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Finnisch

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Beschuldigte (Strafverfahren)

Finnland

Diese Informationsblätter beschreiben, was geschieht, wenn jemand einer Straftat verdächtigt oder beschuldigt wird, die zu einem Gerichtsverfahren führt. Informationen über geringfügige Vergehen, wie etwa Verkehrsdelikte, für die üblicherweise nur eine Geldbuße vorgesehen ist, finden Sie im Informationsblatt 5. Wenn Sie Opfer einer Straftat sind, finden Sie umfassende Erläuterungen zu Ihren Rechten hier.

Kurzbeschreibung des Strafverfahrens

Das Strafverfahren besteht in der Regel aus folgenden Abschnitten:

Ermittlungsverfahren

Prüfung der Anklagepunkte

Hauptverfahren

Vollstreckung des Urteils

Nähere Informationen zu den einzelnen Schritten im Strafverfahren und zu Ihren Rechten finden Sie in den Informationsblättern. Diese Auskünfte sind kein Ersatz für rechtlichen Beistand und dienen lediglich der Orientierung.

Die Rolle der Europäischen Kommission

Bitte beachten Sie, dass die Europäische Kommission in Strafverfahren der Mitgliedstaaten nicht eingreifen und Ihnen daher auch nicht helfen kann. In diesen Informationsblättern finden Sie Hinweise, wie und bei wem Sie Ihre Beschwerde vorbringen können.

Klicken Sie auf die nachstehenden Links. Sie finden dort die von Ihnen gesuchten Informationen:

1 – Wie man Rechtsberatung erhält

2 – Ihre Rechte während der Ermittlungen

Vernehmung

Festnahme

Erste Anhörung vor Gericht

Vor der Hauptverhandlung

Beschwerde wegen des Vorgehens der Polizei

Sprachliche Rechte

3 – Ihre Rechte während der Hauptverhandlung

4 – Ihre Rechte nach der Urteilsverkündung

5 – Verkehrsdelikte

Links zum Thema

Strafverfahren vor einem Bezirksgericht

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1 - Getting legal advice

Getting independent legal advice is very important when you are involved in some way with the criminal process. The factsheets tell you when and in what circumstances you are entitled to be represented by a lawyer. They also tell you what a lawyer will do for you. This general factsheet tells you how to find a lawyer and how the costs of the lawyer will be met if you cannot afford to pay.

How can I find a lawyer?

If you are suspected of a crime, you always have the right to a lawyer. The police may ask you if you need a lawyer, but by law you do not need a lawyer unless you have been apprehended, arrested or imprisoned. You usually have the right to have the lawyer you want with you when you are questioned. The police may also find you a lawyer if you think you need one but do not know where to find one.

There is no monopoly on advocacy in Finland, so anyone with a law degree may act as a lawyer (the law on this is currently being revised). You can find a criminal lawyer on the Finnish Bar Association website. In addition, the Legal Aid Offices may help you (the contact information for Legal Aid Offices can be found here).

Paying for a lawyer

The main rule is that you pay for the lawyer yourself. If your income is low, you may receive legal aid. In that case, the State will pay the lawyer's fees either fully or in part. If you are suspected of a crime for which the lowest sentence is four months of imprisonment, a defence counsel will be appointed for you if you request one. The State will pay the defence counsel's fees. However, you will have to repay the defence counsel's fees to the State if you are sentenced for the crime, unless your income is so low that you are entitled to legal aid. The sums that you must pay are determined in the same way as for legal aid. The defence counsel can be a public legal aid attorney, an advocate or other lawyer. Usually, if you ask for a specific lawyer, he or she will be appointed as your counsel.

Related links

Finnish Bar Association

Finnish Bar Association

Finlands Advokatförbund

Oikeusaputoimistojen yhteystiedot
Contact information of the public legal aid offices
Kontaktinformation för rättshjälpsbyråerna
Income limits for receiving legal aid
Inkomstgränser för beviljande av rättshjälp

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2 - My rights during the investigation of a crime and before the case goes to court

What is the purpose of a criminal investigation?

The police have the duty to start a criminal investigation if there is cause to suspect that a crime has been committed. The police may hear of the suspicion from the victim of the crime. The police may also find out about suspected crimes in other ways, and they must then begin an investigation (for example, the police may themselves notice that a crime is being committed).

What are the stages of an investigation?

The criminal investigation attempts to find out about the crime that has been committed and about the people who are involved, and to collect the evidence that is needed during the consideration of charges and later during the trial. The criminal investigation is carried out by the police or, in some cases, the Finnish Border Guard, the military or the Finnish Customs. All the authorities that may carry out the investigation are referred to as 'the police' throughout these factsheets

Questioning

The police may call you to the police station for questioning. The police may also phone you and question you by phone. The purpose of the questioning is to find out whether there is cause to suspect that a crime has taken place and that you have committed it.

