Anti-bribery & corruption: the fight goes global

Commercial Fraud Commission

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National Report of Finland

Katriina Kuusniemi

Roschier Attorneys Ltd.
Keskuskatu 3,
00100 Helsinki, Finland
+358 40 581 5475
katriina.kuusniemi@roschier.com

Janne Nyman

Susiluoto Attorneys-at-Law Ltd.
Uudenmaankatu 16 B
00120 Helsinki, Finland
+358 50 524 5937
janne.nyman@susiluoto.com

General Reporters:

Lina MROUEH-LEFEVRE Gutkès Avocats 40 rue Vignon – F- Paris, 75009 FRANCE	Aaron STEPHENS Berwin Leighton Paisner LLP Adelaide House London Bridge London EC4R 9HA UNITED KINGDOM

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1. The Legal Framework

1.1 What criminal and/or civil/administrative law(s) exist in your jurisdiction which are specifically targeted at bribery & corruption? Please provide:

a. a brief summary of the offences;

Introduction to the legal framework

The undeniable fact is that corruption exists in all societies. However, it is also undeniable that corruption is more common in some societies than in others. The Finnish society has the reputation of being one of the least corrupt societies in the world. This has been acknowledged both on international and on national level. And the Finnish people are unquestionably proud of it. Our country is in all spheres of social, political, administrative and economic life almost free of the illegal "behavior of public officials, which deviates from accepted norms in order to serve private ends" [1].

The above-mentioned assessment of Finland being one of the least corrupt countries in the world has also been empirically substantiated. According to Transparency International's 2014 statistics, Finland was the third least corrupt country in the world.

Writing a National Report on corruption in Finland - having said all of the above - is an interesting challenge, because at least according to the official statistics, we hardly have it. However, in the past years Finland's criminal justice system has also faced few well-published domestic cases concerning bribery and corruption. Finland is also more and more closely connected to the globalized world and enhancing its co-operation also with corruption-sensitive countries. That is to say that even Finland, though considered one of the the least corrupt countries in the world, is faced with issues relating to corruption and bribery, if not within its borders, then beyond, when Finnish businesses go global.

The concept of corruption is defined in detail in the Finnish Penal Code ("Rikoslaki", hereinafter referred to as "PC"). First of all, the Finnish jurisdiction makes the distinction between corruption that consists of transactions between private persons or business entities and public officials or Members of Parliament ("public corruption") – and corruption that consists of transactions between private persons and business entities ("private corruption"). Secondly, both the act of offering or suggesting a bribe (active corruption) and receiving or accepting one (passive corruption) are punishable offenses. Altogether there are ten punishable offenses of corruption (bribery) as defined below.

Public corruption

According to PC chapter 40, section 1, *a public official* must be sentenced to a fine or to a maximum of two years of imprisonment, if said official, in exchange for his/her actions while performing his/her duties

[1] A definition of corruption used by Samuel P. Huntington in *Political Corruption: Concepts and Contexts,* edited by Arnold J. Heidenheimer and Michael Johnston, Transactions Publishers 2002. p. 253.

1. asks for a gift or other unjustifiable benefit or otherwise makes an initiative to achieve such benefit;
2. receives a gift or other benefit, whose purpose is to influence or to try to influence his/ her actions while performing his/her duties; or
3. accepts a gift or a benefit mentioned in paragraph 2 or accepts an offer of a gift or benefit.

This is the basic form of public corruption, in which the offender is the *receiver* of the bribe. This is also known as *passive corruption* in the Finnish legal literature. The term "passive" does not mean that the public official receiving the bribe would necessary be passive, but the term is used to distinct the passive act of receiving a bribe from the active act of giving one. [2]

Chapter 40, section 2 of PC defines the *aggravated form* of passive corruption, in which case the official must be sentenced to imprisonment of a minimum of four months to a maximum of four years. In the act of aggravated passive corruption

1. the official demands or requires a gift as a condition for his/her actions or the official as a result of the gift neglects his/her obligations and consequently causes significant benefit to the benefactor or significant damage to a third party; or
2. the worth of the gift or benefit is significant.

