procedure.

Section 4

A court order joining or separating a civil claim and the charge is not subject to appeal.

Section 5

(1) The defendant in a criminal case or another person against whom a civil claim has been made may bring an action against a third party in connection with the charges; in this event, the provisions in chapter 18, section 5(1) of the Code of Judicial Procedure on the bringing of an action in a civil case apply.

(2) A third party may bring an action against one or both parties in connection with the charge; in this event, the provisions in chapter 18, section 5(2) of the Code of Judicial Procedure apply.

Section 6

(1) If the charge is dismissed or withdrawn, or if the injured party is found to have forfeited the right to bring a charge, the court may on the request of a party order that the hearing of the civil claim is to continue in accordance with the provisions on civil procedure.

(2) If such a request is not made, the claim is to be dismissed.

Section 7

If the plaintiff withdraws the civil claim after the defendant has responded to it, the matter is on the request of the defendant to be decided regardless of the withdrawal.

Section 8

If the charges are rejected, the civil claim may still be heard or its hearing may be continued in accordance with the provisions on civil procedure.

Section 9

(1) On the request of the injured party, the public prosecutor who has brought a charge is to pursue the civil claim of the injured party, arising from the offence for which the charge has been brought, as against the defendant in the criminal case, if this is possible without essential inconvenience and if the claim is not obviously ill-founded. If the prosecutor declines from pursuing the civil claim of the injured party, he/she is to notify the injured party of the same, observing the provisions in chapter 1, section 9(1).

(2) The injured party shall make the request during the criminal investigation or to the prosecutor. At the same time he/she shall provide an account of the circumstances on which the claim is founded.
(3) When lodging an appeal against the decision on the charge, the prosecutor is on the conditions referred to in paragraph (1) to lodge an appeal also against the decision on the civil claim of the injured party, if it is dependent on the decision on the charge.

Section 10
(1) If the injured party or someone else with the right to do so has in the criminal investigation or otherwise to the prosecutor notified that he/she wishes to self make a civil claim arising from the offence referred to in the application for a summons or if the prosecutor has notified the injured party that the prosecutor will not pursue the civil claim of the injured party regardless of the request, the injured party and the other person referred to in this section are to be reserved an opportunity to submit his/her claim and its foundations in writing to the court within a deadline and under threat that otherwise the claim may be dismissed in connection with the criminal case.
(2) In so far as not otherwise provided in chapter 5, sections 5 and 6 of the Code of Judicial Procedure, the written claim referred to in paragraph (1) may be heard in connection with the criminal case regardless of the absence of the person making the claim.

Section 11
After a charge has been brought, a civil claim arising from the offence may be made against the defendant without need for a summons, if the court in the light of the available evidence and the other circumstances deems this to be possible without undue inconvenience.

Chapter 4 – **Competent court**

Section 1
(1) A charge for an offence shall be heard by the court of the place of commission of the offence. The offence is to be deemed to have been committed both where the criminal act was undertaken and where its consequence became apparent or, if the offence remained an attempt, where the consequence of a completed offence would have become apparent. If the offence has been committed in several places, belonging to the districts of several courts, each of the courts has jurisdiction.
(2) If there is no certainty as to the place of commission of the offence at the time when a charge for it is brought, the charge may be heard by any of the courts in whose districts the offence can be presumed to have been committed or in whose districts the person to be charged is found.
(3) A charge for an offence may also be heard by the court in whose district the person to be charged lives of is habitually resident, if the hearing of the case by that court is deemed appropriate in view of the available evidence, the costs of the proceedings and the other circumstances.

Section 2
A charge for an offence committed outside Finland is to be heard, unless otherwise provided elsewhere in the law, by the court of the place where the person to be charged lives, is resident or is found.

Section 3
If a person has committed several offences, charges for all of them may be heard by a court which is competent to hear the charge for any one of the offences, if this

makes the sentencing to a joint punishment speedier or more convenient and if the hearing of the case by that court is deemed appropriate in view of the available evidence, the costs of the proceedings and the other circumstances.

Section 4

(1) Charges against several participants in an offence may be heard by a court which is competent to hear the charge against any one of the participants. If the case has earlier been pending against one of the participants in a court, that court shall be competent to hear also the charges brought against the other participants.

(2) Where a participant in an offence is charged with another offence committed in the district of another court, charges for all the offences may be heard by a court which is competent to hear the charge for any one of the offences, if the hearing of all the charges by that court is deemed appropriate in view of the available evidence, the costs of the proceedings and the other circumstances.

Section 5

Charges against different defendants for different offences may all be heard by a court which is competent to hear the charge for any one of the offences, if the offences are connected and if the hearing of all the charges by that court is deemed appropriate in view of the available evidence, the costs of the proceedings and the other circumstances. If the case has earlier been pending against one of the defendants in a court, that court is competent to hear also the charges brought against the other defendants.

Section 6

Where a criminal case is pending in a court and a charge for false or unsubstantiated accusation is brought in connection with the case, that court may hear also the latter charge.

Section 7

A court remains competent, even if there is a change in the circumstances giving rise to the competence after the criminal case has become pending.

Section 8

(1) A court, where a charge brought by the public prosecutor is pending, may on the request of the prosecutor and for special reasons transfer the case to another competent court. The orders and other measures of the transferring court shall remain in force, until the court to which the case has been transferred otherwise orders. However, the case is not to be transferred back, unless new special reasons so require.

(2) An order on the transfer of a case or on the rejection of a transfer request is not subject to appeal.

Section 9

(1) Where an appeal is pending in a criminal case before a court of appeal, the court of appeal may for special reasons transfer the case to another court of appeal, where another criminal case concerning the same person is pending.

(2) An order on the transfer of a case or on the rejection of a transfer request is not subject to appeal.

Section 10

When a higher court considers that a criminal case pending before it should be returned to be heard by the lower court, it may on the prerequisites referred to in section 3 transfer the case also to a lower court which has not earlier heard it, if any of the offences concerned has been committed within its jurisdiction or if another criminal case concerning the same person is pending in that court.

