Criminal Procedure Act

(689/1997; amendments up to 733/2015 included)

Chapter 1 — Right to bring a charge and the consideration of charges (670/2014)

General provision

Section 1

A criminal case shall not be taken up by the court for consideration unless a charge for the offence has been brought by a person who by law has the right to do so.
[subsection 2 has been repealed; 243/2006]

Right of the prosecutor to bring a charge (455/2011)

Section 2

(1) The duty of the prosecutor is to bring a charge for an offence and to prosecute the case. (455/2011)
(2) Provisions on the prerequisites for the bringing of charges are contained in section 6, subsection 1. Provisions elsewhere in law on a request from the injured party for the bringing of charges and on other special prerequisites for the bringing of charges shall also apply. (670/2014)

Section 3

(1) If the injured party has requested that a charge be brought for an offence for which the prosecutor may not bring a charge without such a request by the injured party, and several persons are suspected of participation in the offence, the prosecutor may bring charges also against those suspects not covered by the request. (455/2011)
(2) If the guardian, trustee or other legal representative of a minor or a person otherwise without full legal capacity has committed an offence referred to in subsection 1 against such a person, the prosecutor may bring a charge even if no request for the bringing of a charge has been made. (445/1999)

Section 4

(1) If an offence is committed against a person without full legal capacity and the prosecutor may not bring a charge without a request of the injured party, the trustee or other legal representative of that person has the right to make the request. However, in respect of an offence committed against a minor, the guardian or other legal representative of the minor has the right to make the request. (455/2011)
(2) A person without full legal capacity has the sole right to request that a charge be brought, if an offence has been directed at property which is under his or her sole administration or if it concerns a legal transaction which he or she has the capacity to make. A person without full legal capacity has said sole right also when an offence has been directed at his or her person and he or she is at least 18 years of age and can apparently understand the significance of the matter.
(3) If a minor has reached 15 years of age, he or she shall have a right parallel to that of the guardian or other legal representative to request that a charge be brought for an offence directed at his or her person.

Section 4(a) (455/2011)
If the competence of a person has been restricted other than by a declaration that he or she is fully without legal competence, and the offence for which the prosecutor may not bring a charge without a request of the injured party is directed at a matter that is in the sole competence of the trustee, only the trustee has the right to request prosecution. However, the trustee and the ward are both entitled to make the request if the offence is directed at a matter in their joint competence.

Section 5 (455/2011)
The injured party shall make the request for the bringing of a charge to the prosecutor or police within whose district the charge for the offence may be brought. If the request is made to another prosecutor or police, said authority shall forward it without delay to the competent authority.

Section 6 (670/2014)
(1) The prosecutor shall bring a charge for a suspected offence if he or she deems that:

(1) it is punishable according to law;
(2) the right for its prosecution is not time-barred; and
(3) probable grounds exist to support the guilt of the suspect.

(2) Even though there are probable grounds to support the guilt of the suspect and the other prerequisites provided in subsection 1 exist, the prosecutor may nevertheless waive prosecution on the basis of section 7 or 8 or another corresponding legal provision.

Section 6(a) (670/2014)

(1) The prosecutor shall decide to waive prosecution if:

(1) the prerequisites for the bringing of charges provided in section 6, subsection 1 are not met;

(2) the prosecutor waives prosecution on the basis of section 6,subsection 2;

(3) the injured party has not requested that charges be brought or another special prerequisite provided in law for the bringing of charges referred to in section 2, subsection 2 is not met and the nature of the case requires that a separate decision be made.

(2) Justification shall be given for the decision to waive charges. The justification shall indicate the circumstances and the evidence as well as the assessment of evidence and the legal conclusions on which the decision is based.

Section 7 (670/2014)

The prosecutor may waive prosecution:

(1) if no sentence more severe than a fine is to be anticipated for the offence and the offence, with consideration to its detrimental effects or the degree of culpability of the offender manifested in it, is to be deemed petty as a whole; and

(2) if the suspect had not reached the age of eighteen at the time of the commission of the suspected offence and no sentence more severe than a fine or imprisonment for at most six months is to be anticipated for this offence and it is to be deemed to be more the result of lack of understanding or thoughtlessness than of heedlessness of the prohibitions and commands of the law.

Section 8 (670/2014)

(1) Unless an important public or private interest requires otherwise, the prosecutor may, in addition to what is provided in section 7, waive prosecution:

(1) if criminal proceedings and punishment are to be deemed unreasonable or inappropriate in view of a settlement reached by the suspect in the offence and the injured party, the other action of the suspect in the offence to prevent or remove the effects of the offence, the personal circumstances of the suspect in the offence, the other consequences of the act to him or her, the welfare and health care measures undertaken and the other circumstances;

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

(3) the expenses in continuing to consider the case would be in manifest disproportion to the nature of the case and to the sanction possibly to be expected in it.

(2) If charges are being considered for two or more offences for which the same person is suspected and if he or she has contributed to the clarification of one or more of the suspected offences, the prosecutor may decide not to bring charges for all of the suspected offences. However, charges shall be brought if required by an important public or private interest.

Section 8(a) (647/2003)

(1) Before deciding on the bringing of charges the prosecutor may invite the injured party and his or her counsel or attorney to an oral conference, if this would promote the reaching of a decision on the charges or the hearing of the case in court.

(2) If the suspect in the offence is under the age of 18 years, the prosecutor shall decide urgently whether to bring charges. If charges are brought, they shall be done so also without delay. (670/2014)

Section 8(b) (670/2014)

Unless the public interest demands otherwise, the prosecutor may waive a request for forfeiture if:

(1) the proceeds of the suspected offence or the value of the object or property is slight;

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

(3) prosecution of the suspected offence is waived on the basis of section 7 or 8 or of another corresponding legal provision.

Section 9

The decision to waive prosecution is to be made and service of the decision is to be given to the suspect and the injured party early enough so that the injured party has time to prepare and bring a charge in accordance with section 14. Service of the decision shall be given by post or in accordance with the provisions in Chapter 11 of the Code of Judicial Procedure.

[subsection 2 has been repealed; 670/2014]

Section 9(a) (670/2014)

(1) If the prosecutor has decided to waive prosecution on the basis of section 7 or 8 or another corresponding legal provision, he or she shall, on the request of the person whose prosecution has been waived, submit the decision to the consideration of the court. A request for this shall be submitted to the prosecutor in writing within 30 days of when the service referred to in section 9, subsection 1 has been given.
(2) When the decision of the prosecutor to waive prosecution has been submitted to the consideration of the court, the person whose prosecution has been waived shall be informed without delay of when and where the hearing shall take place and that the case may be decided regardless of his or her absence. The provisions in force on criminal proceedings apply otherwise in the consideration of the case, as appropriate.

Section 10 (670/2014)
(1) The prosecutor may, on his or her own motion or on the initiative of the injured party, undertake measures for the submission and hearing of a proposal for judgment in the proceedings referred to in Chapter 5(b) if:

(1) the maximum sentence provided in law for the suspected offence is imprisonment for six years, but not for an offence referred to in Chapter 20, sections 1, 4, 5, 6, 8(a) or 8(b) or in Chapter 21, sections 4, 5, 6(a) or 7 – 15 of the Criminal Code (39/1889); and
(2) the prosecutor deems that the hearing of the case in the proceedings referred to in Chapter 5(b) are justified, taking into consideration the nature of the case and the claims to be presented, the expenses apparently resulting from, and the time required for, a hearing in said proceedings on one hand and in the procedure provided for the presentation of charges on the other, and possible questions of participation in the suspected offence or in an offence directly connected with it.

(2) A proposal for judgment may be submitted when:

(1) the suspect in the offence in question or the defendant in the criminal case admits having committed the suspected offence and consents to the hearing of the case in the proceedings referred to in Chapter 5(b);
(2) the prosecutor and the suspect in the offence or the defendant in the criminal case are agreed on the imputable offence;
(3) the injured party has stated in the criminal investigation that he or she has no claims in the case, or consents to the hearing of the case in the proceedings referred to in Chapter 5(b).

(3) In the proposal for judgment the prosecutor commits to requesting punishment in accordance with the mitigated scale of punishment referred to in Chapter 6, section 8(a) of the Criminal Code. The prosecutor may also commit to waiving

prosecution for one or more suspected offences in accordance with Chapter 8, section 2 of this Act.
(4) The proposal for judgment shall be drafted in writing and the parties shall sign and date it. The proposal shall note the information referred to in subsection 2 and the commitment of the prosecutor to request punishment in accordance with a mitigated scale of punishment. The prosecutor may, in the proposal for judgment, state his or her opinion on the type and amount of punishment to be imposed. What is provided in Chapter 5, section 3 on the application for a summons applies in addition, as appropriate, to the contents of the proposal for judgment.

