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**Finnish**

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## Defendants (criminal proceedings)

Finland

### Where does the trial take place?

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

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

### Can the charges be changed during the trial?

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

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

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

### What are my rights during the trial?

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

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

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

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

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

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

You have the right to study the evidence if that does not harm the criminal investigation. In principle, any evidence against you can be used in court.

However, the court has the right to restrict the presenting of evidence or hearing of witnesses that clearly cannot have an effect on the judgment.

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

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

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

### Will information in my criminal record be taken into account?

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

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

### What happens at the end of the trial?

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

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

#### Unconditional imprisonment

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

#### Suspended imprisonment

A prison sentence of up to two years may be suspended if the court decides that is appropriate. You may be sentenced to a fine as well as a suspended prison sentence or, if the conditional imprisonment is longer than a year, to 20–90 hours community service.

A suspended prison sentence always goes together with a probationary period of at least one and at most three years. If you do not commit new crimes during this period, your prison sentence will not be enforced. If you do commit a new crime during this period and you are sentenced to unconditional imprisonment because of that, the court may order that your suspended sentence is also enforced.

#### Community service

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

#### **Juvenile punishment**

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

#### **Fine**

For minor offences, you may be sentenced to a fine. Fines are imposed as [unit fines](#). The minimum number of units is one and the maximum 120. If you are sentenced to fines for several crimes at the same time, the maximum may be more.

The amount of one unit fine depends on your income at the time of the trial. At the moment, the smallest unit fine is six euro.

If you do not pay the fine imposed by the court, it will be converted to imprisonment. Three unpaid unit fines correspond to one day of imprisonment.

#### **What is the role of the victim during the trial?**

In Finland, the role of the victim, or the injured party, is fairly strong during the trial. The injured party may join in with the charge brought by the prosecutor or present a different charge. The victim also has the right to bring charges if the prosecutor decides to waive the charges. In addition, the injured party may demand compensation from the person suspected of the crime.

The injured party is usually asked during the criminal investigation whether he or she demands a penalty for the person suspected and/or compensation for the crime. They may also present their demands at the main hearing.

#### **Related links**

[Act on the Publicity of Court Proceedings in General Courts \(in English\)](#) and [in Swedish \(unofficial translation\)](#)

[Act on Criminal Procedure \(in English\)](#) and [in Swedish \(unofficial translation\)](#)

[Criminal Code \(in English\)](#) and [in Swedish \(unofficial translation\)](#)

[Ministry of Justice brochure on criminal proceedings in district courts \(in Swedish\)](#)

[Ministry of Justice brochure for victims of crimes](#)

[Code of Judicial Procedure](#), and [in Swedish \(unofficial translation\)](#)

[Legal Register Centre](#)

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