Arrest

You must obey if you are called for questioning, and if you do not, the police may come and fetch you for questioning. Moreover, in that case the police may arrest you.

First court hearing

If the police apply for a detention order for you, the detention hearing must take place within four days after you have been apprehended. The court holds a detention hearing and decides whether you must be detained or set free. If you are detained, the court also orders the latest date by which the charges must be brought.

If the police do not apply for a detention order, the first court hearing in your case may be the actual main hearing in court.

Before the main hearing, prosecutor's consideration of charges

Before the main hearing, the police will carry out the criminal investigation and collect all the material they have accumulated into a criminal investigation record. The criminal investigation record goes to the prosecutor. The prosecutor then decides whether there are probable grounds to suspect that a crime has taken place and that you have committed it.

The police must inform you and your lawyer about the progress of the criminal investigation and about the evidence they have found concerning your guilt in the crime. You may also collect evidence yourself or with the help of your lawyer, which will speak against your guilt, and request that it is included in the criminal investigation material.

Several questioning sessions may be held before the actual main hearing. There may also be several detention hearings.

My rights during the investigation

Click the links below for more information about your rights during the stages of the investigation.

Questioning (1)
Arrest (2)
First court hearing (3)
Before the main hearing (4)
Complaining about police actions (5)
Linguistic rights (6)

Questioning (1)

Why may the police want to question me?

If the police suspect that you know something about an alleged crime, they may question you. The purpose of the questioning is to find out about the alleged crime and the person who committed it. You may also be questioned because the police want to find out what benefit the crime has given, even if you are not suspected of it.

What will I be told about my rights?

The police must inform you of your position in the questioning (victim/suspect/witness) as soon as possible and at least before the questioning begins. As a rule, you have the right to have a lawyer with you during the questioning if you are either a victim or a suspect. If you are questioned as a suspect, the police must also tell you what they suspect you of.

If the police have apprehended you because they suspect you of a crime or you have been arrested or detained, the police must tell you about your right to use a lawyer without delay. Generally, you need not answer any questions before your lawyer is present, if you do demand a lawyer. However, you must always give the questioner your correct personal details, even if your lawyer is not present.

The police have a duty to treat you calmly and rationally during questioning. The police may not give any knowingly false statements, promises or fabrications concerning any special benefits, or tire, threaten or coerce the person being questioned, or use any other inappropriate means or methods to influence the person's willpower, memory, judgement or freedom to decide in order to extract a confession or influence the type of statement given.

What happens if I don't speak the local language?

If you do not speak Finnish or Swedish, the police will arrange for an interpreter to assist you during the questioning. For more information on your linguistic rights see Linguistic rights (6). Some police officers can use English during questioning. You do not have to pay for the interpreter. The interpreter must translate the questions from the police and your answers.
Also, at the end of the questioning, you and the interpreter will tread through the examination record together, and you can then point out if the police have recorded something incorrectly. It is very important that you go through the record carefully with the interpreter because its contents may be used against you at the trial.

May I use a lawyer?

As a rule, you always have the right to use a lawyer during questioning, whether you have been arrested or not. Generally, you need not answer any questions before your lawyer is present. If you need an interpreter, you may also use one when you are talking with your lawyer.
If you know of a lawyer whom you want to use, you may ask the police to contact him or her. If you do not know of any lawyer, the police can find you one. The police may also give you a list of lawyers who often manage criminal cases, or give you a list of lawyers who are members of the Finnish Bar Association. You may then choose a lawyer yourself, and the police will contact him or her.

Do I have to answer the police questions?

You must always give the police your correct personal details. You need not answer any other questions. If you know of something that would help to solve the crime and remove the suspicion against you, it may be sensible to answer the questions. You should talk with your lawyer about whether you should answer the questions or not.
The police must also follow the law as regards the times when questioning is allowed. As a rule questioning sessions may not be held between 10 p.m. and 7 a.m. For more information about when questioning is allowed, see here.

Can the police conduct a body search and take my fingerprints?

If you are suspected of a crime, the police have the right to take your fingerprints. The police have the right to conduct a personal search – that is, to check what you have in your clothing or otherwise on you – if you are suspected of a crime for which the maximum sentence is at least six months' imprisonment or the alleged crime is a crime mentioned in Chapter 5, Section 10 of the Coercive Measures Act.
The police have the right to conduct a body search, including taking a blood sample or other examination of your body, if you are suspected of a crime for which the maximum sentence is more than six months' imprisonment or if the crime is one that is mentioned in Chapter 5, Section 11 of the Coercive Measures Act. In practice, ordinary crimes, such as theft, aggravated assault and narcotics offences, are crimes for which a body search may be carried out; this may mean that a DNA sample is taken.