Section 10(a) (670/2014)
(1) When the prosecutor deems that a proposal for judgment may be submitted for a suspected offence, he or she shall negotiate with the suspect in the offence or the defendant in the criminal case on the submission of the proposal for judgment. The prosecutor shall as necessary clarify whether the injured party consents to the hearing of the case in the proceedings referred to in Chapter 5(b).
(2) The suspect or the defendant shall be appointed counsel for the negotiations, unless he or she specifically wants to attend to his or her own defence. Counsel shall be appointed also in such a case if the suspect or the defendant is not able to defend himself or herself or if he or she is under the age of 18 years. The provisions of Chapter 15, section 2, subsection 1 of the Code of Judicial Procedure apply to the qualifications of counsel. Notwithstanding what is provided in Chapter 2, section 1, subsection 2 of this Act, a defender shall be appointed for the suspect or defendant on his or her request. What is provided in Chapter 2 applies in such a case.
(3) In addition to the prosecutor, the suspect or defendant and his or her counsel shall be present in the negotiation, unless otherwise provided in subsection 2. The prosecutor may also invite the injured party to the negotiation, if this will promote the consideration of the case, and the injured party has the right to retain counsel and if necessary also another person. The prosecutor shall, to the extent required by the circumstances, clarify for the suspect or defendant and if necessary the injured party their rights and the significance of the proposal for judgment.
(4) When a proposal for judgment has been prepared, the prosecutor submits it and the criminal investigation documentation on the case as well as other documentation that is to be deemed necessary, to the court without unnecessary delay. The case becomes pending when the proposal for judgment arrives at the registry of the court.
(5) If the prosecutor has already brought charges for the offence referred to in the proposal for judgment, he or she shall submit the proposal for judgment to the court before the initiation of the main hearing on the charges. The prosecutor shall also notify the court hearing the charges of the proposal for judgment, and the court

shall stay the hearing of the charges. After the legally final judgment has been issued on the basis of the proposal for judgment or as necessary otherwise, the prosecutor shall notify the court hearing the charges whether the hearing of the charges should be concluded or whether he or she intends to continue to prosecute the case.
(6) If no proposal for judgment is submitted, statements by the suspect or defendant that had been given in connection with the negotiation referred to in this section may not be used as evidence in the criminal case.

Section 11 (670/2014)
(1) If the prosecutor has decided to waive prosecution, he or she may withdraw the decision only if new evidence appears in the case that shows that the decision has been based on essentially incomplete or erroneous information.
(2) If the prosecutor has waived prosecution on the basis of section 8, subsection 2 or has decided to submit the proposal for judgment referred to in section 10, he or she may withdraw the decision only if the admission or consent referred to in section 10, subsection 2(1) is withdrawn or if on the basis of new evidence that has appeared in the case the decision has been based on essentially incomplete or erroneous information.
(3) A superior prosecutor has the right to reopen the case in accordance with what has separately been provided on this.

Section 11(a) (670/2014)
Justification shall be given for a decision to waive a demand for forfeiture, in accordance with what is provided in section 6(a), subsection 2. Service of the decision shall be given to the person affected by the matter, in accordance with what is provided in section 9. In addition, the provisions of section 11, subsections 1 and 3apply.

Section 12
(1) If, after the bringing of a charge, a circumstance appears on the basis of which the prosecutor would have been entitled to waive prosecution on the basis of section 7 or 8 or another corresponding legal provision, he or she may withdraw the charge. Notice of the withdrawal of the charge shall be given as provided in section 9. (670/2014)
(2) However, the prosecutor may not withdraw the charge if the defendant in the criminal case objects to such withdrawal or if a judgment has already been handed down in the case.

Section 13 (455/2011)

The prosecutor may lodge an appeal also in favour of the defendant in a criminal case or 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 (455/2011)

(1) The injured party may himself or herself bring a charge for an offence only if the prosecutor has decided to waive prosecution or the criminal investigation authority or the prosecutor has decided that no criminal investigation shall be conducted or it shall be interrupted or concluded. The injured party may bring a charge also if, on the decision of the head investigator, the performance of criminal investigation measures has been transferred. (18/2012)

(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 the decision of the prosecutor referred to in subsection 1, bring a charge for false and unsubstantiated accusation.

[subsection 2 is repealed as of 1 January 2016; 733/2015]

(3) The injured party has the right to endorse a charge brought by the 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 or she has exercised the right to be heard in the case.

Section 15

(1) The injured party has the right to bring charges that have been withdrawn by the prosecutor or another injured party. (455/2011)

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

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

Section 16

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

(2) If the prosecutor may not bring a charge without the request of the injured party that a charge be brought, and if the injured party has withdrawn the request before the prosecutor has brought a charge, also the prosecutor may not 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. (455/2011)

Section 17

(1) If an offence results in the death of a person, the surviving spouse and children have the right of the injured party to bring a charge. If the person who has been killed was not survived by a spouse or children, 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 of those who have the primary right to bring a charge as the injured party are suspected of the offence in question.

(2) Where an injured party has died of other causes, the relatives referred to in subsection 1 have the same right to request that charges be brought 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 no request be made for the bringing of a charge and that no charge be brought.

Chapter 2 — Counsel (107/1998)

Section 1 (107/1998)

(1) A person suspected of an offence has the right himself or herself to take care of his or her defence in the criminal investigation and in the criminal proceedings.

(2) On the request of the suspect, a public defender to be appointed for him or her, if:

(1) he or 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 or she is under arrest or remanded for trial.

(3) A public defender is to be appointed for a suspect *ex officio*, when:

(1) the suspect is incapable of defending himself or herself;

(2) the suspect has no public defender and is under 18 years of age, unless it is apparent that he or she has no need of a public defender;

(3) the public defender retained by the suspect does not meet the qualifications required of a public defender or is incapable of defending the suspect in an appropriate manner; or

(4) there is another special reason for this.

Section 1(a) (436/2013)

The court may appoint trial counsel for an injured party for the criminal investigation and, when the injured person has claims in a case in which the prosecutor has brought charges, for the criminal proceedings:

(1) in a case concerning a sexual offence referred to in Chapter 20 of the Criminal Code (39/1889), unless there is a special reason for deeming this unnecessary;

(2) in a criminal case referred to in Chapter 21, sections 1 – 6 and 6(a) of the Criminal Code, if this is to be deemed justified with consideration to the relationship between the injured party and the suspect in the offence;

(3) in a case concerning an offence against life, health or liberty, if this is to be deemed justified with consideration to the seriousness of the offence, the personal circumstances of the injured person and the other circumstances.

Section 2 (107/1998)

(1) A person appointed under section 1 or 1(a) as public defender or trial counsel for the injured party shall 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 this, also a licenced legal counsel referred to in the Licenced Legal Counsel Act (715/2011) may be appointed as public defender or trial counsel. The person to be appointed as public defender or trial counsel is to be reserved an opportunity to be heard on the appointment. (719/2011)

(2) When the suspect or the injured party has himself or herself proposed a person meeting the qualifications as public defender or trial counsel, the said person shall be appointed unless there are special reasons to the contrary.

(3) The following may not be appointed as public defender:

(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 or her credibility as a public defender; or

(3) a person who is otherwise disqualified from serving as a public defender.

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

Section 3 (243/2006)

If the injured party in the offence referred to in section 1(a) who is to be heard in person in order to clarify the case, may be deemed to need support in the criminal investigation and the criminal proceedings, an adequately qualified support person may be appointed for him or her on the conditions referred to in section 1(a).

Section 3(a) (1178/2014)
(1) In addition to what is provided in section 1(a) regarding the appointment of trial counsel and in section 3 regarding the appointment of a support person for the injured person, the court may, also for a victim of pandering referred to in Chapter 20, section 9 or 9(a) of the Criminal Code, who is not an injured person, appoint trial counsel for the criminal investigation, unless for a special reason this is deemed unnecessary, and a support person for the criminal investigation and the criminal proceedings, if the person who is the subject of the offence is to be heard in person for the clarification of the case and it can be assumed that he or she may need support.
(2) The provisions in this Chapter on trial counsel and a support person for an injured person apply regarding trial counsel and support person for a person referred to above in subsection 1.

Section 4 (107/1998)
(1) A public defender, a counsel for the injured party and a support person shall 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, subsection 1 of the Legal Aid Act, the appointment may be given retroactively to encompass the necessary measures already undertaken in the case. If the hearing of the case has been concluded and the period provided for appeal has not yet expired, the appointments mentioned above shall be made by the court which last dealt with the case. (928/2008)
(2) In matters referred to in subsection 1, the District Court has a quorum with a single judge. Consideration of 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 s requested, the requesting party is to be notified of the date of the pertinent court order well in advance of the issue of the order. (382/2003)
(3) If the prerequisites for the appointment of a public defender, as referred to in section 1, no longer exist, the appointment as public defender shall lapse, unless for a special reason the court decides otherwise in view of the legal security of the defendant. The provisions in the Legal Aid Act on counsel apply, as appropriate, to the revocation of the appointment of a public defender, counsel for the injured party or a support person. (928/2008)

Section 5 (107/1998)
A public defender and counsel for the injured party may not assign their functions to someone else without permission.

Section 6 (107/1998)
A public defender and counsel for the injured party shall conscientiously and in accordance with good advocacy practice protect the rights and interests of his or her client and for this purpose promote the resolution of the case.