However, the case is not to be transferred, if there is an impediment to the same, as provided in section 11.

Section 11

(1) If, in accordance with specific provisions, the charges against any of the defendants or for any of the offences are to be directly heard in a higher court or in a district court other than that referred to in sections 1 and 2, another court is not to admit the charges under sections 3–5.

(2) However, in connection with another criminal case before a Court of Appeal or the Supreme Court, a charge may be directly admissible even if it otherwise should be heard by a lower court, if the offences are interconnected and the hearing of the charge in the higher court is deemed appropriate in view of the evidence to be supplied, the costs of the proceedings and the other circumstances. (963/2000)

Section 12

The provisions in sections 1–11 on a charge apply also to other public-law demands arising from the offence.

Section 13 has been repealed.

Section 14

(1) If a higher court finds that a lower court is not competent to hear a criminal case initiated in that court, or ratifies an order of the lower court to that effect, the higher court shall, where so requested in the appeal or in the response to the appeal or where so required by very important reasons, transfer the case to the correct lower court, if this is possible on the basis of the available evidence.

(2) Where a case has been brought before several courts and each has made an order of inadmissibility for lack of jurisdiction, the Supreme Court shall, if it finds one of these courts to be the competent court, on application annul the erroneous order and return the case to the appropriate court for a hearing.

Chapter 5 – **Bringing a charge**

Application for a summons

Section 1

(1) The prosecutor is to bring a charge by delivering a written application for a summons to the registry of the district court. The court may order, to the extent deemed necessary, that the prosecutor can bring a charge by self summonsing the defendant.

(2) The criminal case becomes pending when the application for a summons arrives at the registry or, if the prosecutor summonses the defendant, when the summons is served on the defendant.

Section 2

A charge for offences which can be punished by the court on its own initiative may be brought without need for a summons.

Section 3

(1) The application for a summons shall indicate:
   (1) the defendant;
   (2) the injured party;
   (3) the act for which the charge is being brought, the time and place of commission and the other information necessary to specify the act;
   (4) the offence which the prosecutor considers to have been committed;

(5) the demands for a penalty and for forfeiture, and the provisions on which they are based; (894/2001)
(6) the claims of the injured party pursued by the prosecutor by virtue of chapter 3, section 9;
(7) the evidence that the prosecutor intends to present and what he/she intends to prove with each piece of evidence;
(8) the request, order or consent, if one is a prerequisite for the bringing of a charge; and
(9) the circumstances on which the jurisdiction of the court is based, unless jurisdiction is otherwise evident in the application for a summons.

(2) In addition, the application for a summons shall indicate the names of the court and the parties, as well as the contact information of their legal representatives, attorneys or counsel. The court shall also be provided in a suitable manner with the contact information of the parties, witnesses and other persons to be heard.

(3) The application for a summons shall indicate the duration of the deprivation of liberty, if the defendant has been deprived of his/her liberty for longer than 24 hours, and whether there is a reason for the holding of the main hearing within two weeks of the date when the charge become pending, as provided in section 13(1).

(4) The prosecutor is to sign the application for a summons.

Section 4

The prosecutor is to provide the court with the memorandum of the criminal investigation, the written evidence, the objects serving as evidence and the other documents necessary for the hearing of the case; these are to be annexed to the application for a summons or without delay after the bringing of a charge.

Completing the application for a summons

Section 5

(1) If the application for a summons is incomplete, the prosecutor is to be exhorted to remedy the incompleteness within a set period. At the same time, the prosecutor is to be advised as to how the application is incomplete.

(2) For a special reason, the court may extend the period referred to in paragraph (1).

Dismissal of the case without issuing a summons

Section 6

The court is to dismiss the case at once, if the prosecutor does not heed the exhortation to complete the application for a summons or if the application is so incomplete that it will not serve as the basis for proceedings, or if there is another reason for the inadmissibility of the case.

Completing the criminal investigation

Section 7

If the criminal investigation is incomplete in a manner preventing the main hearing from being continuous, the court is to notify the prosecutor of the incompleteness and exhort him/her to see to the completion of the criminal investigation within a set period.

Summons issued by the court and other preparation of the case

Section 8

(1) If the case is not dismissed at once, as provided in section 6, the court is to issue a summons without delay.

(2) The summons, the application for a summons and the claim referred to in chapter 3, section 10 are to be served on the defendant as provided in chapter 11 of the Code of Judicial Procedure on service of notices.
(3) For a special reason, the summonsing of the defendant may be carried out also by serving only the summons on him/her and by advising him/her of the circumstances underlying the summons, as referred to in section 3(1)(3)–3(1)(5). In this event, the application for a summons and the claim referred to in chapter 3, section 10 are to be posted to the defendant without delay and well in advance of the hearing so that he/she has sufficient time to prepare his/her defence.

Section 9

(1) In the summons the defendant is to be exhorted to respond to the demands made against him/her, either in writing within a deadline or orally at a hearing. In the summons, the defendant is to be exhorted to:
    (1) state his/her position as regards the claims filed against him/her;
    (2) state the reasons for the position, if he/she objects to the charge or to the other claims;
    (3) mention the evidence that he/she intends to present and state what he/she intends to prove with each piece of evidence, unless it is evident, owing to a confession by the defendant or to other circumstances, that there will be no need for evidence; and
    (4) deliver to the court the written evidence relied on.
(2) When issuing the exhortation, the court may lay down instructions as to the matters that the defendant is to address in the response.
(3) When responding to the claims, the defendant shall also provide the court with suitable information on how to contact the witnesses whom the defendant intends to have heard in the trial.
(4) For a special reason, the court may permit the delivery of a response orally in the registry of the court or at a court hearing, even though a written response was required.

Section 10

(1) A preparatory hearing is to be arranged in the case, if this is for a special reason necessary in order to secure the immediacy of the main hearing.
(2) The court may exhort a party to deliver a written statement to the court before the preparatory hearing or between the hearings, if it considers this necessary. In this event, the court is to lay down instructions as to the matters that the party is to address in the statement.
(3) At a preparatory hearing, a party must not read out or hand in a written statement to the court nor otherwise make his/her case in writing.
(4) However, the party may read out his/her claim, direct references to case-law, textbooks and documents containing such technical and numerical data that they are difficult to understand merely on the basis of an oral statement. In addition, the party may resort to written notes as memory aids.