Arrest (2)

Why may the police arrest me?

The purpose of an arrest is to safeguard the criminal investigation. The police may arrest you if they suspect you of a serious crime, for which the minimum sentence is two years' imprisonment. In this case they need no other grounds for arrest except a serious enough suspicion that you have committed the crime.
If they suspect that you have committed a less serious crime, such as aggravated assault or theft, they may arrest you if, in addition to the alleged crime, they have cause to suspect that you may:
run away or otherwise avoid the investigation,
make it more difficult to investigate the matter or
continue to commit more crimes.
In addition, the police may arrest you if they do not know you and you refuse to tell them your name or address or give them a name or address which is obviously false. If you do not have a permanent residence in Finland and it is likely that you may leave the country to avoid the investigation, the trial or the enforcement of the sentence, the police may also arrest you.
A civil servant who has the right to decide about arrests will decide about your arrest, and a court order is not needed. Civil servants who can decide about arrests include higher-ranking police officers, the public prosecutor and higher-ranking Customs and Border Guard officers. Chapter 1, Section 6 of the Coercive Measures Act contains the legal provisions about civil servants entitled to make arrests.

What will I be told about my arrest?

The police must tell you why you are arrested as soon as you have been declared arrested or apprehended on the basis of an arrest warrant. They must also inform a family member or other close person about the arrest if you ask them to do so, unless this causes difficulty for the investigation.

I do not speak the local language. Do I have the right to an interpreter?

If you do not speak Finnish or Swedish, the police will arrange an interpreter for you. For more information on your linguistic rights see Linguistic rights (6). Sometimes police officers may also conduct their questioning in English, if you both feel that you can manage in English. You need not answer any questions before the interpreter is present.

Can I meet with my lawyer?

You always have the right to meet with your lawyer when you have been arrested. At your request, a defence counsel will also be appointed for you. The State will pay the defence counsel's fee. You may choose your lawyer yourself, but he or she must have a degree in law.
You have the right to talk to your lawyer without the police being present, and your discussion may not be listened to or recorded. If you need an interpreter, he or she can also be present when you talk to your lawyer.

Do I have to answer the police questions?

You do not need to answer any questions that the police ask you, except to give your personal details. Sometimes it is in your own interest that you do answer the questions because it may help to clarify what has happened and the suspicion against you may diminish. When the court reflects on your guilt, they may take into account that you have not replied to questions. However, not replying to questions alone is never a sufficient cause for sentencing.

What if I say things that may harm my case?

It is your fundamental right that you do not need to help in establishing your own guilt. This means that you have no duty to say things that support your guilt. However, if you decide to talk about things only in court, you must be prepared to explain why you haven't said anything before. The court has the right to bear in mind that you only said at the trial that you were somewhere else when the crime took place. This may harm the credibility of your story.
If you mention things during the questioning that later prove harmful to your case, your story may be used against you. If you tell a different story at the trial than what you said during the questioning, you must be able to explain why. or the court may not think your story is credible.

May I contact my family members?

You have the right to be in touch with your close kin, such as the members of your immediate family, unless the police have a serious reason to restrict your contacts. The police must also inform your next-of-kin about your arrest without delay, unless that causes difficulties for the investigation.

I come from another Member State. May I contact my embassy?

You have the right to contact your embassy, unless the police have a serious reason to restrict your contacts. In general, the embassy is informed at the latest when the police apply for a detention order for you.

May the police take my fingerprints? May my DNA sample be registered?

In general, if you have been arrested, the police may always take your fingerprints and register your DNA.

Can the police conduct a personal search on me?

The police may order that a search is carried out on you. The search may be a personal search to find out what you have in your clothing or otherwise on you, or a body search, which includes searching your body, taking a blood sample or other examination of your body.

If the body search requires medical expertise, only a physician may do it. Otherwise, the police or a health professional will do it.

The legislation contains conditions for when a body search is allowed; for example, the seriousness of the suspicion. In practice, all ordinary crimes (theft, aggravated assault and narcotics offences) allow the police to carry out a bodily search.

What happens if I am arrested on the basis of a European Arrest Warrant?

If another Member State has issued a European Arrest Warrant for you, you may be arrested and detained for extradition to the State that has issued the Arrest Warrant. During the detention hearing you have the right to have a defence counsel and an interpreter. The State will pay their fees and you don't need to pay them back to the State. You may choose your lawyer yourself in the same way as when you are otherwise suspected of a crime.

First court hearing (3)

Why is the first court hearing arranged?

If the police apply for a detention order for you, the court must decide about the detention. If you have not been arrested and the police do not apply for a detention order, the first court hearing will usually be the actual main hearing of the case.

If you have been arrested, the police must apply for a detention order for you as soon as possible and at the latest before twelve o'clock on the third day after you were apprehended. If not, you must be set free. The court must deal with the application for a detention order without delay.