Section 7 (107/1998)
(1) A public defender and counsel for the injured party shall as soon as possible confer with his or her client and begin preparations to assist him or her, as well as undertake the measures necessary for the protection of the rights of the client. Where necessary, the counsel shall assist his or her client also in submitting an appeal to a higher court.
(2) The appointment as public defender or counsel for the injured party made in accordance with this Chapter shall be in force also in 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 trial counsel apply, as appropriate, to a public defender and 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 or her in the matters arising in the resolution of the case.

Section 10 (260/2002)
(1) A fee and compensation shall be paid from State funds to a public defender and counsel for the injured party appointed under this Chapter, applying as appropriate what is provided in sections 17 and 18 of the Legal Aid Act regarding the fees and compensation payable to counsel. A defendant who has been assigned a public defender and an injured person who has been assigned counsel are exempt from the obligation to pay fees referred to in section 4, subsection 1(3) of the Legal Aid Act. A defendant who has been assigned a public defender and an injured person who has been assigned counsel shall receive compensation for the expenses of the

presentation of evidence through application of what is provided in section 4, subsection 2 of the Legal Aid Act. The provisions of the State Compensation for Witnesses Act (666/1972) apply to the payment of compensation to a support person appointed on the basis of this Chapter, and to a witness summoned by a defendant who has been assigned a public defender or by an injured person who has been assigned counsel. (928/2008)
(2) The provisions in section 22 of the Legal Aid Act apply, as appropriate, to the liability of the opposing party to reimburse the State.
(3) The provisions in section 26 of the Legal Aid Act apply, as appropriate, to appeal of court orders referred to in section 4 and in this section.

Section 11 (928/2008)
If the court finds the suspect guilty of the offence for the criminal investigation and trial of which a public defender had been appointed for him or her, the suspect shall be ordered to reimburse the State for the compensation paid under section 10 from State funds. If the suspect meets the financial criteria for legal aid provided in the Legal Aid Act, the reimbursement shall not exceed the compensation which would be payable under Legal Aid Act. The public defender shall present an account of said conditions, unless such account is unnecessary in the case under consideration.

Chapter 3 – Civil claims

Section 1
When a charge is brought for an offence, a civil claim arising from this offence 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 order that the 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 hearing of the charges, as provided in Chapter 18, section 5(1) of the Code of Judicial Procedure on the bringing of an action in a civil case.
(2) A third party may bring an action against one or both parties in connection with the hearing of the charge, as provided in Chapter 18, section 5(2) of the Code of Judicial Procedure.

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 case is withdrawn.

Section 7
However, if the plaintiff withdraws the civil claim after the defendant has responded to it, on the request of the defendant the case is to be decided.

Section 8
If the charges are rejected, the civil claim may nonetheless 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 prosecutor who has brought a charge is to pursue the civil claim of the injured party against the defendant in the criminal case arising from the offence for which the charge has been brought, if this is possible without essential inconvenience and if the claim is not obviously unfounded. If the prosecutor declines to pursue the civil claim of the injured party, he or she is to notify the injured party of the same, in accordance with the provisions in Chapter 1, section 9, subsection 1. (455/2011)
(2) The injured party shall make the request during the criminal investigation or to the prosecutor. At the same time he or she shall state 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 subsection 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 given notice in the criminal investigation or otherwise to the prosecutor that he or she wishes to personally lodge 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 shall be reserved an opportunity to submit his or her claim and its grounds in writing to the court within a deadline and under threat that otherwise the claim in connection with the criminal case may be dismissed.

(2) The court may also, using a telephone or another appropriate manner of communication, exhort the injured party and anyone else who has the right to present a civil claim in the case, to notify the court within the deadline provided of their claim and its grounds. In so doing, what is provided in subsection 1 regarding dismissal of the claim does not apply. On the request of the court notification of the claim and its grounds may be made to the court by telephone or another appropriate manner of communication. If a claim and its grounds that have been orally communicated are not clear, the court may request that they be confirmed in writing. (243/2006)

(2) Unless otherwise provided in Chapter 5, sections 5 and 6 of the Code of Judicial Procedure, the claim referred to in subsections 1 and 2 may be heard in connection with the criminal case regardless of the absence of the person making the claim. (243/2006)

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 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, falling within the ambit of several courts, each of the courts has jurisdiction.
(2) If at the time that a charge is brought, there is no certainty as to the place of commission of the offence, the charge may be heard by any of the courts in the ambit of which the offence can be presumed to have been committed or in the ambit of which the person to be charged is found.
(3) A charge for an offence may also be heard by the court in the ambit of which the person to be charged lives or 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 1(a) (667/2005)
Charges for an offence referred to in Chapter 12 or 13 of the Criminal Code are considered by the Helsinki Court of Appeals.

Section 1(b) (667/2005)
Separate provisions apply to the competent court for cases involving certain offences.

Section 2 (306/2014)
Unless otherwise provided elsewhere in law, charges for an offence committed outside of Finland are considered in the court of the place where the person who is charged lives, is residing or is found or in the court of the place of residence of the injured person.

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 more expedient 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, the charges brought also against the other participants may be heard by the same court.

(2) Where a participant in an offence is charged with another offence committed in the ambit 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, the charges brought also against the other defendants may be heard by the same court.

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 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 remain in force, until the court to which the case has been transferred orders otherwise. However, the case is not to be transferred back, unless new special reasons so require. (455/2011)

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

Section 10
When a higher court considers that a criminal case pending before it should be returned for a new hearing by the lower court, it may on the prerequisites referred to in section 3 transfer the case also to a lower court which had not earlier heard it, if any of the offences concerned has been committed within its ambit 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, as separately provided, 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 hear the charges on the basis of sections 3–5.
(2) However, in connection with another criminal case before a Court of Appeal or the Supreme Court, a charge may be heard directly even if it otherwise should be heard by a lower court, if the offences are interconnected and the hearing of the charges in the higher court is deemed appropriate in view of the available evidence, the costs of the proceedings and the other circumstances. (963/2000)

Section 12
What is provided in sections 1–11 regarding a charge applies also to other public-law demands arising from the offence.

[Section 13 has been repealed; 963/2000].

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 confirms an order of the lower court to that effect, the higher court shall, where so requested in the petition of appeal or in the response to the appeal or where so required by very important reasons, transfer the case to the proper 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 a legally final order of inadmissibility for lack of jurisdiction, the Supreme Court shall on application, if it finds one of these courts to be the competent court, 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 it deems necessary, that the prosecutor may bring a charge by himself or herself summoning the defendant. Nonetheless, the prosecutor may always himself or herself bring a charge if the case is to be heard in the written proceedings referred to in Chapter 5(a). (243/2006)

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

[section 2 has been repealed; 670/2014]

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, its time and place of commission and the other information necessary to describe the act;
(4) the offence which the prosecutor considers the defendant to have been committed;
(5) the requests for a penalty and for forfeiture, as well as other claims, and the legal provisions on which they are based;
(6) the claims of the injured party pursued by the prosecutor in accordance with Chapter 3, section 9;
(7) the evidence that the prosecutor intends to present and what he or she intends to prove with each piece of evidence;
(8) additional information that the prosecutor intends to use as evidence and the grounds for the use of the additional information;
(9) the request, order or consent, if one is a prerequisite for the bringing of a charge; and
(10) the circumstances on which the jurisdiction of the court is based, unless jurisdiction is otherwise evident in the application for a summons.

(1147/2013)

(2) In addition, the application for a summons shall indicate the name of the court and of the parties, as well as the contact information of their legal representatives, attorneys or counsel. The court shall also be provided in an appropriate manner with the telephone number and other contact information of the parties, witnesses

and other persons to be heard. If such information subsequently changes, the court shall be notified of this without delay. (363/2010)
(3) The application for a summons shall indicate the duration of the deprivation of liberty, if the defendant has been deprived of his or her liberty for longer than 24 hours, and whether there is reason for the holding of the main hearing within two weeks of the date when the charge become pending, as provided in section 13, subsection 1.
(4) The prosecutor is to sign the application for a summons.

Section 4
The prosecutor is to provide the court, together with the application for the summons or without delay after the bringing of the charges, with the record of the criminal investigation, the written evidence, the objects serving as evidence and the other documents necessary for the hearing of the case.
[section 4 has been amended as of 1 January 2016 to read as follows; 733/2015
The prosecutor shall present to the court the written evidence, objects used as evidence, the record of the criminal investigation and the other documents necessary for the hearing of the case, in the manner ordered by the court together with the application for the summons, or without delay after the bringing of the charges. (733/2015)]

Supplementing 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 deficiency 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 subsection 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 supplement the application for a summons or if the application is so incomplete that it cannot serve as the basis for proceedings, or if there is another reason for the inadmissibility of the case.

