

G. Crimes against humanity

Crimes against humanity and other atrocity crimes (genocide and war crimes) have been codified in the Criminal Code of Finland (39/1889, as amended), under Chapter 11, Sections 1 to 7, adopted on 11 April 2008. The full Criminal Code can be found through the following links: (i) <http://www.finlex.fi/fi/laki/kaannokset/1889/en18890039.pdf> (unofficial translation); and (ii) <http://www.finlex.fi/fi/laki/ajantasa/1889/18890039001> (original).

The unofficial translation of the Criminal Code, Chapter 11, Section 3 and 4, provides the following definition of crime against humanity and aggravated crime against humanity:

Chapter 11, Section 3 (crime against humanity)

A person who, as part of a broad or systematic assault on civilian population,
(1) kills or enslaves another, subjects him or her to trade by offer, purchase, sale or rent, or tortures him or her, or in another manner causes him or her considerable suffering or a serious injury or seriously harms his or her health or destroys a population by subjecting it or a part thereof to destructive living condition or in another manner,
(2) deports or forcibly transfers population lawfully residing in an area,
(3) takes a person as a prisoner or otherwise deprives him or her of his or her liberty in violation of fundamental provisions of international law or causes the involuntary disappearance of a person who has been deprived of his or her liberty,

(4) rapes another, subjects him or her to sexual slavery, forces him or her into prostitution, pregnancy or sterilization or commits other corresponding aggravated sexual violence against him or her,
(5) engages in racial discrimination or persecutes a recognizable group or community on the basis of political opinion, race, nationality, ethnic origin, culture, religion or gender or on other comparable grounds,
shall be sentenced for a crime against humanity to imprisonment for at least one year or for life.

An attempt is punishable.

Chapter 11, Section 4 (aggravated crime against humanity)

If in a crime against humanity

(1) the offence is directed against a large group of persons,
(2) the offence is committed in an especially brutal, cruel or degrading manner or
(3) the offence is committed in an especially planned or systematic manner,
and the offence is aggravated also when assessed as a whole, the offender shall be sentenced for an aggravated crime against humanity to imprisonment for at least eight years or for life.

An attempt is punishable.

Excercising jurisdiction over alleged offender of a crime against humanity

As a general rule (Chapter 1 of the Criminal Code), Finnish law is applied, *inter alia*, to

- a crime committed within the territory of Finland;
- a crime committed in another state's territory by a Finnish citizen, by a person permanently residing in Finland (at the time of the offence or the court proceedings), or by a person who is apprehended in Finland and is a citizen or permanent resident of Denmark, Iceland, Norway or Sweden; and
- a crime directed at a Finnish citizen (if the crime being punishable by imprisonment for more than six months).

Regarding international offences, including crimes against humanity, Finland applies the universal jurisdiction principle, i.e. Finnish law is applied to such crimes regardless of the above limitations. Pursuant to Chapter 1, Section 7 of the Criminal Code, Finnish law applies to an offence committed outside of Finland where the punishability of the act, regardless of the law of the place of commission, is based on an international agreement binding on Finland or on another statute or regulation internationally binding on Finland (international offence). Crimes against humanity, war crimes and genocide are included in such offences.

Pursuant to Chapter 1, Section 8 of the Criminal Code, Finnish law applies also to other offences committed outside of Finland which, under Finnish law, may be punishable by imprisonment for more than six months, if the State in whose territory the offence was committed has requested that charges be brought in a Finnish court or that the offender be extradited because of the offence, but the extradition request has not been granted.

A criminal case may not be investigated in Finland without a prosecution order by the Prosecutor-General, where the offence was committed abroad, unless the offence was committed by, *inter alia*, a citizen or permanent resident of Finland. As a general rule, charges

may not be brought in Finland if a judgment has already been passed and has become final in the State where the act was committed or in another member state of the European Union. However, the Prosecutor-General may order that an international offence (including crimes against humanity) be brought in Finland if the judgment passed abroad was not based on a request of a Finnish authority for a judgment or on a request for extradition granted by the Finnish authorities, provided that the crime is directed at Finland; an offence in public office or a military offence; an international crime; or deemed to have been committed in Finland (unless the crime is deemed in part to have been committed in another EU-State where the judgment was issued).

Decisions of the State's national courts that have adjudicated crimes against humanity

There are not any Finnish court decisions that have adjudicated crimes against humanity. However, there has been one case resulting from the application of universal jurisdiction. Francois Bazaramba was apprehended and arrested in Finland, where he had settled in April 2007. The National Bureau of Investigation was responsible for the preliminary investigation. The prosecutorial duties were the responsibility of a state prosecutor at the Office of the Prosecutor General. During the preliminary investigation Finland was in close co-operation with Rwanda and third states. The suspect was in custody since April 2007, and he was convicted of genocide for his actions in Rwanda in 1994 on 11th June 2010 by the District Court of Itä-Uusimaa. The judgment was held on appeal by the Court of Appeal of Helsinki on 30th March 2012 which judgment became final, because the Supreme Court did not grant a leave to appeal at the Supreme Court. Bazaramba is serving his prison sentence in a Finnish prison.