If you are under arrest, the application for a detention order must be dealt with within four days of the day on which you were apprehended at the latest. The court will hold a detention hearing and decide whether you must be detained or set free. Instead of ordering you to be detained, the court may also place you under a travel ban.

Together with being detained, the court may also order restrictions on your contacts. This means that during the beginning of your detention you may not contact anyone other than your lawyer.

There is no bail system in Finland; in other words, you may not lodge a sum of money with the court that would allow you to be set free to wait for the main hearing.

Do I have the right to a lawyer?

In the detention hearing you have the right to a lawyer. At your request, the lawyer must be appointed as your defence counsel, which means that the State will pay his or her fees at first hand. You also have the right to manage your defence on your own, but if the police apply for a detention order, it is recommended that you use a lawyer. You may choose your lawyer yourself.

Do I have the right to an interpreter if I don't understand the language?

If you do not understand Finnish or Swedish, the court will find you an interpreter. The State will pay the interpreter's fee. For more information on your linguistic rights see Linguistic rights (6). At the hearing, the application for a detention order will be interpreted to you, if you haven't gone through it with your lawyer and interpreter before the hearing. At the hearing, all speeches will be interpreted if needed.

Do I have to speak in court?

You don't have to speak in court. If you have a lawyer, he or she may reply to the application for a detention order on your behalf. However, you have the right to be heard in person if you want to be.

Do I have to give other information in court?

In court – as otherwise during the criminal investigation – you don't have to give any information about the alleged crime. However, this might often be helpful. Your lawyer will help you to decide whether it would be better to speak and provide information.

Will I be detained or set free after the hearing?

If the court decides that there is cause to detain you and that a travel ban is not enough, you will be detained. If you don't have a permanent address in Finland, a travel ban is not possible in practice.

If the court decides that there are no grounds for detaining you, it will order that you must be set free immediately. In Finland it is not possible to set a sum of money as a guarantee. At the end of the detention hearing you will either be detained, placed under a travel ban or set free. Even if the court decides that you should be detained, you may not be detained if this would be unreasonable because of your state of health, for example.

If you are detained, the court will set a date by which the prosecutor must bring charges. This date may be postponed if the prosecutor so demands. There is no maximum period for bringing the charges, but it may not be longer than is necessary for completing the criminal investigation and preparing the charges. If it turns out that the time set for bringing the charges is too short, the court may extend it at the prosecutor's request. The court must give you and your lawyer the opportunity to be heard because of the request.

Is the detention hearing public?

As a rule, court sessions are public, and this is also true for detention hearings. In general, however, for reasons of investigation, the police will request that the detention hearing takes place without the public and that the material in the case is kept secret until the charges are considered. The end result of the hearing is always public.

Can I appeal if the court orders me to be detained?

You may appeal against the detention order at the Court of Appeal without a specified appeal period. The Court of Appeal will consider your appeal as an urgent matter. As a rule, hearings at the Court of Appeal are written.

The court must also reconsider your detention if you demand it and even if you have not appealed against the detention. However, a detention matter need not be reconsidered until two weeks after the first hearing. Your lawyer will give you more information on the conditions under which you may find it better to demand reconsideration. When the matter of your detention is reconsidered, this may also take place by a video link. You are then in prison either on your own or with your lawyer and the judge sits in court either alone or in the presence of your lawyer, and you are connected through a video link.

May I leave the country before the trial?

If the court decides at the detention hearing that you must be set free, you may leave the country freely. If the court places you under a travel ban, the court order will specify the content of the ban. If the investigation against you is continued and you have left the country, you may be detained in your absence, if necessary, and a European Arrest Warrant will be issued for you if you cannot be reached.

Before the main hearing, prosecutor's consideration of charges (4)

What happens before the main hearing?

The police will conduct the criminal investigation, and when it is complete they will send the criminal investigation record to the prosecutor. If a defence counsel has been appointed for you, the record will also be sent to him or her.
You and your lawyer have the right to request further investigation if you think the investigation is not complete in some way. You have the right to receive a copy of the criminal investigation record. If a defence counsel has not been appointed for you, the investigation material will not be sent to you or your lawyer automatically.
After this, the prosecutor decides about bringing charges. If charges are brought, you will receive a copy of the application for summons, and you will also be summoned to the main hearing. The application for summons lists the charges as well as the evidence and witnesses the prosecutor will call in order to prove your guilt beyond a reasonable doubt.
You have the right to name witnesses or evidence of your own. In general, it is better if the police question people during the criminal investigation before the court hearing. You should ask your lawyer what to do if you want to call a person as a witness and the prosecutor has not named him or her.

Will there always be a main hearing?