Supplementing the criminal investigation
Section 7
If the criminal investigation is incomplete in a manner that would prevent the main hearing from being continuous, the court is to notify the prosecutor of the deficiency

and exhort him or her to see to the supplementing 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 shall issue a summons without delay. The summons may be issued by the chairperson of the court or the district court notary. (612/2011)

(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 summoning of the defendant may be carried out also by serving only the summons on him or her and by advising him or her of the circumstances underlying the summons, as referred to in section 3, subsection 1, paragraphs 3–5. 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 in court so that he or she has sufficient time to prepare his or her defence. If the defendant does not have a postal address, the defendant shall be notified in connection with the summoning at which District Court office the documentation is available. (243/2006)

Section 9

(1) In the summons the defendant is to be exhorted to respond to the claims made against him or her, either in writing within a deadline set by the court or orally at a hearing. In the summons, the defendant is to be exhorted to:

(1) state his or her position as regards the claims filed against him or her;
(2) state the reasons for his or her position, if he or she denies the charge or objects to the other claims;
(3) mention the evidence that he or she intends to present and state what he or she intends to prove with each piece of evidence, unless it is evident, owing to an admission by the defendant or to other circumstances, that there will be no need for evidence; and
(4) deliver to the court the written evidence on which he or she relies.

(2) When issuing the exhortation, the court may order which matters the defendant is to address in the response.

(3) When responding to the claims, the defendant shall in addition notify the court in an appropriate manner of the telephone number and other contact information of the witnesses that he or she intends to have heard. If such information subsequently changes, the court shall be notified of this without delay. (363/2010)

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

Section 10

(1) A preparatory hearing is to be arranged in the case, if this is necessary for a special reason 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 shall order which matters the party is to address in the statement.
(3) At a preparatory hearing, a party may not read out or submit a written statement to the court nor otherwise make his or her case in writing.
(4) Nonetheless, a party may read out from a document his or her claim, direct references to case-law, the legal literature, and documents containing such technical and numerical data that they are difficult to understand solely on the basis of an oral statement. In addition, the party may resort to written notes as memory aids.

Section 10(a) (243/2006)

An oral preparatory hearing may also be held by telephone or through the use of videoconference or other suitable means of communication in which the participants in the hearing are in audio contact with one another, if this is appropriate with consideration to the nature and extent of the issues to be considered in the hearing.

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 necessary in the case be produced, to conduct a judicial view or to undertake other preparatory measures, if such a measure is necessary in order to ensure that the evidence shall all be available at the same time at the main hearing.
(2) If a party wishes that any of the measures referred to in this section be undertaken, he or she shall submit a request for this to the court.

Deciding on presentation of anonymous testimony (733/2015)

Section 11(a) *(733/2015)*

[NB: the subheading and sections 11(a) – 11(e) enter into force on 1 January 2016; 733/2015]

(1) On the written application of the prosecutor, the suspect or the defendant, the court may decide that a person shall be heard as a witness in the criminal case in a manner

in which his or her identity and contact information are not revealed (anonymous witness), if

(1) the suspected offence or the offence referred to in the charge is punishable by a maximum sentence of imprisonment of at least eight years, or it is an offence punishable in accordance with Chapter 20, section 9(a) or Chapter 25, section 3 of the Criminal Code or attempt of or complicity in such an offence; and

(2) the procedure is necessary to protect the anonymous witness or someone related to him or her in the manner referred to in Chapter 17, section 17, subsection 1 of the Code of Judicial Procedure from a serious threat to life or health.

(2) The application or an appendix to the application shall indicate who is requested to appear as an anonymous witness, an account that said person requests to be heard as an anonymous witness, and the circumstances and evidence to which the applicant refers in support of his or her request.

***Section 11(b)** (733/2015)*

[NB: sections 11(a) – 11(e) enter into force on 1 January 2016; 733/2015]

(1) The District Court decides on whether a person shall be heard as an anonymous witness. The matter is considered in the District Court which is competent to consider the charges or in which the consideration of the case is most appropriate.

(2) At the District Court, the application to appear as an anonymous witness is considered by the chairman. The hearing may also be held at a time and at a place other than what is provided for the sessions of the court.

(3) The judge who decided on the hearing of an anonymous witness serves as chairman in the criminal case in which said anonymous witness is heard. If said judge is unable to serve as chairman, the judge who substitutes for him or her as chairman in the criminal case shall become acquainted with the documentation that has accrued in the procedure for deciding on anonymity. Also the judge who serves as the chairperson in the criminal case in the appellate court has the same obligation to become acquainted with the documentation.

***Section 11(c)** (733/2015)*

[NB: sections 11(a) – 11(e) enter into force on 1 January 2016; 733/2015]

(1) The court shall take up the request to hear a witness anonymously without delay. The court shall also appoint without delay a public attorney to safeguard the interests of the suspect or defendant, unless said person has himself or herself requested being heard anonymously, and provide the public attorney information regarding the contents of the application and its appendixes. The prosecutor shall hear the suspect or defendant regarding the request for the hearing of an anonymous witness. The

court may also obtain other clarification, if this is needed to clarify the matter and does not endanger the achievement of the purpose of the proceedings.
(2) No one other than the prosecutor, the suspect or defendant who had requested that the witness be heard anonymously, and the public attorney has the right to be present what the matter is considered and the court order is proclaimed. Notwithstanding this, the person who has been requested to be heard as an anonymous witness may be heard. The court may also hear persons other than the suspect or the defendant who had not requested that the witness be heard anonymously, if this is necessary in order to clarify the matter and the hearing does not endanger the achievement of the purpose of the proceedings.
(3) Chapter 10, sections 44 – 46 of the Coercive Measures Act (806/2011) apply to the public attorney.

***Section 11(d)** (733/2015)*
[NB: sections 11(a) – 11(e) enter into force on 1 January 2016; 733/2015]
(1) The provisions of this section apply to the publicity and secrecy of trial materials related to a court order on the presentation of anonymous testimony. Section 11(c), subsection 2 contains provisions on publicity of an oral hearing related to the presentation of anonymous testimony.
(2) Trial materials related to the presentation of anonymous testimony are secret unless provided otherwise in subsection 3.
(3) Trial materials related to the presentation of anonymous testimony become public as provided below, unless the court decides otherwise on the basis of subsection 4:

(1) in respect of the basic information regarding the trial as referred to in section 4 of the Act on Publicity of Court Proceedings (370/2007), the name of the court and the nature of the case, become public as soon as the case becomes pending in court;
(2) in respect of information contained in the trial materials and the basic information regarding the trial, the following become public when the request for anonymity has been granted and the case has been decided in a legally final manner: the nature of the case and the name of the court that decided the case, the applicant and the opposing party, and the issue referred to in section 11(a), subsection 1(1), in the investigation of which anonymity had been requested;
(3) the court order rejecting the request for the presentation of anonymous testimony, and the related trial materials, with the exception of information concerning the deliberations of the court, become public when the case has been decided in a legally final manner;
(4) if the suspect in an offence has presented anonymous testimony or disclosure of his or her identity is otherwise necessary in order to clarify

the offence and the information need not be kept confidential for another reason, the information becomes public when the prosecutor brings charges or the court has decided in a legally final manner to issue a summons for this offence in accordance with Chapter 7, section 5(a).

(4) The period of confidentiality of trial materials ordered kept secret on the basis of this section is 60 years. The court may order in addition that the trial materials on the order regarding anonymous testimony shall be kept secret for at most 60 years, as follows:

(1) the information referred to in subsection 3(2) regarding the applicant and his or her opposing party, if this is necessary for the protection of life or health;

(2) the documents referred to in subsection 3(3) to the extent that this is necessary for the protection of life or health.

(5) Notwithstanding what has been provided above in this section on the confidentiality of trial materials, the court:

(1) gives the applicant a document containing the court order allowing the presentation of anonymous testimony, indicating the issue referred to in section 11(a), subsection 1(1) and specifying the witness in an appropriate manner, concealing the personal and contact information;

(2) may provide the public official with the right of arrest who is heading a criminal investigation, or the prosecutor or the court, the court order regarding the presentation of anonymous testimony as well as the related trial materials for clarification of whether an offence has been committed in the consideration of the request for the presentation of anonymous testimony or whether in testifying an anonymous witness had committed an offence.

***Section 11(e)** (733/2015)*

[NB: sections 11(a) – 11(e) enter into force on 1 January 2016; 733/2015]

(1) An order of the District Court on the presentation of anonymous testimony is subject to appeal to the Court of Appeal, without registration of one's intent to appeal. The letter of appeal shall be submitted to the Court that had made the order within seven days of the order. The District Court shall forward the letter of appeal without delay together with the set of documents to the Court of Appeal.

(2) The opposing party to the appellant has the right to respond in writing to the appeal. The opposing party shall submit his or her response to the District Court that had made the order, within seven days of the conclusion of the period of appeal. The response shall be forwarded without delay to the Court of Appeal.

(3) The order of the Court of Appeal is subject to appeal by requesting leave of appeal from the Supreme Court as provided in Chapter 30 of the Code of Procedure.

Nonetheless, an order of the Court of Appeal granting a request for the presentation of anonymous testimony shall apply immediately, unless the Supreme Court decides otherwise.
(4) An appeal shall be considered as an urgent matter.