Furthermore, the offense must also be considered *serious in general* to constitute the aggravated form.

Chapter 40, section 3 of PC defines the *minor form* of passive corruption, in which there are mitigating circumstances compared to the basic form of PC chapter 40, section 1. The punishment for the minor form of corruption is a fine or a maximum of six months of imprisonment.

According to PC chapter 16, section 13, if *someone* promises, offers or gives a public official a gift or another benefit in order to influence or try to influence his/her actions while performing his/her duties, the benefactor must be sentenced to a fine or to imprisonment of a maximum of two years. This is the basic form of public corruption, in which the offender is the benefactor or the *giver* of bribe, also known as *active corruption*. [3]

Chapter 16, section 14 defines the *aggravated form* of active corruption, in which case the offender must be sentenced to imprisonment of a minimum of four months to a maximum of four years. In the act of aggravated active corruption:

1. the objective of the bribe is to persuade the receiver of the bribe to significantly favour the benefactor or someone else or to cause significant damage to a third party; or
2. the worth of the gift or benefit is significant.

Again, the offense must also be considered *serious in general* to constitute the aggravated form.

[2] Frände, etc., p. 745.
[3] Ibid.

PC also makes a distinction between *a Member of Parliament* and other public officials. According to PC chapter 40, section 4, *a Member of Parliament* must be sentenced to a fine or to imprisonment of a of maximum of four years if he/she:

1. asks for a gift or other unjustified benefit for himself or for a third party or otherwise makes an initiative to gain such benefit; or
2. receives or accepts a gift or other unjustified benefit or accepts a promise of such gift or benefit;

and promises, in exchange for such benefit, to act in a certain way in his/her duties to affect the outcome of a certain parlamentary decision. This constitutes the act of passive corruption by a Member of Parliament.

Consequentially, according to PC chapter 16, section 14 a, the act of *giving a bribe to a Member of Parliament* is also punishable by fine or imprisonment of a maximum of four years: if *someone* promises, offers or gives a Member of Parliament a gift – either intended for the Member of Parliament or for someone else – in order to persuade the Member of Parliament to act in a certain way in his/her duties to affect the outcome of a certain parlamentary decision. This would be considered an act of active corruption of a Member of Parliament.

In cases where the offender is a Member of Parliament, there is no aggravated or minor form of corruption defined in PC.

Finally, a special form of public corruption that can be translated as "election corruption" is defined in PC chapter 14, section 2. If *someone:*

1. promises, offers or gives someone else a reward or other benefit in order to persuade him/her to vote in a certain way or to abstain in a general election or voting; or
2. demands a reward or other benefit for voting in a certain way or for abstaining in a general election or voting.

It is noteworthy that PC chapter 14, section 2 includes penal provisions for both active and passive corruption in the same statute. The punishment for election corruption is a fine or imprisonment of a maximum of one year. In practise this offense is extremely rare.

Private corruption

Corruption – both active and passive – is also punishable in business activity between private persons and/or business entitites. According to PC chapter 30, section 7, if *someone* promises, offers or gives an unjustified benefit to:

1. an employee of a business entity;
2. a board member, an administrative board member, chief executive officer, auditor or liquidator of a business entity; or
3. someone performing an assignment on behalf of a business entity

in order to persuade the receiver of the benefit to favour the benefactor or a third party, or in order to reward the receiver of the benefit for such favor, must be sentenced to fine or to imprisonment of maximum two years. This is the basic form of *active* private corruption or *active corruption in business*, in which the offender is the *benefactor* or the *giver* of the bribe.

According to PC chapter 30, section 8, if

1. an employee of a business entity;
2. a board member, an administrative board member, chief executive officer, auditor or liquidator of a business entity; or
3. someone performing an assignment on behalf of a business entity

asks for a bribe for him/herself or for someone else or otherwise makes an iniative to receive a bribe, receives a bribe or accepts a bribe in exchange or as a reward for favouring the benefactor or someone else, he/she must be sentenced to a fine or to imprisonment of maximum two years. This is the basic form of *passive* private corruption or corruption in business, where the offender is the *receiver* of the bribe.