Section 11

(1) Before the main hearing, the court may decide to request expert testimony, to receive evidence, to require that a document or other written evidence relevant to the case be produced, to carry out an inspection or to undertake other preparatory measures, if such measures are necessary so as to make sure that the evidence will be all at once available at the main hearing.
(2) If a party wishes that any of the measures referred to in this section be undertaken, he/she shall request the same of the court.

Transfer of the case to the main hearing

Section 12

(1) After the conclusion of the preparation, the case is without delay to be transferred to the main hearing.

(2) A direct main hearing of the case is to be ordered, if a request for a written response or a preparatory hearing are deemed unnecessary.

Section 13

(1) If a defendant under 18 years of age is charged with an offence which under the circumstances referred to in the charge is subject to a penalty more severe than imprisonment for six months, or if the defendant is in detention, under a travel ban or suspended from public office, the main hearing is to take place within two weeks of the time when the criminal case became pending. If the order on detention, travel ban or suspension from office has been issued after the bringing of the charge, the period is to be calculated from the time when the court order was issued.

(2) If measures referred to in section 7 or 11, the joint hearing of the charges or another important reason so require, the period referred to in paragraph (2) may be ordered to be longer than two weeks.

Section 14

A main hearing may be arranged also for the consideration of a procedural issue and a part of the case that can be separately decided, even if the case for other parts were not yet ready for a main hearing.

Section 15

(1) The prosecutor, an injured party whose claim is not pursued by the prosecutor, the defendant and a counsel or support person appointed under chapter 2 are to be summoned to the hearing.

(2) If a civil claim arising from an offence is pursued by someone else than the injured party or the prosecutor, or if the civil claim arising from the offence is directed at someone else than the defendant, also that person is to be summoned to the hearing.

(3) In connection with the summons, the parties are to be notified of the date, time and place of the hearing and of the sanction for failure to appear at the hearing. In connection with the summons, the parties are to be served with the responses, written statements or evidence delivered to the court by the opposing parties.

Section 16

If a party wishes to present evidence in the main hearing, and the evidence has not been mentioned earlier, the party shall notify the court of the evidence without delay before the main hearing and at the same time state what he/she intends to prove with the evidence.

Alteration of the charge

Section 17

(1) A charge that has been brought shall not be altered. However, the prosecutor may extend a charge against the same defendant to cover another act, if the court considers this appropriate in view of the available evidence and other circumstances.

(2) The restriction of the charge by the prosecutor, a change of the reference to the applicable provision or a reference to new circumstances in support of the charge are not to be considered an alteration of the charge.

(3) The provisions in paragraphs (1) and (2) above on a charge apply also to a request for the punishment of the defendant submitted by the injured party in connection

with the hearing of the charge. Chapter 7, section 23 applies to the alteration of the claim in connection with a criminal case prosecuted by the injured party alone.

Joint hearing of charges

Section 18

(1) Charges for different offences committed by the same defendant or for the same offence committed by different defendants are to be heard jointly, unless it is deemed that it is more appropriate to hear them separately. The same applies to different offences committed by different defendants, where the joint hearing of the charges furthers the resolution of the matter.

(2) Different charges taken up for a joint hearing may later be separated, if this is justified in view of the hearing of the matter.

(3) The provisions in paragraphs (1) and (2) on charges apply also to a request for a corporate penalty.

Summons issued by the prosecutor

Section 19

(1) If the prosecutor may self issue the summons by virtue of section 1, the provisions in sections 3 and 9 apply to the summons.

(2) The prosecutor is to see to the service, as provided in chapter 11 of the Code of Judicial Procedure, of the summons, the documents enclosed to it and the summonses to a hearing for the parties referred to in section 15(1) and (2) and the persons to be heard for probationary purposes. The court is to be immediately notified of the service of the summons and a summons to a hearing.

Chapter 6 — **Main hearing**

Section 1

Before opening the main hearing, the court is to ascertain if the case is ready for a final hearing. Where necessary, an order on the separation of the charges is to be issued, as provided in chapter 5, section 18, so that the main hearing can be continuous.

Section 2

The main hearing is not to be opened and it is to be cancelled and rescheduled, if:

(1) the prosecutor has failed to appear;

(2) the defendant hs failed to appear, and the case is not such that it can be decided regardless of the failure;

(3) counsel assigned to the defendant is not present or cannot be fetched without delay, and there is no other counsel available for the immediate service of the defendant;

(4) an injured party who should be heard in person, or a witness or expert witness has failed to appear;

(5) a party wishes to refer to a new important circumstance or new evidence and the opposing party must be given an opportunity to peruse it; or

(6) there is another impediment for the taking up of the matter for a final hearing.

Section 3

The main hearing may be opened regardless of an impediment referred to in section 2(4)—(6), if there is reason to believe that the hearing need not to be postponed or, if it need to be postponed, that a new main hearing will not be necessary for a reason referred to in section 11, and the postponement does not impede the consideration of the case.

Section 4

(1) Regardless of the cancellation of the main hearing, the court may receive testimony, expert testimony or the statement of a party for probationary purposes, if there is reason to believe that:
    (1) the testimony cannot or need not be received again at the main hearing; or
    (2) the appearance of the person to be heard at the main hearing will result in unreasonable costs or undue inconvenience in view of the probationary value of the testimony.
(2) When testimony is being received in accordcance with paragraph (1), also other parts of the matter may be dealt with, if this is especially important in view of the reception of the testimony.