Transfer of the case to the main hearing
Section 12
(1) After the conclusion of the preparation, the case is to be transferred without delay to the main hearing.
(2) The case shall be transferred directly to the main hearing if a request for a written response or an oral preparatory hearing is deemed unnecessary.

Section 13 (243/2006)
(1) If the defendant has been remanded for trial, is subject to a travel ban or has been suspended from public office, the main hearing shall be held within two weeks of the time when the criminal case became pending. If the order on remand, the travel ban or the suspension from office has been made after the bringing of the charge, the period is to be calculated from the time when the court order was issued.
(2) If a defendant under the age of 18 has been charged with an offence which, when committed in the circumstances mentioned in the charge, is punishable by more than imprisonment for six months, the main hearing shall be held within 30 days of the time when the criminal case became pending. If the main hearing is cancelled, the new main hearing shall be held within 30 days of when the main hearing had been intended to be held.
(3) If a measure referred to in section 7 or 11, joint hearing of the charges or another important reason so require, the period referred to in subsection 1 or 2 may be set for 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 following shall be summoned to the main hearing:
(1) the prosecutor;
(2) the defendant;

(3) an injured person who has notified the court that he or she intends to present claims, and the prosecutor has not undertaken to present these claims; and
(4) trial counsel and a support person appointed on the basis of Chapter 2. (243/2006)

(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 or she intends to prove with the evidence.

Section 17

(1) A charge that has been brought shall not be amended. 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 a reference to the applicable provision or a reference to new circumstances in support of the charge are not deemed an amendment of the charge.
(3) The provisions in subsections (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 amendment 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 subsections (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 himself or herself issue the summons on the basis of section 1, the provisions in sections 3 and 9 apply to the summons.
(2) The prosecutor shall see to the service, as provided in Chapter 11 of the Code of Judicial Procedure, of the summons issued by him or her, the documents enclosed to it and the summons to a hearing for the parties referred to in section 15, subsections 1 and 2 and the persons to be heard for probative purposes. The court is to be immediately notified of the service of the summons and a summons to a hearing.

Chapter 5(a) (243/2006)
Deciding the case without the holding of a main hearing
Prerequisites
Section 1 (243/2006)
(1) A case may be decided without holding a main hearing (written proceedings), if:

(1) no more severe penalty than a fine or imprisonment for at most two years is provided for any individual offence referred to in the prosecutor's charge, under the circumstances mentioned in the charge; (455/2011)
(2) the defendant admits the act described in the prosecutor's charge and in a specific notice presented to the District Court waives his or her right to an oral hearing and agrees that the case may be decided in written proceedings; (455/2011)
(3) the defendant was an adult at the time of the commission of the act;
(4) the injured party has stated in the criminal investigation or subsequently in writing that he or she does not request the holding of a main hearing; and
(5) also when considered as a whole, in view of the extent to which the case has been clarified, holding a main hearing would be unnecessary.

(2) In written proceedings, no punishment more severe than imprisonment for nine months may be imposed.

Procedure

Section 2 (243/2006)
(1) If on the basis of the criminal investigation or otherwise there is cause to assume that the prerequisites for written procedure exist, the defendant is exhorted in connection with the service of the summons, the application for a summons and the claim referred to in Chapter 3, section 10 to notify the District Court, within the time prescribed by the court, whether or not he or she admits to the act referred to in the charge, whether or not he or she waives his or her right to an oral hearing, and whether or not he or she consents to having the matter decided in written procedure. At the same time, the defendant shall be notified of the significance of consent in the consideration of the case.
(2) In the summons, the defendant is also exhorted to respond in writing to the charges that have been presented against him or her. In other respects, the provisions of Chapter 5, section 9 apply to the summons.
(3) If the defendant submits to the District Court within the prescribed period the notice referred to in subsection 1 and the other prerequisites provided in section 1 for dealing with the case in written procedure are met, no main hearing is held in the case, and the case is decided without delay in written procedure, unless there is cause to transfer the case of a main hearing.

Section 3 (243/2006)
(1) The District Court may, for a special reason, exhort a party to submit in addition a written statement to the District Court. In so doing the District Court shall order on what issue the party shall submit such a statement.
(2) Should the District Court deem this necessary, it may reserve a party an opportunity to submit an oral statement in the chancery of the court or at the place where a court session is held. The District Court may also, if it has requested a party to submit a response or statement, allow such a response or statement to be submitted orally in the chancery or the place where a court session is held.
(3) A party is summoned to the oral hearing under threat that the case may be considered despite his or her absence. The District Court may also order that a party shall arrive in person at the District Court if his or her personal attendance is deemed necessary. In so doing, what is provided in Chapter 8 regarding the summons and the threats in the event of the absence of a party shall apply as appropriate.

Section 4 (243/2006)
(1) When an oral hearing is held in a case, the oral response or statement of a party shall be entered into the record.

(2) Service of the written response or statement of a party or the record of an oral response or statement shall be given immediately to those parties concerned, unless this is evidently unnecessary.

Section 5 (243/2006)
No punishment more severe than imprisonment for six months may be imposed on the defendant in written procedure without reserving him or her an opportunity to give an oral statement.

Section 6 (243/2006)
Chapter 2, section 6 of the Code of Judicial Procedure contains provisions on quorum in written proceedings in the District Court.

Decision
Section 7 (243/2006)
In written procedure, the judgment or order may be based only on the circumstances presented in the charges, the admission of the defendant, claims, responses and statements that may have been presented by parties in writing or presented by them orally and entered into the record, and to other written materials that have arisen in the consideration of the case. The record of the criminal investigation submitted to the District Court may be used as a basis for the judgment or order only to the extent that parties have made reference to it.

Section 8 (243/2006)
(1) The District Court shall notify the parties in writing about the date on which the judgment or order shall be given in sufficient time in advance. Notice of this date may be given already in connection with service of the summons.
(2) Immediately after the giving of the judgment or order, the District Court shall send the defendant and those injured parties who have presented claims in the case a copy of the decision and at the same time the instructions for appeal referred to in Chapter 25, section 3, subsection 2 of the Code of Judicial Procedure. The decision to be sent shall bear a note that it is does not contain information on whether or not it is legally final. The decision and instructions for appeal may be sent by post to the address most recently provided by the party.

Supplementary provisions
Section 9 (243/2006)
(1) The provisions that apply to criminal proceedings apply otherwise to written procedure.

(2) The issue referred to in Chapter 7 of this Act may not be considered in written procedure.

Chapter 5(b) – Proceedings on the basis of a plea of guilty (670/2014)

Section 1 (670/2014)

(1) The proposal for judgment referred to in Chapter 1, section 10 of this Act and in Chapter 3, section 10(a) of the Criminal Investigation Act (805/2011) is considered in the proceedings provided in this Chapter, without the main hearing referred to in Chapter 6 of this Act or in connection with such a main hearing (*proceedings on the basis of a plea of guilty*).

(2) In addition to the proposal for judgment, also other claims based on the offence referred to in the proceedings on the basis of a plea of guilty shall be considered in such proceedings.

Section 2 (670/2014)

(1) Proceedings on the basis of a plea of guilty shall be held within 30 days of when the case becomes pending. If proceedings on the basis of a plea of guilty are cancelled, new proceedings shall be held within 30 days of the date on which it was to be held. If a deficiency or lack of clarity in the proposal for judgment or another important reason so requires, the specific period may be set for a longer period.

(2) The prosecutor and the defendant shall be present in person in the proceedings on the basis of a plea of guilty. The defendant shall be assisted by counsel, unless on the basis of the prerequisites provided in Chapter 1, section 10(a), subsection 2, he or she attends to his or her own defence.

(3) The injured party shall be reserved an opportunity to be present if, in the proceedings on the basis of a plea of guilty, his or her claim that is not being presented by the prosecutor is to be considered. However, absence of the injured party does not prevent a decision on the matter.

(4) The court arranges for the summoning of parties to the proceedings on the basis of a plea of guilty.

Section 3 (670/2014)

(1) Unless the court decides otherwise, proceedings on the basis of a plea of guilty consist of the following stages, in the order indicated:

(1) the prosecutor shall clarify the content of the proposal for judgment and the other circumstances connected with it, and present to the necessary extent the criminal investigation material dealing with the case;

(2) the court shall inquire of the defendant, whether or not he or she continues to admit the offence and consents to the consideration of the

case in the procedure provided in this Chapter and whether or not he or she understands also in other respects the content and significance of the proposal for judgment, and seek to ensure that the proposal corresponds to the intent of the defendant;

(3) reserve the defendant an opportunity to otherwise comment on the proposal for judgment and the criminal investigation material;

(4) reserve the injured party an opportunity to comment on the proposal for judgment

(5) other claims are heard;

(6) the parties are provided with an opportunity to present their closing statement.

(2) The court shall ensure that the case is dealt with appropriately and that irrelevant matters are not mixed into the case. The court shall use questions to eliminate ambiguities and deficiencies in the statements of the parties.