If the prosecutor finds that there is no probable cause to support your guilt, he or she will decide to waive the charges (not bring charges), and the matter will normally stop there. If this happens and you are in detention, you will be set free at once.
The prosecutor can also decide to waive charges although he or she considers you to be guilty. In that case the prosecutor thinks a trial is not necessary. This may be because it is a minor offence, or because of your young age. If you feel that you are not guilty of the crime, even though the prosecutor thinks you are, you have the right to bring the matter before a court for a decision.
The victim has also the right to bring charges if the prosecutor has decided to waive the charges against you.
Certain minor offences can also be dealt with in a written procedure, which means that there will be no actual main hearing. A written procedure can be arranged if, for example, you have admitted your guilt and consent to the procedure.

Can I admit my guilt before the trial?

You may admit to the police that you are guilty of the crime. Your case may still proceed to a main hearing if the prosecutor brings charges and a written procedure is not possible. Sometimes, if you confess and help the investigation of the crime, this may help to reduce your sentence, but this depends on the court's deliberation.
A confession does not affect your right to appeal, and you may also withdraw your confession at any time. However, even if you have withdrawn your confession, the court may take it into account when it considers whether you are guilty.

Can the names of the charges be changed before the trial?

Depending on how the investigation proceeds, the names of the charges may change during the criminal investigation. The prosecutor may also charge you with a crime that is different from the one you are suspected of, as long as the main points of the crime have been determined during the criminal investigation (for example, the police have suspected you of murder but the prosecutor charges you with manslaughter). The prosecutor may add more detail about the charges, even after they have been brought.

Can I be charged with a crime that I have already been charged with in another Member State?

As a rule, you may not be charged with a crime that you have already been charged with in another Member State. However, this requires that the decision given in the other Member State is final and one of the following is true:
the charges were dismissed,
you were found guilty but were not sentenced to a punishment,
the sentence has been enforced or is being enforced, or
the sentence has lapsed according to the legislation of the country in which the sentence was passed.
If you feel that you have been charged with a crime that you have already been charged with in another Member State, you should definitely speak to your lawyer about it.

Complaining about police actions (5)

I feel that the police have acted incorrectly towards me. Who can I complain to?

If you feel that, while engaged in his or her duties, a police officer has acted incorrectly towards you, you can make an administrative complaint. His or her actions will then be investigated.
An administrative complaint is submitted to a higher police officer or to the highest guardian of the law. The highest guardians of the law are the Chancellor of Justice and the Parliamentary Ombudsman. The complaint must be made in writing, but otherwise its form is free.
If you suspect that a police officer has committed a crime, you can make a crime report about him or her. The police have the duty to always register the report on the basis of your information. The prosecutor always leads an investigation if a police officer is suspected of a crime. In this case, only the prosecutor is entitled to decide whether there is cause to suspect a crime and whether a criminal investigation must be conducted. The police must send a copy of the crime report to the relevant prosecutor unit without delay, so that an investigator in charge may be appointed. You also have the right to know whether a criminal investigation is being started and how the investigation is proceeding.
If the police treat you improperly, you should always ask your lawyer for advice on what you should do about it.

Linguistic rights (6)

When you are suspected of a crime, you have the right to use either Finnish or Swedish at all stages of the criminal process. If you do not speak Finnish or Swedish, an interpreter will be arranged for you for both the questioning and the trial. You also have the right to an interpreter when talking to your lawyer in connection with questioning sessions. You will not have to pay for the interpreter.
Some police officers can use English during the questioning; in exceptional cases, they may be able to use other languages as well. If you feel that you and the police officer do not understand each other because of language issues, you have the right to demand an interpreter. It is very important that you understand the content of the questioning so that you can sign the examination record on your own behalf.
The authorities do not have to translate all the material that has been collected during the criminal investigation into a language that you understand. In general, the criminal investigation material is not translated. For this reason, it is important that you have a lawyer who understands the language used in the criminal investigation. The application for summons will either be translated or interpreted orally to you.

Related links

Judicial system
Ministry of Justice
Criminal Investigations Act in Swedish
Criminal Procedure Act
Criminal Procedure Act in Swedish (unofficial translation)
Coercive Measures Act in Swedish

Police
Detention Act in Swedish
Act on Extradition on the Basis of an Offence Between Finland and the Member States of the European Union
Act on Extradition in Swedish (unofficial translation)
More information on coercive measures
More information on coercive measures in Swedish
Complaining about police actions
Complaining about police actions (in Swedish)
Brochure on the Language Act in Swedish

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3 - My rights during the trial

Where does the trial take place?

Criminal trials are normally held in a general court of first instance. These are called District Courts. Generally, the court in the area where the alleged crime was committed will hear the case. Trials are normally public. This means that anyone may be present at your trial. However, the court may order that certain cases, such as matters related to sexual crimes, are heard fully or in part without the public being present. The same is true if you are under eighteen years of age when you face charges.