There is no aggravated or minor form of private corruption defined in PC.

b. any affirmative defences that are available;

First of all, the status of the receiver can be disputed by the defense. Both the active and passive forms of corruption require that the receiver of the gift is in a position defined by law. In case of public corruption the receiver would have to be a public official or a member of parliament *at the time of the alleged gift*. With regards to private corruption, the employment or status as a legal representative (board or administrative board membership, status as a CEO, auditor or liquidator) can normally be proven, but the status of someone performing an assignment on behalf of a business entity, on the other hand, can be a subject of a debate.

Secondly, the concept of a bribe is worth a closer look. A bribe must always be *beneficial* to the receiver. The receiver's status must always be better after receiving the bribe than before, at least temporarily. The bribe does not necessarily have to have monetary value, even though this usually is the case. However, for example a promise of an undeserved honorary medal or other kind of recognition can be regarded as (active) corruption.[4] This naturally leads to a question of whether an actual bribe has been given or promised in the case at all. Is it an undisputed fact that monetary or other benefit has been given to somebody? Sometimes there is only circumstancial evidence to support this claim, so the defense can argue that no reward or other beneift ever changed hands and the burden of proof of this happening lies with the prosecutor. And even if it can be proven that "money indeed changed hands", the nature of the transaction can be challenged. The transaction can be argued to be salary, justifiable reward for duties performed or a gift falling into "safe habour" categories (see section 1.4 below).

Finally, the act of giving or receiving a bribe requires intent. For a person to be convicted of a bribe – active or passive – he or she would have to have understanding that the purpose of a benefit or a reward is to accomplish a decision, a vote or a favouring of a party that would not have happened if it wasn't for the bribe. When several people or business entities are linked to a certain transaction, it is not always clear whether all of the involved have this knowledge and thus intent.

[4] Frände, etc., p. 746-747.

c. the penalties that may be imposed upon offenders.

Due to the number and variance of corruption offences in the Penal Code and in avoidance of repetition the penalties that may be imposed upon offenders are specified above for each of the offences in chapter 1.1, paragraph c. of this National Report. The penalty scale for the individual offences ranges from fine to up to four years of imprisonment.

1.2 Does your jurisdiction outlaw "private" bribery/corruption (i.e. transactions between two or more private entities or persons) as well as "public" bribery/corruption? If so, please explain how the distinction is drawn between private and public bribery/corruption.

As explained in section 1.1, paragraph a. of this report, the Penal Code of Finland makes a clear distinction between "private corruption" and "public corruption". Private corruption occurs in business between private persons and/or business entities and the objective of the bribe is to persuade an employee or representative of a business entity to favour the benefactor or a someone else. The favouring can occur in a number of ways: by accepting an offer to do business, by rejecting a competing offer, by making another kind of positive decision, by entering in a contract etc.

Public corruption, on the other hand, aims to directly influence the political decisions of government officials or to influence parliamentary decisions via a Member or Members of Parliament. A private person or a business entity can act as the benefactor in public corruption.

1.3 Is your law extra-territorial? If so, in what circumstances can it be enforced if the relevant acts/omissions of bribery/corruption occur outside your jurisdiction?

According to Penal Code chapter 1, section 6, a crime committed by a Finnish citizen outside the Finnish jurisdiction is punishable by Finnish Law. A person permanently residing in Finland is considered a Finnish citizen in this chapter. This chapter applies not only to natural persons, but to legal entities as well. As explained in chapter 2 of this report, a legal entity can be prosecuted and punished for some of the acts of corruption defined in PC.

However, PC chapter 1, section 11 states that section 6 can only be applied if the the offense in question is also illegal in the jurisdiction it was performed in. In other words, *dual criminality* is required. There are ten punishable offenses of corruption in the Finnish Penal Code and it is possible that the legislation is more lenient in some other countries, so dual criminality requirement may not be fullfilled in some cases.