Section 5

(1) It is the task of the court to see to it that the case is dealt with in a coherent and orderly manner. The court may also order that a separate part of the case or a procedural issue is to be dealt with separately or that some other derogation from the procedure provided in section 7 is made.
(2) The court is also to see to it that the case is dealt with in an appropriate manner and that no irrelevant issues are brought into it. The court is to put questions to the parties so as to remove the unclarities and shortcomings of their statements.
(3) The injured party in a criminal case shall keep to the truth when making a statement on the circumstances which he/she is invoking in the matter, when commenting the statements of the opposing party and when answering the questions put to him/her.

Section 6

(1) The main hearing is to be conducted orally. A party must not read out aloud or hand in to the court a written statement, nor otherwise make a case in writing.
(2) However, the party may read out his/her claim, direct references to case-law, textbooks and documents containing such technical and numerical data that they are difficult to understand merely on the basis of an oral statement. In addition, the party may resort to written notes as memory aids.
(3) If the main hearing is carried out in the absence of an injured party or the defendant, the court is, in so far as necessary, to explain from the documents what the absent party has stated in the case.

Section 7

(1) The main hearing is to consist of the following stages, in the order indicated:
    (1) the prosecutor and the injured party present their claims and, briefly, the reasons for them;
    (2) the defendant briefly states his/her position as to the claims;
    (3) the prosecutor and the injured party elaborate on their positions;
    (4) the defendant is reserved an opportunity to be heard on the reasons stated by the opposing party;
    (5) the injured party and the defendant are heard for probationary purposes and other evidence is received; and
    (6) the parties present their closing arguments, including, where necessary, their opinion on the guilt of the defendant and the sanction for the offence.
(2) The provisions on the hearing of witnesses in chapter 17, sections 32 and 33 of the Code of Judicial Procedure apply, in so far as appropriate, to the hearing of an injured party for probationary purposes. The hearing of an injured party is to take place before the hearing of other oral testimony on the issue concerned.

Section 8

In order to safeguard the integrity of the evidence, the court may order that an injured party who has no claim in the case is not to be present in the hearing of the case before he/she is heard in order to resolve the matter.

Section 9

(1) The case is to be dealt with in a continuous main hearing.

(2) If the main hearing cannot be carried out in one day, it may be interrupted. Where possible, the hearing is to be resumed every day. If this is not possible, the hearing is to be resumed at least three times a week, unless it is postponed under section 10.

(3) In an extensive or complex case the main hearing may be interrupted for at most three working days in order to allow the parties to prepare their closing arguments, as referred to in section 7(1)(6).

Section 10

(1) Once opened, the main hearing may be postponed only if:
    (1) it has been opened by virtue of section 3;
    (2) the court has become aware of new important evidence, which can be received only later; or
    (3) the postponement is inevitable because of unforeseen circumstances or another important reason.

(2) A postponed main hearing is to be resumed as soon as possible. If the defendant is in detention, under a travel ban or suspended from office, and the postponement is not due to a mental examination of the defendant, the hearing is to be resumed within fourteen days of the postponement or, if issued after the postponement, of the decision on detention, travel ban or suspension.

(3) When the main hearing is postponed, the resumption of the hearing is to be scheduled and the parties notified of the possible sanctions for failure to appear at the hearing. If the resumption cannot be scheduled when the hearing is postponed, the court is at the appropriate time to notify the parties of the resumption and summon those parties whose presence is required.

Section 11

(1) A new main hearing is to be carried out in the case, if the court, during the main hearing, has to take on a new member because of a lack of quorum. A new main hearing is to be carried out also when the case has been postponed, once or several times, for more than a total of fourteen days.

(2) Even if the main hearing has been postponed for more than fourteen days, a new main hearing need not be carried out, if this due to the nature of the case is deemed unnecessary for a special reason and if the continuity of the main hearing can be achieved regardless of its postponement and interruption. However, a new main hearing is always to be carried out, if it has been postponed for more than a total of 45 days.

(3) If the main hearing has been postponed due to a mental examination of the defendant, a new main hearing need not be carried out even if it has been postponed for more than what is provided in paragraph (2).

Section 12

In a new main hearing the case is to be dealt with from the start. Evidence received earlier is to be re-received in so far as it is relevant to the case and there is no impediment for the reception. Otherwise, the court is to ascertain the contents of the evidence, in so far as necessary, from the documents compiled during the previous main hearing.

Section 13

If, after the conclusion of the main hearing, the court finds it inevitable that the hearing is to be supplemented for the part of an individual issue, and if the issue to be supplemented is straightforward or of little significance, the court may supplement the hearing by requesting written statements on the issue from the parties. Otherwise the hearing may be supplemented either by resuming the main hearing or by carrying out a new main hearing.

Chapter 7 – **Hearing of a criminal case prosecuted solely by the injured party**

Application for a summons

Section 1

(1) The injured party shall bring a charge by delivering a written application for a summons to the registry of the district court.

(2) The criminal case becomes pending upon the arrival of the application to the registry.

(3) The defendant may bring a charge against the injured party for false or unsubstantiated accusation without need for a summons.

Section 2

(1) The application for a summons is to indicate:
   (1) the defendant;
   (2) the act for which the charges are being brought, the time and place of commission and the other information necessary to specify the act;
   (3) the offence which the injured party considers to have been committed;
   (4) the demand for a penalty and for forfeiture, and the provisions on which they are based; (894/2001)
   (5) the other claims of the injured party and the reasons for them:
   (6) the decision of the prosecutor not to prosecute;
   (7) the evidence that the injured party intends to present and what he/she intends to prove with each piece of evidence; and
   (8) the circumstances on which the jurisdiction of the court is based, unless jurisdiction is otherwise evident in the application for a summons.

(2) In addition, the application for a summons is to indicate the names of the court and the parties, as well as the contact information of their legal representatives, attorneys or counsel. The court shall also be provided in a suitable manner with the contact information of the parties, witnesses and other persons to be heard.

(3) The application for a summons shall be signed by the injured party or, if it is not drawn up by him/her, by the person who has drawn it up. At the same time, the person drawing up the application shall indicate his/her profession and domicile.

Section 3

The injured party shall provide the court with the written evidence referred to by him/her and the memorandum of the criminal investigation, if such investigation has been carried out in the case.

