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**Finland
and
International Criminal Court**

Agreement between the International Criminal Court and the Government of Finland on the enforcement of sentences of the International Criminal Court. Kampala, 1 June 2010

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**Finlande
et
Cour pénale internationale**

Accord entre la Cour pénale internationale et le Gouvernement finlandais sur l'exécution des peines prononcées par la Cour. Kampala, 1^{er} juin 2010

Entrée en vigueur : *24 avril 2011, conformément à l'article 20*

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**AGREEMENT BETWEEN THE INTERNATIONAL CRIMINAL COURT AND
THE GOVERNMENT OF FINLAND ON
THE ENFORCEMENT OF SENTENCES OF THE INTERNATIONAL CRIMINAL COURT**

**The International Criminal Court (hereinafter referred to as “the Court”) and
The Government of Finland (hereinafter referred to as “Finland”),**

RECALLING Article 103 of the Rome Statute of the International Criminal Court adopted on 17 July 1998 by the United Nations Diplomatic Conference of Plenipotentiaries (hereinafter referred to as “the Rome Statute”), according to which sentences of imprisonment pronounced by the Court shall be served in a State designated by the Court from a list of States which have indicated their willingness to accept sentenced persons;

RECALLING Rule 200 of the Rules of Procedure and Evidence of the Court (hereinafter referred to as the “Rule(s)”), according to which the Court may enter into bilateral arrangements with States with a view to establishing a framework for the acceptance of persons sentenced by the Court, consistent with the Rome Statute;

RECALLING the widely accepted international standards governing the treatment of prisoners including the Standard Minimum Rules for the Treatment of Prisoners approved by ECOSOC resolutions 663 C (XXIV) of 31 July 1957 and 2067 (LXII) of 13 May 1977, the Body of Principles for the Protection of all Persons under any Form of Detention or Imprisonment adopted by General Assembly resolution 43/173 of 9 December 1988, the Basic Principles for the Treatment of Prisoners adopted by General Assembly resolution 45/111 of 14 December 1990, and the Recommendation Rec(2006)2 of the Council of Europe Committee of Ministers to member states on the European Prison Rules;

NOTING the willingness of Finland to accept persons sentenced by the Court;

IN ORDER to establish a framework for the acceptance of persons sentenced by the Court and to provide for conditions under which the sentences will be enforced in the territory of Finland;

HAVE AGREED as follows:

Article 1

Purpose and scope of the Agreement

This Agreement shall regulate matters relating to or arising out of the enforcement of sentences imposed by the Court in prison facilities made available by Finland.

Article 2

Procedure

1. The Presidency of the Court (hereinafter referred to as "the Presidency"), when notifying Finland of its designation to enforce a sentence in a particular case, shall transmit to Finland, *inter alia*, the following information and documents:
 - a) the name, nationality, date and place of birth of the sentenced person as well as certified copies of identification papers of the sentenced person in the possession of the Court;
 - b) a copy of the final judgment of conviction and the sentence imposed;
 - c) the length and commencement date of the sentence, including information on any pre-trial detention, and the time remaining to be served;
 - d) when appropriate, and after having heard the views of the sentenced person, any necessary information concerning the state of his or her health, including medical or psychological reports on the sentenced person, any recommendation for his or her further treatment and any other factor relevant to the enforcement of the sentence.
2. Finland shall submit the notification of the designation to the competent national authorities.
3. The competent national authorities of Finland shall promptly decide whether to accept the Court's designation, in accordance with its national law, and inform the Presidency accordingly.
4. Finland may at any time inform the Registrar of its withdrawal from the list of States that have indicated their willingness to accept sentenced persons or of conditions of such acceptance. Such conditions as well as any amendments or additions thereto shall be subject to confirmation by the Presidency. Withdrawal from the list of States of enforcement or new or amended conditions shall not affect the enforcement of the sentences in respect of persons that Finland has already accepted.

Article 3

Delivery

The Registrar of the Court, in consultation with the competent national authorities of Finland, shall make appropriate arrangements for the proper conduct of delivery of the sentenced person from the Court to the territory of Finland.

Article 4

Enforcement

1. Subject to the conditions contained in this Agreement, the sentence of imprisonment shall be binding on Finland, which shall in no case modify it.
2. The enforcement of a sentence of imprisonment shall be subject to the supervision of the Court and shall be consistent with widely accepted international standards governing treatment of prisoners.
3. If, after delivery of the sentenced person to the territory of Finland, the Court, in accordance with the Rome Statute and the Rules, orders that the sentenced person appears for a hearing before the Court, the sentenced person shall be transferred temporarily to the Court, conditional on his/her return to the territory of Finland within the period decided by the Court. The duration of the temporary transfer shall be deducted from the overall sentence to be served in Finland.
4. The Court shall transmit the order for the temporary transfer of the sentenced person to Finland. The Registrar of the Court, in consultation with the competent national authorities of Finland, shall make appropriate arrangements for the proper conduct of transfer of the sentenced person from Finland to the Court and back to Finland for the continued imprisonment after the expiration of the period of temporary transfer decided by the Court.

Article 5

Supervision of enforcement

In order to supervise the enforcement of sentences of imprisonment, the Presidency may, *inter alia*:

- a) when necessary, request any information, report or expert opinion from Finland;
- b) where appropriate, delegate a judge of the Court or a member of the staff of the Court who will be responsible, after notifying Finland, for meeting the sentenced person and hearing his or her views, without the presence of national authorities of Finland;

c) where appropriate, give Finland an opportunity to comment on the views expressed by the sentenced person under paragraph (b) of this article.

Article 6

Conditions of imprisonment

1. The conditions of imprisonment shall be governed by the law of Finland and shall be consistent with widely accepted international standards governing treatment of prisoners; in no case shall such conditions be more or less favourable than those available to prisoners convicted of similar offences in Finland.
2. Finland shall notify the Presidency of any circumstances which could materially affect the terms or extent of the imprisonment. The Presidency shall be given at least 45 days' notice of any such known or foreseeable circumstances. During this period, Finland shall take no action that might prejudice its obligations. Where the Presidency can not agree to the aforementioned circumstances, it shall inform Finland and transfer the sentenced person to a prison of another State.
3. When a sentenced person is eligible for a prison programme or benefit available under the national law of Finland which may entail some activity outside the prison facilities, Finland shall communicate that fact to the Presidency, together with any relevant information or observation, to enable the Court to exercise its supervisory function.

Article 7

Inspection

1. The competent national authorities of Finland shall allow the inspection of the conditions of imprisonment and treatment of the sentenced person(s) by the International Committee of the Red Cross (hereinafter referred to as "the ICRC") at any time and on a periodic basis, the frequency of visits to be determined by the ICRC. The ICRC will submit a confidential report based on the findings of these inspections to Finland and to the Presidency.
2. Finland and the Presidency shall consult each other on the findings of the reports referred to in paragraph 1 of this article. The Presidency may thereafter request Finland to report to it any changes in the conditions of imprisonment suggested by the ICRC.

Article 8

Communication

Communications between a sentenced person and the Court shall be unimpeded and confidential.