Section 4 (670/2014)

(1) The court shall issue a judgment according with the proposal for judgment if:

(1) the defendant has made the admission and given the consent referred to in section 3, subsection 1(2);

(2) no reasonable doubt remains regarding the voluntary and valid nature of the admission, taking into consideration also the criminal investigation material concerning the case;

(3) the court convicts in accordance with the proposal for judgment;

(4) there is otherwise no bar to acceptance of the proposal.

(2) The judgment shall contain in addition a decision on the other claims based on the offence and connected with the consideration of the case. The court may also confirm a settlement, through application of the provisions of Chapter 20 of the Code of Judicial Procedure.

Section 5 (670/2014)

(1) If the court does not issue the judgment referred to in section 4, the case is withdrawn. Nonetheless the court shall on request decide on the fee for counsel and on other questions concerning costs resulting from the consideration of the case.

(2) If the case is dismissed without considering the merits, statements by the defendant that have been given in connection with the negotiation referred to in Chapter 1, section 10(a) or the hearing provided in this Chapter, may not be used as evidence in a criminal case.

Section 6 (670/2014)

(1) What is provided regarding the hearing of a criminal case applies otherwise to proceedings on the basis of a plea of guilty.
(2) A case referred to in Chapter 7 of this Act may not be heard in proceedings on the basis of a plea of guilty.

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 may not be opened and shall be cancelled and rescheduled, if:

(1) the prosecutor has failed to appear;
(2) the defendant has failed to appear, and the case is not such that it can be decided regardless of this failure to appear;
(3) counsel assigned to the defendant is not present or cannot be immediately brought, 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 case for a final hearing.

Section 3 (243/2006)

(1) The main hearing may be opened regardless of an impediment referred to in section 2, paragraphs 4—6, if there is cause to believe that the hearing need not be postponed or, if it needs 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 significantly impede the consideration of the case.
(2) The main hearing may be opened notwithstanding an impediment referred to in section 2, paragraph 2, if:

(1) the defendant has not complied with the order issued to him or her to arrive in court in person under the threat of a fine; and
(2) there is cause to assume that even if the main hearing is postponed, a new hearing need not be held in the case for the reason referred to in

section 11 and the postponement does not significantly impede the consideration of the case.

[NB. subsection 3 enters into force as of 1 January 2016; 733/2015]

[(3) Chapter 17, section 55 of the Code of Judicial Procedure contains provisions on the admission of evidence in the main hearing referred to in subsection 2. (733/2015)]

Section 3(a) (243/2006)

(1) In the main hearing that has been opened on the basis of section 3, subsection 2, a witness or expert, or a party or another defendant heard for probative purposes, may be heard despite the absence of a defendant if said defendant has been notified in connection with the summons that evidence may be presented despite his or her absence. The case may be heard also in other respects if this is necessary for consideration of a private law claim of an injured party or for presentation of evidence.

(2) In continuing the main hearing after a continuance, the court shall clarify to the defendant the trial material that has been gathered during his or her absence.

(3) Evidence shall not be presented again in the presence of the defendant. However, evidence shall be presented again if the defendant requests this and his or her absence had been due to a lawful excuse of which he or she could not have provided information in sufficient time, or the court deems that the presentation of evidence again is necessary for a special reason. On the request of the defendant evidence shall be presented again also if, on the basis of subsection 1, evidence has been presented of which the defendant had not been informed in connection with the summons.

[NB. section 3(a) has been repealed as of 1 January 2016; 733/2015]

Section 4

(1) Regardless of the cancellation of the main hearing, the court may hear a witness or an expert witness, or hear a party for probative purposes, if there is reason to believe that:

(1) the testimony need not or cannot 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 probative value of the testimony.

(2) When testimony is being received in accordance with subsection 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 4 has been amended to read as follows as of 1 January 2016; 733/2015

Chapter 17 contains provisions on the admission of evidence, notwithstanding the cancellation of the main hearing, outside of the main hearing and on the readmission of evidence in the main hearing. (733/2015)]

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 ask questions of the parties in order to remove ambiguities in 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 or she is invoking in the matter, when commenting on the statements of the opposing party and when answering questions put to him or her.

[subsection 3 has been amended to read as follows as of 1 January 2016; 733/2015

(3) The injured party in a criminal case shall keep to the truth when making a statement on the circumstances which he or she is invoking in the case, and in commenting on the statements of the opposing party. (733/2015))

Section 6

(1) The main hearing is to be conducted orally. A party may not read out loud or submit to the court a written statement, nor otherwise make a case in writing.

(2) Nonetheless, a party may read out from a document his or her claim, direct references to case-law, the legal literature, and documents containing such technical and numerical data that they are difficult to understand solely 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 shall, to the extent necessary, 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 or 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 probative 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, as appropriate, to the hearing of an injured party for probative purposes. The hearing of an injured party is to take place before the hearing of other oral testimony on the issue concerned.

[section 7 has been amended to read as follows as of 1 January 2016; 733/2015:
***Section 7** (733/2015)*
(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 or her position as to the claims that have been presented;

(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) evidence is submitted;

(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 participation of an the injured party in the proceedings may take place without the presence of the injured party or another person through the use of a video conference or another appropriate technical means of communication, in accordance with the provisions of Chapter 17, sections 51 or 52 of the Code of Judicial Procedure.]

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 or she is heard in order to resolve the matter.
[section 8 has been repealed as of 1 January 2016; 733/2015]

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, subsection 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 subsection 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, 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 6 a – Language of court proceedings and interpretation (769/2013)
Section 1 (426/2003)
(1) The language of court proceedings shall be either Finnish or Swedish, and the decision shall be issued in either Finnish or Swedish as provided in the Language Act (423/2003).
(2) Sami may be used as the language of court proceedings in the Sami home region as provided in the Act on the Use of the Sami Language before the Authorities (516/1991).

Section 2 (426/2006)
(1) A party speaking Finnish or Swedish has the right to interpretation and translations as provided in the Language Act, when a language other than his or her own language shall be used in court proceedings.
(2) Provisions on the right to use Sami in court proceedings are contained in the Act on the Use of the Sami language before the Authorities.
(3) A defendant or, in a case prosecuted by the prosecutor, an injured party who does not speak Finnish, Swedish or Sami has the right to cost-free interpretation in criminal proceedings. The court shall *ex officio* ensure that the defendant or the injured party receives the interpretation that he or she needs. (769/2013)
(4) The court shall arrange for interpretation also when a party uses sign language or when interpretation is necessary due to a sensory or speaking impediment of a party. (769/2013)
(5) If the court deems this appropriate, interpretation may be arranged with the use of video conference or another suitable technical means of communication where the persons participating in the hearing have audio and visual contact with one another, or by telephone. (769/2013)

Section 3 (769/2013)
(1) A defendant who does not speak Finnish, Swedish or Sami shall within a reasonable period of time be provided with a cost-free written translation of the application for a summons and of the judgment in so far as it concerns him or her. A defendant shall within a reasonable period of time also be provided with a cost-free written translation of a court order in a criminal case and of another essential document or a part thereof, if a translation is necessary to ensure the right of the defendant. An injured party in a case prosecuted by the prosecutor shall, upon request and within a reasonable period of time, be provided with a free written translation of a judgment, in so far as it concerns him or her, and of a court order in a criminal case or a part thereof, if a translation of the order is necessary to ensure the right of the injured party.
(2) Notwithstanding the provisions of subsection 1, the application for a summons, the judgment, or another essential document or a part or summary thereof may be translated orally for a defendant or an injured party, unless legal safeguards for the party require that the document be translated in writing.
(3) The court shall ensure that the defendant receives sufficient information regarding his or her right to a translation of a document and, if necessary, ascertain whether the defendant wants to obtain a translation of a document referred to in this section. A defendant need not be provided with a translation of a document if the defendant waives his or her right to a translation.

Section 4 (769/2013)
If a party has been heard with the aid of an interpreter, if the application for a summons, the judgment or another essential document or a part or summary thereof referred to in section 3 has been translated for a party orally at a court hearing, or if the defendant has waived his or her right to a translation of a document, a notation thereof shall be made in the court records, the judgment or the court order.

Section 5 (769/2013)
(1) Compensation is provided from State funds for the reasonable costs of the necessary interpretation of communication between the defendant and his or her counsel, if the legal safeguards of the defendant require this.
(2) Further provisions on the costs to be compensated under subsection 1 may be issued by government decree.

Section 6 (769/2013)
(1) A person who has the skills required for the task, is honest and is otherwise suitable for the task may serve as an interpreter or a translator.

(2) The court shall appoint a new interpreter or translator if the legal safeguards of the party require this.