Completing the application for a summons

Section 4

(1) If the application for a summons is incomplete, the injured party is to be exhorted to remedy the incompleteness within a set period, if this is necessary for the continuation of the hearing. At the same time, the injured party is to be advised as

to how the application is incomplete and notified that the case may be dismissed or rejected, if the injured party does not heed the exhortation.

(2) For a special reason, the court may extend the period referred to in paragraph (1).

Dismissal of the case and decision without issuing a summons

Section 5

(1) The court is to dismiss the case at once, if the injured party does not heed the exhortation referred to in section 4 or if the application is so incomplete that it will not serve as the basis for proceedings, or if there is another reason for the inadmissibility of the case.

(2) The court is to reject the case at once by a judgment, without issuing a summons, if the demand of the injured party is manifestly without a basis.

Summons and other preparation of the case

Section 6

(1) If the case has not been dismissed or rejected by virtue of section 5, the court is to issue a summons without delay.

(2) The summons, the application for the summons and the enclosed documents are to be served on the defendant in accordance with the provisions on service in chapter 11 of the Code of Judicial Procedure.

Section 7

(1) In the summons the defendant is to be exhorted to respond to the demands made against him/her, either in writing within a deadline or orally at a hearing. In the summons, the defendant is to be exhorted to:
   (1) state his/her position as regards the claims filed against him/her;
   (2) state the reasons for the position, if he/she objects to the charge or to the other claims;
   (3) mention the evidence that he/she intends to present and state what he/she intends to prove with each piece of evidence, unless it is evident, owing to a confession by the defendant or to other circumstances, that there will be no need for evidence; and
   (4) deliver to the court the written evidence relied on.

(2) When issuing the exhortation, the court may lay down instructions as to the matters that the defendant is to address in the response.

(3) When responding to the claims, the defendant shall also provide the court with suitable information on how to contact the witnesses whom the defendant intends to have heard in the trial.

(4) For a special reason, the court may permit the delivery of a response orally in the registry of the court or at a court hearing, even though a written response was required.

Section 8

(1) It is to be stated in the summons that the written response is to be delivered to the court registry within a set period from the service of the summons, the period being set by the court. On a request submitted before the expiry of the period, the period may be extended for a special reason.

(2) If the defendant is exhorted to respond orally, the court is to summon the plaintiff and, by way of the summons, the defendant to a hearing. At the same time, the date, time and place of the hearing are to be indicated.

Section 9

(1) If the hearing is continued under section 6(1), the case is to be prepared, unless this is deemed unnecessary because of the criminal investigation carried out in the case or for another special reason.

(2) The following issues are to be settled in the preparation:
   (1) the claims of the injured party and the reasons for them;
   (2) the position of the defendant on the claims and the reasons for them;
   (3) the evidence intended to be presented and what is intended to be proved by each piece of evidence; and
   (4) whether further information or other preparatory measures are necessary before the main hearing.

Section 10

(1) When the period for a written response referred to in section 8(1) has expired or when the response has arrived at the court, the preparation is to be continued without delay in a hearing, if the court deems that the case has not been adequately prepared for purposes of a main hearing.
(2) The court may exhort a party to deliver a written statement to the court before the preparatory hearing or between the hearings, if it considers this necessary. In this event, the court is to lay down instructions as to the matters that the party is to address in the statement.

General provisions on preparation

Section 11

The court is to carry out the preparation so that the case can be dealt with in a continuous main hearing.

Section 12

(1) The court is to attempt to conclude the preparatory hearing without delay, if possible in one session.
(2) Where necessary, the court is to reserve the parties an opportunity to express their opinion on how the preparation of the case should be arranged.
(3) A party shall before the hearing peruse the case well enough so that a new preparatory hearing is not required because of his/her omission.

Section 13

The court may order that a separate issue or procedural matter is to be separately prepared.

Section 14

(1) At a preparatory hearing the matter is to be dealt with orally. At the hearing, a party must not read out or hand in a written statement to the court nor otherwise make his/her case in writing.
(2) However, the party may read out his/her claim, direct references to case-law, textbooks and documents containing such technical and numerical data that they are difficult to understand merely on the basis of an oral statement. In addition, the party may resort to written notes as memory aids.

Section 15

Before concluding the preparation, the court is to summarise the claims of the parties and the reasons for them, if this is expedient in view of the consideration of the case. The parties are to be reserved an opportunity to be heard on the summary.

Section 16

(1) Before the main hearing, the court may decide to request expert testimony, to receive evidence outside of a main hearing, to require that a document or other written evidence relevant to the case be produced, to carry out an inspection or to undertake other preparatory measures, if such measures are necessary so as to make sure that the evidence will be all at once available at the main hearing.

(2) If a party wishes that any of the measures referred to in this section be undertaken, he/she shall request the same of the court.

Section 17

In the preparation, the court may decide on the dismissal of the case or, if the claim of the injured party is evidently unfounded, on its rejection.

Transfer of the case to the main hearing

Section 18

(1) When the issues referred to in section 9 have been settled in the preparation or it is otherwise no longer expedient to continue the preparation, the court is to declare the preparation concluded and transfer the case to the main hearing.
(2) The court, observing the provisions in chapter 5, section 13, is to schedule the main hearing and summon the parties to it in accordance with the provisions in chapter 11 of the Code of Judicial Procedure. The parties are to be reserved an opportunity to express their opinion on the time of the main hearing, if this is possible without undue inconvenience.
(3) When summoned to the main hearing, the parties are to be notified of the date, time and place of the main hearing.
(4) When summoned to the main hearing, the parties are to be served with the responses or written statements of the opposing parties.

Section 19

When the injured party is summoned to the main hearing, he/she is to be notified that by failing to appear he/she is liable to forfeit his/her right to bring a charge, if the defendant so requests. If the injured party is required to appear in person, this is to be indicated in the summons.

Section 20

If a party wishes to present evidence in the main hearing, and the evidence has not been mentioned earlier, the party shall notify the court of the evidence without delay before the main hearing. At the same time, the party shall state what he/she intends to prove with the evidence and why the evidence has not been mentioned earlier.

