

# **Act on Public Prosecutors**

199/1997

## Section 1 — *Prosecutor's duties and position*

- (1) It is the duty of a prosecutor to see to the realisation of criminal liability in the consideration of a criminal case, the assessment of the charge and the trial in a manner consistent with the public interest and the legal safeguards of the parties. When making judicial decisions and undertaking other measures involved in this duty, the prosecutor shall take due account of equality, expediency and economy.
- (2) A prosecutor is independent in the assessment of the charge in a case being considered by him or her.
- (3) In addition, it is a prosecutor's duty to issue summary penal orders in accordance with the procedure specifically provided.

## Section 2 — *Public Prosecutors*

The following are public prosecutors:

- (1) the Prosecutor-General and the Deputy Prosecutor-General;
- (2) a State Prosecutor; and
- (3) a District Prosecutor and a Prosecutor for the Åland Islands.

## Section 3 — *Prosecutor-General*

- (1) As a public prosecutor, the Prosecutor-General is independent in the assessment of the charge being considered by him or her, unless otherwise provided by an Act.
- (2) The Prosecutor-General may issue general instructions and guidelines on prosecution operations.

## Section 4 — *Duties of the Prosecutor-General*

The following are the duties of the Prosecutor-General:

- (1) the general management and development of prosecution operations and the supervision of the prosecutors;
- (2) prosecution in the cases that by law belong to him or her or that he or she takes up for consideration;
- (3) the issuance of prosecution orders referred to in chapter 1 of the Penal Code or in another Act; and
- (4) the representation of the prosecutors before the Supreme Court.

## Section 5 — *Office of the Prosecutor-General*

- (1) The central administration body for public prosecutors is the Office of the Prosecutor-General, headed by the Prosecutor-General.
- (2) The Office of the Prosecutor-General shall be divided into Units, as provided in greater detail by a Decree.
- (3) The Office of the Prosecutor-General shall fall within the purview of the Ministry of Justice.

## Section 6 — *Deputy Prosecutor-General*

- (1) The Prosecutor-General shall be deputised for by the Deputy Prosecutor-General.
- (2) The division of tasks between the Prosecutor-General and the Deputy Prosecutor-General shall be laid down in the Rules of Procedure of the Office of the Prosecutor-General.
- (3) The Deputy Prosecutor-General shall have the equivalent powers as the Prosecutor-General in the matters that are to be considered by him or her.

### Section 7 — *State Prosecutors*

- (1) There shall be State Prosecutors in the Office of the Prosecutor-General; they have jurisdiction as prosecutors throughout the country.
- (2) Primarily, the State Prosecutors shall see to the prosecution in criminal matters with greatest significance to the society as a whole. In addition, a State Prosecutor shall pursue a charge that has been decided on by the Parliament, the Ministry of Justice, the Chancellor of Justice or the Parliamentary Ombudsman. A State Prosecutor shall prosecute cases that are dealt with by a Court of Appeal in the first instance, unless otherwise provided in an Act or otherwise ordered.
- (3) Separate provisions apply to the other duties of the State Prosecutors. The division of tasks among the State Prosecutors shall be decided on by the Prosecutor-General.

### Section 8 — *Local Prosecutors*

Separate provisions apply to District Prosecutors, the Prosecutor for the Åland Islands and Junior Prosecutors (*local prosecutors*).

### Section 9 — *Special Prosecutors*

- (1) Separate provisions apply to prosecutors in military court proceedings and to other special prosecutors.
- (2) The decision to bring a charge against a judge for an offence in office shall be made by the Chancellor of Justice of the Government or the Parliamentary Ombudsman.

### Section 10 — *Hierarchy*

- (1) The Prosecutor-General shall be the superior of all public prosecutors.
- (2) The Prosecutor-General may decide to himself or herself take up for consideration any matter belonging to a subordinate prosecutor and to assign a subordinate prosecutor to prosecute a case where the Prosecutor-General has decided on the charge. In addition, the Prosecutor-General may allot a case to a subordinate prosecutor for the assessment of the charge.

### Section 11 — *Access to information*

In order to carry out his or her duties, the Prosecutor-General shall have access to the necessary information and accounts, regardless of secrecy provisions, both from any subordinate prosecutors and from authorities carrying out criminal investigations.

### Section 12 — *Disqualification*

- (1) A prosecutor shall be disqualified from the consideration of a case, if:
  - (1) the prosecutor or a close relative is a party to the case;
  - (2) the case is likely to cause specific benefit or damage to the prosecutor or a close relative;
  - (3) the prosecutor or a close relative counsels a party or a person to whom the case is likely to cause specific benefit or damage;
  - (4) the prosecutor is in a service relationship or an agency relationship pertaining to the matter at hand with a party or a person to whom the case is likely to cause specific benefit or damage;
  - (5) the prosecutor is a member of the board, a comparable body or the supervisory board, the managing director or in a comparable position in a corporation, foundation or public-law institution which is a party or to whom the case is likely to cause specific benefit or damage; or
  - (6) a circumstance other than those referred to in subparagraphs (1)—(5) gives rise to reasonable doubt as to impartiality of the prosecutor in the case.
- (2) *A close relative of the prosecutor* refers to the persons listed in section 10(2) of the Administrative Procedure Act (82/598).

- (3) Even when disqualified, the prosecutor may undertake urgent measures. The prosecutor shall notify the disqualification to the person who appoints a deputy for him or her.

Section 13 — *Requirements for office*

- (1) The Prosecutor-General and the Deputy Prosecutor-General shall hold a University degree in law and be well versed in the work of a prosecutor or a judge, and in administration.
- (2) A State Prosecutor shall hold a University degree in law and have the skill necessary for the performance of the duties.

Section 14 — *Appointment*

The Prosecutor-General and the Deputy Prosecutor-General shall be appointed by the President of the Republic on the nomination of the Government. A State Prosecutor shall be appointed by the Government on the nomination of the Prosecutor-General. The mode of appointment of the other officials in the Office of the Prosecutor-General shall be provided in a Decree.

Section 15 — *Jurisdiction in charges for offences in office*

- (1) Charges against the Prosecutor-General and the Deputy Prosecutor-General for offences in office shall be brought before the Supreme Court. The case shall be prosecuted by the Chancellor of Justice or the Parliamentary Ombudsman.
- (2) Charges against a State Prosecutor for offences in office shall be brought in a Court of Appeal.

Section 16 — *Further provisions*

- (1) Further provisions on the implementation and application of this Act shall be issued by a Decree.
- (2) The organisation of work in the Office of the Prosecutor-General shall be laid down in the Rules of Procedure of the Office, confirmed by the Prosecutor-General after having heard the various personnel groups.

Section 17 — *Entry into force*

- (1) This Act enters into force on 1 December 1997.
- (2) This Act repeals the following:
  - (1) sections 9 and 12 of the Supreme Court Act (1918); and
  - (2) section 10 of the Supreme Administrative Court Act (1918).
- (3) Measures necessary for the implementation of this Act may be undertaken before its entry into force.
- (4) The persons performing prosecutors' duties in the Office of the Chancellor of Justice or the Provincial Governments at the entry into force of this Act may be transferred to comparable duties in the Office of the Prosecutor-General without announcing a vacancy. The Ministry of Justice shall decide on the transfers.