

**Preparatory Commission for the Establishment of the International Criminal Court  
Seventh session 26 February - 9 March 2001**

**FINLAND'S RATIFICATION OF THE ROME STATUTE OF THE INTERNATIONAL  
CRIMINAL COURT**

Statement by the representative of Finland, Ms. Marja Lehto on 26 February, 2001

Thank You, Mr. Chairman,

I have the pleasure to address this plenary meeting to say a few words of Finland's ratification of the Rome Statute on 29 December 2000.

Based on our dualist system, the internal procedures that had to be completed before the ratification could take place included parliamentary consideration and approval of the Statute and of the implementing legislation. The Foreign Relations Committee as well as the Legal Affairs and Constitutional Law Committees of Parliament took part in the consideration.

The main difficulties in incorporating the Rome Statute in the Finnish legislation were, quite predictably, related to issues such as surrender of nationals to the Court and the criminal responsibility of the President of the Republic, members of the Government and members of Parliament. Since the respective provisions of the Statute apparently were in contradiction with the Finnish Constitution, the Act implementing the Rome Statute had to be enacted in accordance with the procedure applied to the enactment and amendment of the Constitution. Interestingly, however, the Constitutional Law Committee came to the conclusion that the provisions on the criminal responsibility of the head of state and members of the Government and Parliament would not be in contradiction with the Constitution in view of the seriousness of the crimes under the Court's jurisdiction.

An approach that made it possible to interpret most of the provisions of the Statute as not affecting Finland's sovereignty was facilitated by section 1 of the new Constitution, according to which Finland shall participate in international co-operation to promote peace and human rights.

Before concluding I would like to highlight two policy choices, which may be of interest to colleagues here. Firstly, as regards co-operation with the Court, Article 93, paragraph 4 of the Statute makes it possible for a State Party to refuse to comply with a request for legal assistance if the request concerns the production of any documents or disclosure of evidence which relates to its national security. Under the Finnish Act on mutual legal assistance a danger to national security is an absolute ground for refusal of legal assistance. However, in the implementing legislation of the Statute Finland has not reserved itself the possibility of refusing legal assistance on this ground.

Secondly, the provision on the enforcement of sentences of imprisonment imposed by the Court was taken note of. According to Article 103 of the Statute, a sentence of imprisonment shall be served in a State designated by the Court from a list of States which have indicated to the Court their willingness to accept sentenced persons. Finland has concluded an agreement with the ICTY on the enforcement of sentences already in 1997. The necessary internal decisions have now been taken which allow for Finland to accept persons sentenced to imprisonment by the ICC. The Court will be informed accordingly in due time.

The timely ratification of the Rome Statute as well as the Court-friendly solutions in the implementing legislation reflect Finland's firm commitment to the early establishment of an effective and credible International Criminal Court. It is our belief that the Court, once operational, will through effective and impartial administration of justice make it easier for all States to become parties to the Statute.

Thank You, Mr. Chairman