1.4 Are there any "safe harbours" or exemptions in relation to transactions that might otherwise be regarded as bribes, such as "facilitation payments", which are expressly excluded from being illegal? If so, is this determined by statute/codified law, by case law or otherwise?

As for the "safe harbours", a typical defense for someone suspected of corruption is to argue that giving benefits is a general habit. When the benefit in question is a birthday or other special day gift of a reasonable value, the transaction can be acceptable.[5] The same holds true with a dinner or other occasion of reasonable value.

There is, however, no specific monetary limit, where staying under the limit would make the transaction permitted and exceeding the limit would constitute corruption. The legislator has seen no reason to set this kind of a limit because of the danger that such limit would work as a "price of an official matter" – a price that always has to be paid.[6]

A facilitating payment, also known as "grease money", can be defined as a certain type of payment to officials to speed up a predetermined or certain outcome of a decision or other process.

Facilitating payments are not commonly or officially used in Finland. Since the act of active public corruption merely requires that the objective of the bribe is to *influence* or *to try to influence* a public official, in my opinion a facilitiating payment would also constitute active corruption, despite the fact that the purpose of the payment is only to speed up the process and not actually change the outcome in any way. This would also apply to passive corruption, as it would be enough to constitute an act of corruption for the official to merely ask for a gift in exchange for his actions while performing his duties. Since this kind of payments are largely unknown and not used in Finland, we lack the legal praxis related to facilitating payments. However, the legal literature states that a clear indication of an intent to influence a public official's duties would be giving an official benefits "to make official matters run smoothly".[7]

1.5 Does the financial regulatory system (i.e. the law and regulations governing the operation and conduct of banks and other financial institutions) in your jurisdiction address the topic of bribery & corruption? If so, please provide a brief summary of the obligations (including systems/controls and reporting obligations) that are imposed on banks and other financial institutions in this regard.

The Finnish Law of Financial Institutions or the Law of Supervision of Financing and Insurance Companies[8] do not address the topic of bribery and corruption.

The Finnish Anti-Money Laundering Law,[9] on the other hand, does include strict responsibilities for banks and other financial institutions, for example the KYC (Know Your Customer) responsibility and the responsibility to plan and enforce a comprehensive risk analysis process in order to avoid money laundering and financing of terrorism. Insufficiency in the aforementioned responsibilities may cause risks for the financial institution itself and to the society as well. As money laundering normally plays at least some role in corruption – the monetary bribe is of criminal origin and this fact has to be covered or at least hindered

[5] Frände, etc. p. 749.
[6] Frände, etc. p. 746-747.
[7] for example Frände, etc. p. 751.
[8] "Laki luottolaitoksista" and "Laki rahoitus- ja vakuutusyhteenliittymien valvonnasta" in Finnish respectively.
[9] "Laki rahanpesun ja terrorisimin rahoituksen estämisestä ja selvittämisestä" in Finnish.

somehow – the obligations for financial institutions in the Anti-Money Laundering Law can at least indirectly influence corruption.

The main obligations for a financial institution according to the Anti-Money Laundering Law are (chapters 2 to 3 of the law):

1. **Recognize/identify your client**: indentify the private person or the business entity and the private persons acting on behalf of the latter. Save the copies of the identifications and commercial registers for five years.
2. **Know your client**: plan and enforce a risk analysis process for the financial institution and become familiar with the clients' business in order to recognize unordinary or suspicious transactions.
3. **Notify the authorities**: immediately notify the Anti-Money Laundering Clearing House of the Finnish Natioal Bureau of Investigation of any suspicious transaction made by your client.

The Financial Supervision Authority of Finland supervises the Law of Supervision of Financial and Insurance Companies. One key mission of the Financial Supervision Authority is to supervise the conduct of financial instutions in their relations with the customers and with each other. The conduct must be in accordance with national law, international requirements and good business practises. In addition, the Financial Supervision Authority conducts market supervision, risk supervision and supervises the compliance of anti-money laundering obligations.