Section 21

A main hearing may be scheduled for dealing with an issue which can be separately decided, even if the preparation has not yet been concluded for the other parts of the case. The same provision applies also to procedural issues.

Main hearing

Section 22

The provisions in chapter 6 on a main hearing apply, in so far as appropriate, to the main hearing in a criminal case prosecuted solely by the injured party, unless otherwise follows from chapter 8, sections 7 and 8.

Alteration of the claim

Section 23

(1) A claim shall not be altered during the trial. However, the injured party may:
    (1) extend a charge against the same defendant to cover another act, if the court considers this appropriate in view of the available evidence and other circumstances;
    (2) make a demand other than that mentioned in the claim, if this is based on a change of circumstances taking place during the trial or on information received by the injured party only then; or

(3) make a demand for interest or another supplementary demand, or even a new demand, if it is based on essentially the same grounds.

(2) The restriction of the claim by the injured party, a change of the reference to the applicable provision or a reference to new circumstances in support of the claim are not to be considered an alteration of the claim.

Chapter 8 – **Parties**

Presence of parties

Section 1

(1) A party is to be ordered, under threat of a fine, to be present in person in a main hearing before a district court, unless it is deemed that his/her presence in person is not necessary for the resolution of the case.

(2) A party is to be ordered, under threat of a fine, to be present in person in a preparatory hearing before a district court, if it is deemed that his/her presence in person furthers the resolution of the case.

(3) A party is to be ordered, under threat of a fine, to be present in person in an oral hearing before a court of appeal or the Supreme Court, if this is deemed necessary for the resolution of the case.

(4) If the case can be decided regardless of the absence of the defendant, the defendant is to be notified of the same in the summons. The defendant is likewise to be notified if his/her presence in person is required.

Section 2

(1) The provisions in section 1 apply, in so far as appropriate, to the injured party even if not a party to the trial, and to the legal representative of an injured party or a party.

(2) If a party has several representatives, the court may order who of them is/are to be present in person. The court may also order that a person fully without legal capacity or with restricted legal capacity who is not entitled to be heard is to be present in person so as to be heard in the case. (445/1999)

Section 3

A defendant who is in detention shall be present in person before the court when the case regarding which he/she is detained is being dealt with.

Absence of a party in a criminal case prosecuted by the public prosecutor

Section 4

If the injured party or his legal representative fails to heed an order to be present in person before the court, under threat of a fine, and the court continues to deem the presence of the injured party in person necessary, the court is to sentence him/her to the fine mentioned in the threat and impose a higher threat of a fine, or order that he/she or his/her legal representative is to be fetched to the hearing or a later hearing.

Section 5

(1) If the defendant fails to heed an order to be present in person before the court, under threat of a fine, and the court continues to deem the presence of the defendant necessary, the court is to sentence him/her to the fine mentioned in the threat and impose a higher threat of a fine, or order that he/she or his/her legal representative is to be fetched to the hearing or a later hearing.

(2) If the defendant is ordered to be present in person before the court and, on the basis of his/her conduct, there is reason to believe that he/she will not heed the order, the court may order that the defendant is to be fetched to the hearing.

Section 6

If a party or his/her legal representative who has been ordered, under threat of a fine, to be present in a preparatory hearing or ordered to be brought to such a hearing, fails to be present or cannot be fetched, the hearing may nonetheless be carried out, if it furthers the preparation of the case.

Absence of a party in a criminal case prosecuted solely by the injured party

Section 7

If both parties are absent from the hearing in a criminal case prosecuted solely by the injured party, the case is to be struck from the docket.

Section 8

(1) If the injured party is absent from a hearing in a case prosecuted solely by him/her, the court may, on the request of the defendant, order that the injured party is to forfeit his/her right to bring charges, provided that the injured party has been summoned to the hearing under such a threat. If the defendant does not make such a request, the case is to be struck from the docket.

(2) If the defendant fails to heed an order to be present in person before the court, under threat of a fine, and the court continues to deem the presence of the defendant necessary, the court is to sentence him/her to the fine mentioned in the threat and impose a higher threat of a fine, or order that he/she or his/her legal representative is to be fetched to the hearing or a later hearing.

Section 9

If the injured party, under section 8, has forfeited the right to bring charges, but he/she has had a legal excuse that he/she could not have announced in advance, the injured party has the right to have the case reopened on the basis of the same application, by notifying the court of the same within 30 days of the order of forfeiture. If the injured party does not prove that he/she had a legal excuse, the case is to be dismissed.

Section 10

If a defendant who has been ordered, under threat of a fine, to be present in a preparatory hearing or ordered to be brought to such a hearing, fails to be present or cannot be fetched, the hearing may nonetheless be carried out, if it furthers the preparation of the case.

Hearing and decision in a criminal case regardless of the absence of the defendant

Section 11 (894/2001)

(1) A case may be heard and decided regardless of the absence of the defendant, if his/her presence is not necessary for the resolution of the case and if he/she has been summoned to the hearing under such a threat. In this event, the defendant may be sentenced to a fine or to imprisonment for at most three months, and subjected to a forfeiture not to exceed EUR 10,000. (1472/2001)

(2) If the defendant is to be sentenced to a punishment or forfeiture under paragraph (1), but he/she has had a legal excuse that he/she could not have announced in advance, the defendant has the right to have the case reopened by notifying the court of the same within 30 days of verifiable service of a notice of the punishment or forfeiture on the defendant. If the defendant does not prove that he/she had a legal excuse, the case is to be dismissed.

(3) The absence of the defendant does not prevent the rejection of the charge or the other demands.

Section 12

On the consent of the defendant, the case may be heard and decided regardless of his/her absence, if the defendant has been summoned to the hearing under such a threat and if his/her presence is not necessary for the resolution of the case. In this event, the defendant is not to be sentenced to imprisonment for more than six months.

Section 13

Notwithstanding the provisions in sections 11 and 12, the defendant is not to be sentenced to imprisonment, unless he/she has been heard in person in the main hearing.

