FINLAND’S NEW PENAL LEGISLATION ON BIOLOGICAL WEAPONS AND TERRORISM

Prepared by FINLAND

1. Finland takes this opportunity to inform the other State Parties of recent amendments to the Finnish Penal Code that are relevant to our obligations under the Biological and Toxin Weapons Convention (BTWC).

2. The Penal Code Amendment Act in question entered into force on 1 March 2003; before that date, Finland did not have specific penal provisions concerning biological weapons or their use. Criminal acts involving biological weapons would have been punishable as warfare offences, health endangerment or aggravated health endangerment. Nevertheless, the previous law did not cover certain acts involving biological weapons outside the context of warfare.

3. A specific penal provision, titled Breach of the prohibition of biological weapons, has now been inserted into the Penal Code (chapter 11, section 7b); it constitutes a dedicated criminalisation of all acts that are contrary to the BTWC. Also the use of biological weapons is covered by this penal provision.

4. In the event that the act is not punishable more severely by virtue of a provision elsewhere in the law, the penalty scale of the provision runs from four months to six years imprisonment. Naturally, acts contrary to the BTWC can also constitute warfare offences, the aggravated version of which carries a penalty scale of two to twelve years imprisonment.

5. By the same amendment, a new chapter (34a) on terrorist offences was inserted into the Penal Code of Finland. It contains provisions on offences committed with a terrorist intent, preparation of such offences, directing a terrorist group, facilitation of the activities of a terrorist group, and financing of terrorism. More to the point, it criminalizes also any terrorist activity or preparation of terrorist acts that may involve biological weapons or toxins. In its current form, Finnish legislation imposes criminal liability also to persons involved in a hoax or the preparation of the same.

6. It should be noted that the terrorist offences referred to in chapter 34a of the Penal Code of Finland are subject to the principle of universal jurisdiction, which means that the Finnish courts
are competent to hear terrorism cases even if the acts have been committed outside of Finnish territory, regardless of whether such acts are covered by the penal law of the place of commission.

7. When the law enforcement authorities investigate terrorist offences, they may with judicial permission use wiretaps and bugging.

8. The amendments entered into force in March 2003, and they have therefore not been included in Finland’s 2002 declaration to the Department for Disarmament Affairs of the UN Secretariat.