Section 7 (769/2013)
(1) The provisions in the Code of Judicial Procedure on the secrecy obligation and the obligation to refuse to testify of trial counsel apply also to the interpreter.
(2) Violation of the secrecy obligation referred to in subsection 1 is punishable in accordance with Chapter 38, sections 1 or 2 of the Criminal Code, unless a more severe penalty is provided elsewhere in law for the act.
[section 7 has been repealed as of 1 January 2016; 733/2015]

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

Application for a summons

Section 1
(1) The injured party brings a charge by delivering a written application for the 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.
[subsection 3 is repealed as of 1 January 2016; 733/2015]

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 of which the injured party considers the defendant to be guilty;
(4) the request 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) an account that the prosecutor has decided to waive charges or the criminal investigation authority or prosecutor has decided that no criminal investigation shall be conducted or it shall be interrupted or concluded; (243/2006)
(7) the evidence that the injured party intends to present and what he or 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 telephone number and other contact information of the parties, witnesses and other persons to be heard. If such information should change later on, the court shall be informed of this without delay. (363/2010)

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

Section 3

The injured party shall provide the court with the written evidence referred to by him or 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 deficiency 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 deficient 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 subsection 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 is unsuitable 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.

Issuing of a summons in a case concerning an anonymous witness

Section 5(a) (733/2015)

[the subheading and section 5(a) enter into force on 1 January 2016; 733/2015]

(1) If the injured party brings charges on the basis of a suspected offence committed in the consideration of a case concerning the acceptance of anonymous testimony provided in Chapter 5, sections 11(a) – 11(e) or against an anonymous witness on the basis of the contents of a statement given by the witness in court, the injured party shall submit the application for a summons to the court and request disclosure of the identify and contact information of the anonymous witness, if the person suspected of the offence is the anonymous witness or the injured party deems that disclosure of the information is otherwise necessary in order to clarify the offence.

(2) Before deciding the matter the court shall hear the prosecutor and the person suspected of the offence in question. If the person suspected of the offence is a person other than the anonymous witness, also the anonymous witness shall be heard. The court may also hear the injured party and obtain other clarification, and arrange an oral hearing if this is necessary for clarification of the matter. The matter shall be heard without the presence of the public and the injured party if this is necessary in order to prevent disclosure of the identity and contact information of the anonymous witness.

(3) If the court deems that the prerequisites for the bringing of charges exist, or if the anonymous witness who is suspected of an offence agrees to disclosure of his or her identity and contact information, and section 5 does not provide otherwise, the court shall decide on the issuing of a summons. The summons shall disclose the identity and contact information of the anonymous witness if he or she is suspected of the offence or if the disclosure of the information is otherwise necessary for the clarification of the offence. The prosecutor may appeal the decision to issue a summons disclosing the identity and contact information of the anonymous witness, to the Court of Appeal, and may appeal a decision given by the Court of Appeal as the first instance by appeal to the Supreme Court without the need to request leave of appeal. Once the decision on issuing the summons becomes legally final, it shall be implemented. Chapter 5, section 11(d), subsection 3(4) contains provisions on when trial materials become public. If the court has decided to issue summons to a person other than the anonymous witness, and has decided not to disclose the identity and contact information of the anonymous witness, the injured party may appeal the decision not to disclose the information, by following what is provided in this subsection regarding appeal by the prosecutor.

(4) If the prerequisites for the bringing of charges are not met and the anonymous witness does not consent to the disclosure of his or her identity and contact information, the court shall dismiss the action with a judgment, without issuing the summons. The judgment and the trial materials connected with the matter shall be kept secret also from the party to the extent that they contain information which could lead to disclosure of the identity or contact information of the anonymous witness. The period of secrecy is 60 years. What is provided above in this subsection on the

judgment and the trial materials connected to the judgment apply to the decision by which the court has decided to issue summons that concerns a person other than the anonymous witness and decided not to disclose the identity and contact information of the anonymous witness as well as the related trial materials.
(5) The judge who has decided on the issuing of summons may not consider the action.]

Summons and other preparation of the case
Section 6
(1) If the case has not been dismissed or rejected on the basis 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 claims made against him or 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 or her position as regards the claims filed against him or her;
(2) state the reasons for the position, if he or she objects to the charge or to the other claims;
(3) mention the evidence that he or she intends to present and state what he or she intends to prove with each piece of evidence, unless it is evident, owing to an admission by the defendant or to other circumstances, that there will be no need for the submission of evidence; and
(4) deliver to the court the written evidence to which he or she refers.

(2) When issuing the exhortation, the court may issue instructions as to the matters that the defendant is to address in the response.
(3) When responding to the claims, the defendant shall also, in an appropriate manner, inform the court of the telephone number and other contact information of the witnesses whom he or she intends to have heard in the trial. If such information should change later on, the defendant shall inform the court of this without delay. (363/2010)
(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) The summons shall state that the written response is to be delivered to the court registry within a set period from the service of the summons, said 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 in accordance with section 6(1), the case shall 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 clarified 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, subsection 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 issue 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 an omission on his or her part.

Section 13
The court may order that a separate issue or procedural matter is to be prepared separately.

Section 14
(1) At a preparatory hearing the matter is to be dealt with orally. At the hearing, a party may not read out or submit a written statement to the court nor otherwise make his or her case in writing.
(2) Nonetheless, a party may read out from a document his or her claim, and direct references to case-law, to the legal literature, and to documents containing such technical and numerical data that they are difficult to understand solely on the basis of an oral statement. In addition, the party may resort to written notes as memory aids.

Section 14(a) (243/2006)
A preparatory session may also be held by telephone or through the use of a video conference or another appropriate manner of communication in which the participants in the session are in oral communication with one another, if this is appropriate taking into consideration the nature and extent of the issues to be considered in the session. In so doing, the provisions on deciding the case in the absence of a party do not apply.

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 a judicial view or to undertake other preparatory measures, if such measures are necessary in order to ensure that the evidence will all be available at the same time at the main hearing.
(2) If a party wishes that any of the measures referred to in this section be undertaken, he or 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, by applying 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 or she is to be notified that failure to appear may make him or her liable to forfeit the 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 or she intends to prove with the evidence and why the evidence had not been mentioned earlier.

Section 21

A main hearing may be scheduled in order to deal 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 the main hearing apply, 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.

Amendment of the action
Section 23
(1) An action may not be amended during the trial. However, the injured party may:

(1) extend a charge against the same defendant to cover another act, if the court deems this appropriate in view of the available evidence and other circumstances;
(2) make a claim other than one mentioned in the action, if said claim is based on a change of circumstances that has taken place during the trial or on information received by the injured party only then; or
(3) claim interest or another supplementary claim, or even a new claim, if this is based on essentially the same grounds.

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

Hearing of the prosecutor (243/2006)
Section 24 (18/2012)
If the injured party exercises his or her primary right referred to in Chapter 1, section 14, subsection 2 to present charges or is alone in bringing charges due to the decision of the criminal investigation authority not to conduct a criminal investigation or to interrupt or terminate such an investigation or to postpone the conduct of a criminal investigation measure, the court shall, before deciding on the action, reserve the prosecutor an opportunity to be heard in the case, unless in view of the nature of the case, hearing the prosecutor would clearly be unnecessary.

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 the District Court, unless it is deemed that his or 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 the District Court, if it is deemed that his or 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, notice of this shall be given in the summons. Similar notice shall be given if the defendant is to be present in person.

Section 2
(1) The provisions in section 1 apply, as appropriate, to the injured party even if he or she is not a party to the trial, and to the legal representative of the injured party or of a party.
(2) If a party has several representatives, the court may order which 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 does not have the right of action is to be present in person in order to be heard in the case. (445/1999)

Section 3
A defendant who has been remanded for trial shall be present in person before the court when the case for which he or she has been remanded is to be dealt with.

Absence of a party in a criminal case prosecuted by the prosecutor *(455/2011)*
Section 4
If the injured party or his or her 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 or her to the fine mentioned in the threat and impose a higher threat of a fine, or order that he or she or his or her legal representative be brought 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 or her to the fine mentioned in the threat and impose a higher threat of a fine, or order that he or she or his or her legal representative be brought to the hearing or a later hearing.
(2) If the defendant is ordered to be present in person in court and, on the basis of his or her conduct, there is reason to believe that he or she will not heed the order, the court may order that the defendant is to be brought to the hearing.

Section 6

If a party or his or 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 brought to court, the hearing may nonetheless be conducted, if this 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 or her, the court may, on the request of the defendant, order that the injured party is to forfeit his or 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 or her to the fine mentioned in the threat and impose a higher threat of a fine, or order that he or she or his or her legal representative is to be brought 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 or she has had a legal excuse that he or 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 or 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 brought, the hearing may nonetheless be conducted, if this 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 or her presence is not necessary for the resolution of the case and if he or 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 forfeiture not to exceed 10,000 euros. (1472/2001)
[subsection 1 has been amended by Act 2010/759 to read as follows. The This Act enters into force on a date to be provided by a separate Act:
(1) A case may be heard and decided regardless of the absence of the defendant, if his or her presence is not necessary for the resolution of the case and if he or she has been summoned to the hearing under such a threat. In this event, the defendant may be sentenced to a summary penal fine, a fine or to imprisonment for at most three months, and subjected to forfeiture not to exceed EUR 10,000.]
(2) If the defendant is to be sentenced to a punishment or forfeiture under subsection 1, but he or she has had a legal excuse that he or 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 the notice of the punishment or forfeiture on the defendant. If the defendant does not prove that he or 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
With the consent of the defendant, the case may be heard and decided regardless of his or her absence, if the defendant has been summoned to the hearing under such a threat and if his or 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
(1) Unless provided otherwise in section 11 or 12, the defendant may not be sentenced to imprisonment unless he or she has been heard in person in the main hearing.
(2) Notwithstanding subsection 1, the Court of Appeal may, on the appeal of the prosecutor or the injured party, sentence a defendant who clearly is evading the main hearing and that had been heard in person in the District Court on the claims referred to in the appeal, to imprisonment for an offence of which the defendant had been found not guilty by the District Court, or amend a fine imposed by the District Court to imprisonment, if (455/2011)

(1) hearing the defendant in person in the main hearing in the Court of Appeal is not deemed necessary in order to clarify the case;

(2) the defence of the defendant has been arranged in an appropriate manner in the main hearing; and
(3) the defendant had been notified that the case may be decided despite his or her absence.