The composition of the court depends on the nature of the case. Your case may be heard by one judge, one judge and three lay judges, two judges and three or four lay judges, or three judges. As a rule, the composition depends on how serious the crime is.

Can the charges be changed during the trial?

Normally, a charge may not be changed after it has been brought. However, the prosecutor may extend the charge to cover another act if the court finds it appropriate in view of the evidence presented.

The following do not mean that the charge is changed: if the prosecutor restricts the charge, or announces a new section of law that was not mentioned in the application for a summons, or brings in a new fact to support the charge.

If you plead guilty to all or some points of the charge during the trial, the court may not need to hear so much evidence. In simple criminal matters the defendant's confession is usually enough for a judgment. However, the more serious the crime is, the more evidence is needed in addition to a confession.

What are my rights during the trial?

You always have the right to be present at a trial, unless your case is decided in chambers in a written procedure. In this case, you may be sentenced to nine months' imprisonment at most. However, if the sentence is more than six months' imprisonment, the court must allow you to present an oral statement.

For some minor offences, you may be sentenced even if you are not present. In this case the sentence may be a fine or a maximum of three months' imprisonment and a forfeiture of EUR 10,000 at most

If you are summoned to the trial in person, you must be present throughout the trial, unless the court allows you to leave. If you need an interpreter, one will be found for you. For more information on your linguistic rights see Factsheet 2.

You have the right to manage your defence by yourself. You also have the right to use a lawyer. If you come to the trial without a lawyer and the court finds that you are not able to defend yourself, the court may order a lawyer to be your defence counsel, even against your will. In principle, you have the right to change your lawyer at any time.

You have the right, but not the duty, to speak at the trial. As a defendant, you do not have to help the court to determine your guilt. If you want to be heard in the case, you do not have to tell the truth, except about your personal details and your income. The court will compare your account to the accounts of other people heard in the case and to the evidence, and will then consider how reliable your account is.

What are my rights in relation to the evidence against me?

You have the right to study the evidence if that does not harm the criminal investigation. In principle, any evidence against you can be used in court. However, the court has the right to restrict the presenting of evidence or hearing of witnesses that clearly cannot have an effect on the judgment.

You also have the right to present evidence or to hear witnesses of your own. You should find and present such evidence or witnesses as early as possible, but you may present them for the first time at the main hearing or even during the appeal. However, if you present new witnesses or evidence at a very late stage, the court may have some doubts about their importance when it considers your guilt.

You and your lawyer have the right to question all witnesses in the case. If you use a lawyer, he or she will generally ask the questions in court on your behalf.

Finnish courts have free discretion over the evidence. This means that the court decides the importance of each piece of evidence or witness.

Will information in my criminal record be taken into account?

If you have a criminal record in Finland, it will be taken into account when deciding the sentence. The criminal record may affect whether your sentence will be unconditional or conditional imprisonment. In addition, it may make your sentence more severe if the court thinks that your previous crimes show that you do not respect the law.

A previous sentence in Finland may also make your sentence less severe if the charge that is now being heard could have been heard together with the earlier charges. The court may also take an unconditional prison sentence and community service in another Member State into account with a view to adjusting the sentence.

What happens at the end of the trial?

The trial ends at the judgment, which is handed down either the same day or later in chambers. The judgment may find you guilty of all or some of the crimes mentioned in the charge, or the charges may be dismissed.

If the court finds you guilty, the following sentences are possible:

Unconditional imprisonment

Unconditional imprisonment may vary from fourteen days to a life sentence. If the sentence is more than two years in prison, it is always unconditional.

Suspended imprisonment

A prison sentence of up to two years may be suspended if the court decides that is appropriate. You may be sentenced to a fine as well as a suspended prison sentence or, if the conditional imprisonment is longer than a year, to 20–90 hours community service.
A suspended prison sentence always goes together with a probationary period of at least one and at most three years. If you do not commit new crimes during this period, your prison sentence will not be enforced. If you do commit a new crime during this period and you are sentenced to unconditional imprisonment because of that, the court may order that your suspended sentence is also enforced.

Community service

An unconditional prison sentence of up to eight months may be converted to community service. This generally requires that you have a domicile in Finland. Community service may not be possible if you have previous sentences of unconditional imprisonment or community service.

Juvenile punishment

If you are under eighteen and you commit a crime, you may be sentenced to a juvenile punishment. This is a special penalty for young offenders. It is heavier than a fine but milder than unconditional imprisonment.

Fine

For minor offences, you may be sentenced to a fine. Fines are imposed as unit fines. The minimum number of units is one and the maximum 120. If you are sentenced to fines for several crimes at the same time, the maximum may be more.
The amount of one unit fine depends on your income at the time of the trial. At the moment, the smallest unit fine is six euro.
If you do not pay the fine imposed by the court, it will be converted to imprisonment. Three unpaid unit fines correspond to one day of imprisonment.