The Finacial Supervision Authority itself can impose administrative penalties, including public reprimands, public warnings, penalty payments and administrative fines in case of failures and violations detected in supervision. More importantly, the Financial Supervision Authority may request a police investigation in case of a more serious offence, such as corruption.

2. Corporate Criminal Liability

2.1 In the context of bribery/corruption, does your law recognise the concept of corporate criminal liability? E.g. can a corporate entity be found guilty of bribery?

The penal provisions in the Penal Code of Finland make it possible to impose a fine on legal entities for a number of offenses. With regards to corruption, a legal entity can be prosecuted and fined for *giving a bribe to a public official* (PC chapter 16, section 13) as well as for the aggravated form of the crime (PC chapter 16, section 14), for *giving a bribe to a Member of Parliament* (PC chapter 16, section 14 a), for *giving a bribe in business* (PC chapter 30, section 7) and for *receiving a bribe in business* (PC chapter 30, section 8).

2.2 If the answer to 2.1 above is "yes", please provide a brief explanation of the legal theory of corporate criminal liability (i.e. what circumstances must be established for corporate liability to arise and what form does that liability take) as well as the penalties that may be imposed upon a corporate offender.

Corporate criminal liability (defined in PC chapter 9) requires that a crime has been committed within the business or activities of a company, a foundation or an association (together: corporation). Corporate criminal liability can take place only with specific crimes described in the Penal Code. The corporate criminal liability is possible, if a legal or other representative or the one is de facto in command of the corporation has been involved in a crime or has allowed the crime to happen or if necessary caution has not been upheld in the corporation in order to prevent criminal activity.

The corporation itself is not considered the offender, but rather the crime is considered to be committed within the business or activities of a corporation.[10] This requires that the offender is an employee or a representative of the corporation or acts on an assignment by the corporation. The corporate criminal liability does not, however, require that any private person is convicted of a crime as well.

Corporate criminal liability applies to public legal persons as well, such as counties and the state.

The penalty that may be imposed upon a corporate offender is a fine of 850 to 850.000 euros. The corporate offender cannot collect the imposed fine from the employee, legal representative or other person (possibly) convicted of the same or related crime in the same matter in any way (by directly demanding restitution, by withholding salary or any other way). This kind of claim would not be supported by law and there would not be any way to legally collect the money via civil dispute judgment.

2.3 Are there any pending or expected changes to the law of corporate criminal liability in your jurisdiction? If so, please explain the proposed changes and the expected timeframe for implementation.

There are no pending or expected changes at this time.

3. Mutual Legal Assistance / Co-operation

3.1 Is your jurisdiction a signatory to any bi-lateral or multi-lateral treaties or other instruments regarding mutual legal assistance / co-operation in the context of bribery & corruption? If so, which ones?

Finland has acceded to the following major international conventions in the area of corruption:

- the 1997 OECD Convention on Combating Bribery of Foreign Public Officials in International Business Transactions;

[10] "Rikosoikeus", p. 123.

- the 1998 Convention on the Fight against Corruption Involving Officials of the European Communities or Officials of Member States of the European Union;
- the 1999 Council of Europe Civil Law Convention on Corruption;
- the 1999 Council of Europe Criminal Law Convention on Corruption; and
- the 2003 United Nations Convention against Corruption.

Further, in 2014 Finland acceded to the Agreement for the Establishment of IACA (International Anti-Corruption Academy) as an International Organization.

3.2 Are the regulatory/prosecution authorities in your jurisdiction parties to any formal or informal co-operation arrangements with equivalent authorities in other jurisdictions (e.g. a memorandum of understanding, etc.)? If so, please provide a brief summary of the arrangements and the other authorities/jurisdictions.