Supplementary provisions

Section 14

The provisions in this chapter on absence from a hearing apply also to a party's departure from the hearing without leave.

Section 15

However, the failure of one party or both parties to heed the exhortation of the court to deliver a written statement on a procedural issue or their absence from a hearing arranged solely for dealing with such an issue does not prevent the resolution of the procedural issue.

Chapter 9 – **Costs**

Section 1

(1) If the defendant is sentenced to a punishment or to another criminal sanction, he/she shall be liable to compensate the State for the fees paid under the Act on the Costs of Evidence (666/1972) and for the other specific costs of evidence and forensic medical examinations during the criminal investigation and the trial, if incurring the costs has been necessary for the resolution of the case.

(2) Where it would be unreasonable to render the defendant liable for the costs referred to in paragraph (1), owing to the nature of the offence, the personal or financial circumstances of the defendant or some other reason, the liability of the defendant is to be reduced or waived.

(3) It may be provided by Decree that the defendant is not to be rendered liable to compensate the State for costs referred to in paragraph (1) where such costs amount to less than what is specified in the Decree.

Section 1a (107/1998)

(1) If the charge or other demand of the prosecutor is rejected, dismissed or struck from the docket, the State is on the request of the defendant to be rendered liable for the reasonable legal costs of the defendant.

(2) If several charges have been brought or other demands made in the same case, and some of these are approved and others decided as referred to in paragraph (1), the State is not to be rendered liable for the legal costs, unless there are special reasons for reduced liability. However, the State is not to be liable for the legal costs of a defendant who by a false confession or otherwise intentionally has contributed to the bringing of the charge.

Section 2

If the defendant has failed to appear in court or heed the instructions given by the court or by other disobedient conduct has intentionally or negligently prolonged the proceedings and thus incurred costs referred to in section 1 to the State or costs to

another party to the case, the defendant shall be liable to compensate for those costs regardless of how liability for the costs of the case otherwise is allocated.

Section 3

The representative, attorney or counsel of the defendant, who in the manner referred to in section 2 has intentionally or negligently incurred costs to the State or another party to the case, may, after having been reserved an opportunity to be heard, be rendered jointly and severally liable with the defendant to compensate for those costs.

Section 4

(1) If the defendants are convicted for participation in the same offence or for connected offences, they shall be jointly and severally liable for the legal costs.

(2) The costs pertaining to a part of the case which concerns only some of the defendants referred in paragraph (1) and the costs caused by some of the defendants in the manner referred to in section 2 shall be compensated for by that defendant alone.

Section 5

If one of jointly and severally liable persons so requests, the court is to order how the costs are allocated among them or that one of them is to compensate for all the costs.

Section 6

A demand for the compensation of legal costs shall be made before the conclusion of the hearing of the case. A breakdown of the costs shall also be supplied.

Section 7

If a demand for legal costs has been made, the court is to decide on the matter taking the provisions in sections 1–4 into account, unless otherwise follows from the demand or an admission by a party.

Section 8

(1) The provisions on civil procedure apply, in so far as appropriate, to legal costs in a criminal case prosecuted solely by the injured party.

(2) The provisions in chapter 21 of the Code of Judicial Procedure apply, in so far as appropriate, to the liability for the defendant's legal costs of an injured party who has endorsed the charge brought by the public prosecutor and to his/her right to compensation for such costs from the defendant. However, the injured party shall be liable only for the costs arising specifically from his/her participation in the case. The provisions in chapter 21, section 6 of the Code of Judicial Procedure apply, in so far as appropriate, to the joint and several liability, with the injured party, of the representative, attorney or counsel of the injured party who has endorsed the charge brought by the public prosecutor. (369/1999)

(3) If the injured party has by a false accusation or otherwise intentionally contributed to the bringing of the charge, he/she may be rendered fully or partially liable to compensate the State for the costs referred to in section 1(1).

Section 9 (369/1999)

The provisions on civil procedure in chapter 21, sections 8(2), 12, 13, 14(2), and 16 of the Code of Judicial Procedure apply, in so far as appropriate, also in criminal cases.

Section 10

The public prosecutor has the right to lodge an appeal in the name of the State against decisions under sections 1–4 and 8(3) of this chapter even if he/she has not prosecuted the case.

Section 11

If an action of the injured party against the defendant is heard in connection with a criminal case prosecuted by the public prosecutor, and no punishment or other criminal sanction has been requested to the defendant, or a person other than the injured party makes a civil claim against the defendant, the legal costs incurred shall be subject to the provisions on civil procedure.

Chapter 10 – **Voting**

Section 1

The following separate votes are to be taken in a criminal case, in the order indicated:

(1) will the charge be approved or rejected and how the act specified in the charge will be assessed under criminal law;
(2) will the person who has been found guilty be sentenced or will punishment be waived;
(3) will the court order, under chapter 7, section 6 of the Penal Code, that the earlier sentence covers also the offence now being heard;
(4) what will be the type and the amount of the sanction; and
(5) what will be the position of the court on other issues relating to the sanction.

Section 2

In a vote, the opinion of the majority is to prevail. In the event of a tie, the opinion more lenient to the defendant is to prevail.

Section 3

If more than two opinions have been supported in a vote and none of them has received the number of votes referred to in section 2, the votes for the opinion most unfavourable to the defendant are to be added to the opinion closest to it. Where necessary, this process is to continue until an opinion prevailing under section 2 is reached.

Section 4

All members of the court are to express their opinions on all the issues to be resolved.

Section 5

(1) A separate vote is to be taken on procedural issues. In this event, the provisions on voting in civil proceedings apply.
(2) If the procedural issue relates to coercive measures, the provisions on voting in criminal proceedings apply.

Section 6

The provisions on voting in civil proceedings apply to voting on a civil claim.

Chapter 11 – **Court decision**

Section 1

The decision of the main issue in criminal proceedings is called a judgment. Any other court decision is called an order.