What is the role of the victim during the trial?

In Finland, the role of the victim, or the injured party, is fairly strong during the trial. The injured party may join in with the charge brought by the prosecutor or present a different charge. The victim also has the right to bring charges if the prosecutor decides to waive the charges. In addition, the injured party may demand compensation from the person suspected of the crime.
The injured party is usually asked during the criminal investigation whether he or she demands a penalty for the person suspected and/or compensation for the crime. They may also present their demands at the main hearing.

Related links

Act on the Publicity of Court Proceedings in General Courts (in English) and in Swedish (unofficial translation)
Act on Criminal Procedure (in English) and in Swedish (unofficial translation)
Criminal Code (in English) and in Swedish (unofficial translation)
Ministry of Justice brochure on criminal proceedings in district courts (in Swedish)
Ministry of Justice brochure for victims of crimes
Code of Judicial Procedure, and in Swedish (unofficial translation)
Legal Register Centre

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4 - My rights after the trial

Can I appeal?

You have the right to appeal to the Court of Appeal against a District Court decision. In general, if you want to appeal against decisions the District Court has made during the hearing (such as not hearing a witness), you can only do so when you appeal against the judgment.
If you appeal to the Court of Appeal against a District Court decision, the appeal period is 30 days. You have 7 days to inform the District Court that you are not satisfied with the decision and intend to appeal. The appeal must be made in writing. It must be addressed to the Court of Appeal and submitted to the District Court that decided the matter.
You may appeal against the decision because you feel that the court did not evaluate the evidence correctly and/or because you think the court interpreted the law incorrectly. The opposing parties, that is, the prosecutor and the injured parties (if any), have the same right to appeal as you have.

What happens if I appeal?

If you appeal, your sentence will not be enforced, unless the court orders that it must be. If the court orders that you must be detained or your detention must continue, you can make an extraordinary appeal against this decision. The Court of Appeal will consider the question of detention as an urgent case, separate from the main issue.
If you are in prison when you make the appeal and if you demand to be set free, the Court of Appeal may order that you are set free to wait for the Court of Appeal's decision on the main issue.
The time the Court of Appeal takes to process your appeal varies. If you are in detention, your appeal will generally be processed more quickly. If you disagree with the evaluation of the evidence, the Court of Appeal generally has to arrange a main hearing, and the evidence will be heard again. This usually slows the process down. In any case, the Courts of Appeal take several months to process appeals.
If the opposing parties have not announced that they are dissatisfied with the District Court decision and you decide to appeal, they do not need to announce their dissatisfaction, but they can still make what is called a counter-appeal within fourteen days of the date on which the original appeal period ended. In the counter-appeal they may, for example, demand that a sentence or compensation must be increased. If you revoke your appeal, any counter-appeals will lapse.
You may present new evidence or name new witnesses to support your appeal. Presenting new evidence during a criminal process is allowed, even during the main hearing at the Court of Appeal.

What happens during the appeal process?

After you have made the appeal, it is sent to the opposing parties for information – that is, the prosecutor and the injured parties. The opposing parties are requested to respond to the appeal by a set date. If the opposing parties have appealed, their appeals will also be sent to you for information.
After the written appeals stage, the Court of Appeal will decide whether it will hold a main hearing. It must hold a main hearing if one of the parties demands it, and if the decision of the Court of Appeal depends on whether the District Court evaluated the credibility of the oral testimonials correctly.

The court may also screen your appeal if a main hearing is not needed and three members of the Court of Appeal are convinced that the District Court decision was correct. In that case, your appeal will not be examined further and the District Court decision will be final.

What happens if the appeal is successful or unsuccessful?

The Court of Appeal will examine the correctness of the District Court decision as far as that has been requested. If you feel that the District Court decision is completely wrong, the result of your appeal may be that the Court of Appeal dismisses all charges and all demands for compensation. The Court of Appeal may also allow your appeal in part. For example, the Court of Appeal may also consider that you are guilty, but may lower your sentence.

If your appeal is dismissed, you will generally have to pay any cost of presenting evidence that the State has had to pay for, as well as any legal expenses of the injured parties. If your appeal is allowed in part, it is possible that you will not have to pay these costs. If your appeal is successful, you may also receive compensation for your own legal costs, unless the State pays them.

If the charges are dismissed because of your appeal and the decision of the Court of Appeal remains final, any relevant entry will be removed from your Criminal Record.