Finland is a member of both EPAC (European Partners against Corruption) and EACN (European Contact-Point Network against Corruption), which are frameworks for cooperation on the level of national police oversight bodies and anti-corruption authorities in Europe. The contact-point authority in Finland is the National Police Board, which is subordinate to the Minsitry of Interior and supervises the National Bureau of Investigation (which is normally the investigative authority in corruption cases involving nternational connections), The Police College of Finland, The Security Intelligence Service and the 11 District Police Departments. The collaboration in both EPAC and EACN is informal and focuses on the exchange of best practices and upholding communications. EPAC includes around 60 authorities from the Member States of the Council of Europe and EACN includes around 50 authorities from the EU Members States – many are members in both, as is the OLAF (European Anti-Fraud office).

Whilst the above mentioned cooperation is the responsibility of the Ministry of Interior, the Ministry of Justice is responsible for the overall horizontal and international coordination in anti-corruption matters and as such is involved for example in bilateral anti-corruption projects (currently at least with the Russian Federation and China).

On a more operational level, worth mentioning is that bribery offences are included in those offences for which a Euopean Arrest Warrant can be issued. In addition, worth mentioning is the EU Directive 2014/41/EU regarding the European Investigation Order in criminal matters, which the EU member states, including Finland, will have to implement in their respective national laws by 22 May 2017.

4. Cases

4.1 Please describe in brief three (3) cases of bribery/corruption in (or involving) your jurisdiction which illustrate the trend towards cross-border/global investigation and enforcement of anti-bribery laws. For example, cases where:

a. your jurisdiction's law(s) were enforced on an extra-territorial basis;

b. there was a degree of cooperation/assistance provided by your jurisdiction to another jurisdiction, or vice versa; and/or

c. penalities were imposed by your jurisdiction as well as by other jurisdictions, in relation to the same set of facts.

Case Wärtsilä

On 25 April 2014, the Appeal Court in Vaasa, Finland, dismissed bribery charges brought against a director ("the Director") of Wärtsilä Group ("Wärtsilä") as well as the prosecutor's claims for the imposition of a corporate fine and confiscation of criminal proceeds against Wärtsilä in a case concerning a consultancy agreement for a Kenyan power plant project.

According to the (dismissed) charges, the Director had given bribes to the CEO of a leading electricity distribution company in Kenya in 1999-2001 to induce the CEO to act in Wärtsilä's favor both during and after the negotiations for a Kenyan power plant project.

The Court found that Wärtsilä's foreign subsidiary had, based on a consultancy agreement concluded in 1997, paid millions of British pounds to an off shore company, the CEO and owner of which was a foreign public official, as defined in the Finnish Criminal Code and the OECD Convention on Combating Bribery of Foreign Public Officials in International Business Transactions, at the time of the payments.

However, the Court dismissed the charges against the Director because the prosecutor had failed to show that the Director:

- had personally participated in executing the payments (Wärtsilä's foreign subsidiary had executed the payments in agreed phases in accordance with the consultancy agreement);
- had known at the time of concluding the consultancy agreement – or at the time of the payments – that the Kenyan CEO was the owner of the off shore company; and
- had known or should have known that the Kenyan CEO was a foreign public official.

Since the charges against the Director were dismissed, also the claims against Wärtsilä were dismissed.The judgment stands as the Supreme Court did not grant leave to appeal in the case.

It is noteworthy, though, that bribery of a foreign official was criminalized in Finland as late as 1 January 1999, which has impacted the outcome in this case. It is highly unlikely that the outcome would have been the same, had the counsultancy agreement been concluded on or after 1 January 1999. As the consultancy agreement had been concluded in 1997, the Court did not consider the possible underlying intent to bribe. It only considered the relevance of making

the agreed payments in 1999-2001. Similarly the Court did not consider whether the agreement had in practice been a so-called Facilitation Payment Agreement.

The Patria Cases

Patria Group, a Finnish provider of defence, security and aviation services and technology, which is today wholly owned by the State of Finland, has faced multiple bribery charges in recent years. The cases concern Patria's export deals to Egypt, Slovenia and Croatia, signed 1999-2007.