Section 2

(1) Only the trial materials that have been referred to in the main hearing are to be taken into account in the judgment. If a new main hearing has been arranged in the case, only the trial materials referred to in that hearing are to be taken into

account in the judgment. However, also the trial materials referred to in the supplementation of the main hearing under chapter 6, section 13 may be taken into account in the judgment.

(2) If the charge is dismissed or rejected without arranging a main hearing, all the materials referred to in the application for a summons, the written response and the written statements and otherwise may be taken into account in the judgment or court order.

Section 3

The court may pass a sentence only for the act for which a punishment has been requested or for which the court may pass a sentence on its own initiative. The court is not bound by the heading or the reference to the applicable provisions in the charge.

Section 4

(1) The reasons for the judgment are to be stated. The statement of reasons is to indicate the circumstances and the legal reasoning on which the decision is based. The statement is also to indicate the basis on which a contentious issue has been proven or not proven.

(2) The judgment in a criminal case is either a conviction or an acquittal.

Section 5

(1) If several charges are being heard in the same trial, the court may decide some of them separately, even if the hearing of the other charges is to continue. However, charges against the same defendant may be decided separately only if this is justified in view of the hearing of the case.

(2) A request on a corporate fine is not to be decided, without a special reason, before the decision on the charge on which the request is based.

Section 6

(1) The judgment of a district court is to be drawn up as an independent document. It is to indicate:
   (1) the name of the court and the date of the judgment;
   (2) the names of the parties;
   (3) an account of the demands and responses of the parties, with reasons;
   (4) a list of the persons heard for probationary purposes and the other evidence received;
   (5) the statement of reasons;
   (6) the provisions and authorities applied;
   (7) the operative part of the judgment; and
   (8) the names and positions of the members of the court and whether the judgment is the result of a vote. If a vote has been taken, the minority opinion is to be annexed to the judgment.

   (167/1998)

(2) The account contained in the judgment may be fully or partially replaced by annexing a copy of the application for a summons, response or other document to the judgment, provided that the intelligibility of the judgment is not thereby compromised.

Section 7

(1) The deliberations of the court are to take place immediately after the conclusion of the main hearing or, at the latest, on the following day. The judgment is to be handed down after the conclusion of the deliberations. However, only the statement of reasons and the operative part of the judgment need be handed down, unless a more complete account of the contents of the judgment is needed. If the

judgment is the result of a vote, an indication of the same is to be made when the judgment is handed down.

(2) If in an extensive or complex case the deliberations or the drawing up of the judgment so require, the judgment may be made available in the court registry within 14 days of the conclusion of the main hearing. If, for a special reason, the judgment cannot be made available within this deadline, it is to be made available as soon as possible. The parties present at the conclusion of the hearing are to be notified of the time when the judgment will be available.

(3) When the charge is dismissed or rejected without arranging a main hearing, the order or the judgment are to be made available without delay in the court registry. In this event, the court is to notify the parties of the date of the decision well in advance of that date.

Section 8

(1) The judgment of the district court is to be signed by the chairperson of the court.

(2) The judgments of the district court are compiled, in chronological order, into a separate judgment book.

Section 9

(1) The court is to rectify the typing or calculation errors and other comparable obvious errors in its judgment. Also the chairperson of the court or, when he/she is prevented, a legally qualified member of the court may rectify errors. Before an error is rectified, the parties are to be reserved an opportunity to be heard on the rectification, where necessary.

(2) The rectification is to be marked on the judgment document and to the copies given to the parties. If a copy given to a party cannot be rectified, that party is to be sent a copy of the judgment as rectified. If an appeal has been lodged in the case, the rectification is to be notified to the appellate court.

(3) A party has the right to lodge a complaint on the rectification of an error within 30 days of service of notice of the error on the party.

Section 10

(1) If the judgment does not contain the decision on a civil claim which should have been decided in connection with the judgment, the court may supplement the judgment.

(2) A party shall request the supplementation of the judgment in writing within 14 days of the date when the judgment is handed down or made available.

(3) The parties are to be summoned to the hearing on the supplementation of the judgment under threat that the judgment can be supplemented regardless of their absence. If the court does not deem an oral hearing necessary, it is to request written statements on the issue from the parties and at the same time notify them of the date when the decision on the supplementation is to be available.

Section 11

(1) The judgment is to be supplemented by the court in the composition which made the original judgment. If a member of the court has become prevented, the judgment is to be supplemented by the court in a composition which would have been competent to decide the matter.

(2) The decision on supplementation is to be annexed to the judgment and an entry on the retroactive supplementation is to be made on the judgment document. If an appeal has been lodged in the case, the supplementation is to be notified to the appellate court.

(3) The decision on the supplementation of a judgment is subject to appeal.

Section 12 (167/1998)

(1) The parties are to be given copies of the judgment of the district court in the form of court instruments.

(2) The copies of the judgment are certified by the chairperson, a legally qualified member or an official assigned for the task.

(3) Counting from the date when the judgment of the district court is handed down or made available, the copy of the judgment is to be available to the party in the court registry

(1) within two weeks, if an intention to appeal has been declared in the case, and

(2) if possible, within 30 days in other events.

Section 13

(1) The order of a district court is to be incorporated in the minutes. However, a decision dismissing the case is always to be drawn up as an independent document.

(2) A statement of reasons is to be provided for a court order, if the case is dismissed, a demand or assertion made in the case is rejected or there is otherwise a need for a statement of reasons.

(3) Otherwise, the provisions on a judgment apply on a court order, in so far as appropriate.

Section 14

The notifications and summonses referred to in this chapter may be served on the parties by post, unless another form of service is considered necessary.

Chapter 12 – **Application of the provisions of the Code of Judicial Procedure**

Section 1

Unless otherwise provided in this Act, the provisions of the Code of Judicial Procedure apply, in addition to those of this Act, on criminal procedure and appeals.

Chapter 13 – **Entry into force**

Section 1

(1) This Act enters into force on 1 October 1997.

(2) The criminal cases pending in the courts at the entry into force are to be dealt with in accordance with the earlier provisions.

(3) A criminal case that is before a court but not yet pending shall become pending at the entry into force of this Act.