All the parties in a court case have the right to appeal against a Court of Appeal decision by applying for a leave to appeal at the Supreme Court. A leave to appeal is very seldom granted in criminal cases. In practice, if you are to get a leave to appeal, your case must have some value as a precedent. This means that it must have a more general importance. A leave of appeal is hardly ever granted simply because you feel that the Court of Appeal has evaluated the evidence incorrectly.

If a leave to appeal is granted, the Supreme Court will again review your case either in full or as far as the leave to appeal allows (such as the determining of the sentence). As a rule, Supreme Court hearings are written. The judgment will be final when the Supreme Court decides not to grant a leave to appeal or when it grants the leave and issues a judgment. If no one appeals against a District Court or Court of Appeal decision, the decision will be final when the appeal period ends at the latest. When the decision becomes final, that is the latest point at which it will be enforced.

I come from another Member State. Can I be sent back there after the trial?

If you are sentenced, you may be refused entry to Finland or expelled to another Member State. This can be done if the authorities feel that you are a danger to the general order or general security. In practice, you will not be removed from the country unless you have been sentenced for a fairly serious crime. The simple fact that you are guilty of a crime cannot be used as grounds for removing you.

The Finnish Immigration Service will decide whether you will be removed from the country. At the same time, it may forbid you to enter the country for up to 15 years. You may appeal against this decision at the Administrative Court.

Charges are not entered in the criminal record. If you are sentenced, the following sentences will be entered in your criminal record:

unconditional or suspended imprisonment,

suspended imprisonment together with a fine, community service or supervision,

community service instead of unconditional imprisonment,

juvenile punishment or a fine instead of juvenile punishment,

dismissal from position as a civil servant, or

waiver of sentence because of criminal irresponsibility.

The criminal records are kept by the Legal Register Centre. The information is not public but the authorities may see it according to the conditions specified by law. In addition, the information may also be sent outside the EU/EES area on the basis of the Convention on Mutual Assistance in Criminal Matters.

An entry in the Criminal Records is removed after a set period following the original date of a decision that has become final. Entries that do not concern unconditional imprisonment are removed after five years. Entries that concern unconditional imprisonment of up to two years and community service are removed after ten years. Entries that concern unconditional imprisonment of two to ten years are removed after twenty years. Entries that concern imprisonment of more than five years are removed when a person has died or reached 90 years of age.

You cannot object to information being kept in the Criminal Records. However, with certain restrictions, you have the right to check what information is entered in your Criminal Records.

Related links

Criminal Procedure Act, and in Swedish (unofficial translation)

Criminal Code and in Swedish (unofficial translation)

Criminal Records and in Swedish (unofficial translation)

Criminal Sanctions Agency and in Swedish

Consideration of matters in a Court of Appeal and in Swedish

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5 - Road traffic offences

How are minor road traffic offences dealt with?

A common penalty for minor road traffic offences is a fixed fine. It may be imposed for offences where the most severe penalty is a fine or up to six months' imprisonment. The size of a fixed fine may be 10–115 euro. A fixed fine can be imposed by a police officer, a Border Guard or Customs officer.

If you do not accept the fixed fine imposed on you, you have the right to take the matter to the District Court. You must then inform the Registry of the District Court of the place where the offence took place. You must do so within a week of the date on which you received notification of the fixed fine. You cannot appeal against the District Court's decision about the fixed fine.

If a fixed fine is not possible for the traffic offence in question, the police may also issue a summary penal order and send it to the prosecutor for confirmation. In this case, the fine is not fixed. The penalty is determined as unit fines. You have the right to object to the summary penal order. You do this by notifying the prosecutor of your objection.

If you object to the summary penal order and the prosecutor decides to bring charges, the District Court will deal with the matter as a normal criminal matter. In this case you also have the right to appeal as in a normal criminal matter (see Factsheet 4).

The fixed fines and summary penal judgments issued for traffic offences may be enforced in another Member State as well.

If you break the rules about stopping and parking a vehicle, you will have to pay a parking ticket. The ticket can be issued by the police or a municipal traffic warden. The sum on the ticket varies between 10 and 50 euro, depending on the locality. In Helsinki, for example, the payment is 50 euro in the city centre and 40 euro in other areas.

You have the right to object to a parking ticket. In that case, you must present your objection to the traffic warden's office within two weeks of the date of the payment request. If the traffic warden's office allows your objection, it will withdraw the payment request. If the objection is not allowed, you have the right to complain about the payment to the Administrative Court. You must do so within 30 days of the date on which you were notified of the negative decision. The decision of the Administrative Court is final.

A parking ticket may not be enforced in another Member State because it is considered an administrative sanction.

Are such offences entered in the Criminal Records?

Fines are not entered in the Criminal Records. So, if you receive a fixed fine or a summary penal judgment, they will not be entered in your Criminal Records. A parking ticket is not a fine, it is an administrative sanction, and so it will not be entered in the Criminal Records, either.

Related links

Automatic speed surveillance

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