(382/2003)

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 penal sanction, he or she is 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 subsection 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 subsection 1 where such costs amount to less than what is specified in the Decree.

Section 1(a) (107/1998)

(1) If the charge or other request of the prosecutor is rejected, dismissed without considering the merits or struck from the docket, the State on the request of the defendant shall be liable for the reasonable legal costs of the defendant. No liability for costs exists if, on the appeal of the injured party, the defendant is convicted of the act referred to in the charges of the prosecutor. Compensation shall not be paid

until the question of the guilt of the defendant has been decided in a legally final manner. (243/2006)
(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 subsection 1, the State is not to be rendered liable for the legal costs, unless there are special reasons for liability in part. However, the State is not to be liable for the legal costs of a defendant who by a false admission or otherwise intentionally has contributed to the bringing of the charge.
(3) The Ministry of Justice may issue detailed provisions on the implementation of the liability of the state to pay indemnity and on the procedure for payment. (243/2006)

Section 2
If the defendant has failed to appear in court or failed to heed the instructions given by the court or by other improper conduct has intentionally or negligently prolonged the proceedings and thus led to costs to the State referred to in section 1 or costs to another party in the case, the defendant shall be liable to compensate 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 led to the State or another party in the case incurring costs, may, after having been reserved an opportunity to be heard, be rendered jointly and severally liable with the defendant to compensate 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 subsection 1 and the costs caused by some of the defendants in the manner referred to in section 2 shall be compensated 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 all the costs.

Section 6 (243/2006)

A request for the compensation of legal costs shall be made before the conclusion of the hearing of the case. The request shall itemize the amount and grounds of the legal costs.

Section 7
If a request 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 request or an admission by a party.

Section 8
(1) The provisions on civil procedure apply, 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, as appropriate, to the liability for the defendant's legal costs of an injured party who has endorsed the charge brought by the prosecutor, and to the right of such an injured party to compensation for such costs from the defendant. Nonetheless, the injured party shall be liable only for the costs arising specifically from the exercise of his or her right of action. The provisions in Chapter 21, section 6 of the Code of Judicial Procedure apply, 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 prosecutor. (455/2011)
(3) If the injured party has by a false accusation or otherwise intentionally contributed to the bringing of the charge, he or she may be rendered fully or partially liable to compensate the State for the costs referred to in section 1, subsection 1.

Section 9 (243/2006)
The provisions on civil procedure in Chapter 21, sections 8, 12, 13, 14, subsection 2, and section 16 of the Code of Judicial Procedure apply, as appropriate, also in criminal cases.

Section 10 (455/2011)
The prosecutor has the right to lodge an appeal in the name of the State against decisions under sections 1–4 and section 8, subsection 3 of this Chapter even if he or she has not prosecuted the case.

Section 11 (455/2011)
If, in a case in which the prosecutor brings charges, a claim brought by the injured party against a party is considered, and this claim does not request punishment or other penal sanctions, or a person other than the injured party presents claims in

respect of the person charged, the provisions in force on civil claims apply in respect of the resulting trial costs.

Section 11

If an action of the injured party against a party is heard in connection with a criminal case prosecuted by the prosecutor, and no punishment or other penal sanction has been requested to be imposed on the party, 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) shall the charge be approved or rejected and how the act specified in the charge is to be assessed under criminal law;
(2) shall the person who has been found guilty be sentenced or shall punishment be waived;
(3) shall the court order, under Chapter 7, section 6 of the Criminal Code, that the earlier sentence covers also the offence now being heard;
(4) what is the type and the amount of the sanction; and
(5) what is the position of the court on other issues relating to the sanction.

Section 2

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

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 – Decision of the court

Section 1
The decision on 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 submitted 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 trial materials that have been submitted in the supplementation of the main hearing in accordance with Chapter 6, section 13 may be taken into account in the judgment.
[subsection 1 has been amended as of 1 January 2016 as follows: (733/2015)
[(1) Only the trial materials that have been referred to in the main hearing are to be taken into account in the judgment. However, also evidence may be taken into account that has been presented outside the main hearing that, on the basis of Chapter 17, section 59, subsection 1, is not resubmitted in the main hearing. If a new main hearing has been held in the case, only what has been presented in this hearing may be taken into account. 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. (733/2015)]
(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 is not bound by the heading or the reference to the applicable provisions in the charge.

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 3 has been amended as of 1 January 2016 as follows: (733/2015)

*[**Section 3** (733/2015)*

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

Section 4 (733/2015)

(1) The reasons for the judgment shall be stated. The statement of reasons shall indicate the factors and the legal reasoning on which the decision is based. The statement shall also 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 4 has been amended as of 1 January 2016 as follows: (733/2015)

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

(2) The judgment shall include a statement of reasons. The statement of reasons shall indicate the factors and the legal reasoning the decision is based. The statement of reasons shall also set out on what grounds a contested issue has been deemed proven or not proven.

(3) If an anonymous witness has been heard in the criminal case, the court shall in particular provide reasoning for what significance has been attached to his or her statement as evidence in the case, and what steps had been undertaken in order to protect the rights of the defence. The court has the same obligation to provide reasoning if instead of hearing the injured party or a witness in person, a statement that has been entered in the criminal investigation record or in another document or recorded in another manner has been used as evidence. In so doing the court shall also in particular provide reasoning why the injured party or the witness has not been heard in person in the criminal proceedings.]

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 for the imposition of 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 5(a) (243/2006)
(1) Before the court orders a mental examination of the defendant, it shall separately decide (*interim judgment*) the question of whether the defendant has been found to have acted in the punishable manner described in the charges. The court may, in the same connection, decide by an interim judgment on a question concerning a civil law claim or another claim. The interim judgment is not subject to separate appeal.
(2) After the mental examination the court decides of what offence the defendant is guilty, and decides the case in other respects, unless in respect of a defendant the issue can be decided separately on the basis provided in section 5. For a special reason, also an issue decided by an interim judgment may be re-assessed.

Section 6
(1) The judgment of the District Court is to be drawn up as a separate 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 claims and responses of the parties, with reasons;
(4) a list of the persons heard for probative purposes and the other evidence submitted;
(5) the statement of reasons;
(6) the provisions and legal instructions applied;
(7) the operative part of the judgment; and
(8) the names and positions of the members of the court and an indication of 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 clarity of the judgment is not thereby compromised.

Section 7
(1) The deliberations of the court shall 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. If the judgment need not be handed down in its entirety, the statement of reasons for the judgment and the operative part of the judgment shall be announced. When the parties agree thereto, in so doing the statement of reasons may be announced only in general. If the judgment is the result of a vote, this shall be indicated when the judgment is handed down. (769/2002)
(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 holding 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 well in advance of the date of the decision of this 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 and decisions of the district court compiled as separate documents are archived by filing them in a judgment book. (769/2002)

Section 9
(1) The court is to correct any typing or calculation errors and other comparable obvious errors in its judgment. Also the chairperson of the court or, when he or she is prevented, a legally qualified member of the court may correct errors. Before an error is corrected, the parties are to be reserved an opportunity to be heard on the correction, where necessary.
(2) The correction is to be marked on the judgment document and on the copies of the judgment given to the parties. If a copy given to a party cannot be corrected, that party is to be sent a corrected copy of the judgment. If an appeal has been lodged in the case, the appellate court is to be notified of the correction.
(3) A party has the right to lodge a complaint regarding the correction of an error within 30 days of having been informed of the correction.

Section 9(a) (667/2005)
A deduction from the sentence corresponding to the period of loss of liberty may be made or may be rectified in favour of the convicted offender through application of what is provided in section 9 on correction of an error.

Section 10
(1) If the judgment does not contain a ruling on a civil claim which should have been included 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 shall 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 is unable to be present, 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 appellate court is to be notified of the supplementation.

(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) in other cases, if possible, within 30 days.

Section 13

(1) An order of the District Court is to be incorporated in the minutes. However, an order dismissing the case is always to be drawn up as a separate document.

(2) A statement of reasons is to be provided for the order, if the case is dismissed, a claim 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, as appropriate, to a court order, 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

In addition to the provisions of the present Act, and unless otherwise provided in this Act, the provisions of the Code of Judicial Procedure apply to 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.