The preliminary investigations started in March 2007 involving Finnish, Croatian, Slovenian, Austrian and Egyptian authorities as well as Eurojust. In addition to the Finnish proceedings, separate legal proceedings were initiated in Slovenia and Austria.

Key characteristics in all above mentioned export deals were the fact that defence material was to be delivered to the government, there were business consultants involved and the deals included requirements for local manufacturing and offset.

In all the cases preliminary investigation actions in Finland were conducted by the National Bureau of Investigation. The investigation actions included arrests, pretrial arrests, interrogations and questioning of witnesses and suspects (among which top management, sales and marekting directors of Patria), questioning of Patria representatives and extensive material and information requests.

Patria Egypt case:

The Patria Egypt case concerned a contract signed in 1999 for the delivery of defence equipment to the Egyptian armed forces. Charges were brought in 2010 against four employees and a Patria company for aggravated bribery, false accounting and assistance to false accounting. The first instance court, Pirkanmaa District Court, in 2011 dismissed the bribery charges, but found the four individuals guilty of false accounting or assistance thereto. Both the State Prosecutor and the four (by that time former) Patria employees appealed to the Turku Court of Appeal, which in 2013 dismissed the charges against one of the individuals as well as the Patria company, but sentenced the three other former employees to conditional prison sentences for accounting offences and assistance in accounting offences. The State Prosecutor did not seek leave for appeal to the Supreme Court and the Supreme Court did not grant leave for appeal for the three individuals.

Patria Slovenia case:

The Patria Slovenia case concerns a tendering process initiated in 2005 and contract signed in 2006 for the delivery of armoured vehicles to the Slovenian military. In 2012 charges were brought against six individuals (including the former Patria Group President and CEO as well as the former CEO of a Patria company) and a Patria company for aggravated bribery and industrial espionage, but the State Prosecutor withdrew the charges regarding industrial espionage during the proceedings in court. According to the bribery charges, Patria employees had through business consultants bribed senior officials in Slovenia (including former Slovenian

Prime Minister and Minister of Defence) to secure the deal. On 30 January 2014 the first instance court, Kanta-Häme District Court, dismissed all the bribery charges as well as the claim for a corporate fine for the Patria company. Worth mentioning is also that the court did not give relevance to a judgment given by a lower instance Slovenian court, in which the former Slovenian Prime Minister has been sentenced to imprisonment for two years for taking a bribe in connection to the Patria export deal. The Slovenian judgment is currently under appeal.

The prosecutors have appealed the judgment of Kanta-Häme District Court to the Turku Court of Appeal. The appeal concerns bribery charges for four individuals and the claim for a corporate fine for the Patria company. A feature in the appeal is also the prosecutors' critizism over the District Court's decision to first combine the hearing of the Patria Slovenia and Patria Croatia cases, but later to divide the cases back into separate legal proceedings.

Patria Croatia case:

The Patria Croatia case concerns a tendering process initiated in 2004 and contract signed in 2007 for the delivery of armoured vehicles to the Croatian State. Charges were brought in 2013 against three individuals for aggravated bribery in 2005-2008, in addition to which the prosecutors demanded that a corporate fine be imposed on a Patria company. According to the charges, a major part of the consultancy fees paid by Patria were intended as bribes to four individuals, among which were the then President of Croatia, the then Prime Minister of Croatia and a member the procurement committee. On 16 February 2015, the first instance court, Kanta-Häme District Court, gave its judgment, whereby it sentenced two of the former Patria employees to conditional imprisonment for aggravated bribery and a Patria company to a corporate fine of 297 000 euros. The charges against one of the former employees were dismissed. The court found that an amount equal to five percent of the entire sale was paid as bribes to four individuals, of which two percent points (3,7 MEUR) were intended as pension money for one member of the procurement comittee. The court did, however, not find proof that the former President and Prime Minister of Croatia would have been bribed.

The case is likely to continue in the Turku Court of Appeal.

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