

No. 30797

**FINLAND
and
RUSSIAN FEDERATION**

**Agreement concerning cooperation in crime prevention.
Signed at Moscow on 5 March 1993**

Authentic texts: Finnish and Russian.

Registered by Finland on 4 March 1994.

**FINLANDE
et
FÉDÉRATION DE RUSSIE**

**Accord de coopération en vue de la prévention du crime.
Signé à Moscou le 5 mars 1993**

Textes authentiques : finnois et russe.

Enregistré par la Finlande le 4 mars 1994.

[TRANSLATION — TRADUCTION]

AGREEMENT¹ BETWEEN THE GOVERNMENT OF THE REPUBLIC OF FINLAND AND THE GOVERNMENT OF THE RUSSIAN FEDERATION CONCERNING COOPERATION IN CRIME PREVENTION

The Government of the Republic of Finland and the Government of the Russian Federation, hereinafter referred to as “the Contracting Parties”,

Attaching great importance to international cooperation in crime prevention and desiring to this end to render each other the widest possible assistance and to increase the effectiveness of their cooperation in this area,

Taking into account the conventions and resolutions of the United Nations and the decisions of other international organizations concerning crime prevention, and

Bearing in mind the Treaty between the Republic of Finland and the Union of Soviet Socialist Republics concerning the provision of legal protection and legal assistance in civil, family and criminal cases of 11 August 1978,²

Have agreed as follows:

Article 1

SCOPE OF THE AGREEMENT

1. The subject of this Agreement is cooperation between the competent organs of the Contracting Parties with a view to the prevention, detection, suppression and exposure of crime.

2. For the purposes of this Agreement the competent organs of the Contracting Parties are: for Finland, the Police Service, the Department of Frontier Security and the Customs Department; for the Russian Federation, the Ministry of Security of the Russian Federation, the Ministry of Internal Affairs of the Russian Federation, the Office of the Public Prosecutor of the Russian Federation and the State Customs Committee of the Russian Federation.

3. The competent organs of the Contracting Parties shall render each other assistance by *inter alia*:

(a) Conducting interrogations and questioning victims, suspects, witnesses or experts;

(b) Obtaining evidence of crimes;

(c) Establishing identities and locating and identifying persons;

(d) Conducting searches and seizures;

(e) Providing documents needed for investigations or court proceedings;

¹ Came into force on 17 February 1994, i.e., 30 days after the Contracting Parties had informed each other (on 18 January 1994) of the completion of the legal requirements, in accordance with article 14 (1).

² United Nations, *Treaty Series*, vol. 1241, p. 299.

(f) Investigating accidents, including industrial accidents, establishing the causes of deaths, and investigating in other cases the causes of personal injury or damage to property; and

(g) Exchanging information on questions connected with the implementation of this Agreement, in particular on questions concerning the prevention of organized crime and drug-related crime.

Article 2

DEFINITIONS

For the purposes of this Agreement:

1. “Locating persons” means establishing the whereabouts of suspects, victims, witnesses or missing persons.

2. “Identifying persons” means establishing the identity of suspects or accident victims on the basis of fingerprints, other distinguishing marks, photographs or other information.

3. “Search” means a coercive measure taken for the purpose of examining a specific place or person in order to locate articles liable to seizure or to establish a fact which may be material to the investigation of a crime.

4. “Seizure” means a measure by means of which a specific article is removed by an official organ when there are grounds for supposing that it may constitute evidence in a criminal case or that it has been acquired by criminal means or that it will be declared confiscated by a court.

Article 3

CENTRAL ORGANS

1. In the implementation of this Agreement, requests for assistance or information shall be transmitted directly by the central organs of the Contracting Parties and under their supervision.

2. After the entry into force of this Agreement, the Contracting Parties shall notify each other as to which organs of the Contracting Parties shall perform the functions of central organs.

3. The measures provided for in this Agreement may also be carried out directly at the local level, if the central organs so agree.

Article 4

FORM AND CONTENT OF REQUESTS FOR ASSISTANCE

1. Requests for assistance must be transmitted in written form or by telex, telefax or a computer link. In urgent cases requests may be transmitted by telephone, but they must be immediately confirmed in writing. When telex, telefax or a computer link is used, or if there is any doubt as to the authenticity or content of a request, the organ to which the request is addressed may ask for confirmation in writing.

2. Requests for assistance must contain the following information:
 - (a) The name of the organ making the request;
 - (b) The name of the organ to which the request is addressed;
 - (c) A detailed description of the crime or incident and other facts relating thereto;
 - (d) The full names of persons involved in the case, their date and place of birth, their nationality and, where possible, their occupation and place of domicile or residence;
 - (e) The content and grounds for the request and, in criminal cases, the legal description of the act as defined in the legislation of the Contracting Party making the request and the text of the applicable law.
3. Requests for assistance transmitted or confirmed in writing must be signed by a competent person and authenticated with the stamp of the organ making the request.
4. Requests for assistance may also contain:
 - (a) An indication of the desired time-limit for the implementation of the measures requested;
 - (b) An application for permission for representatives of the Contracting Party making the request to be present during the execution of the measures indicated in the request;
 - (c) An application for the measures to be carried out in a specific manner; and
 - (d) When necessary, other wishes connected with the implementation of the request.

Article 5

PROCEDURE FOR THE IMPLEMENTATION OF REQUESTS

1. The competent organs of the Contracting Parties shall render each other assistance in accordance with the legislation of their State and within the limits of their competence.
2. If the implementation of a request does not fall within the competence of the organ receiving the request, that organ must immediately transmit the request to the competent organ and inform the organ making the request accordingly.
3. The organ to which a request is addressed shall comply with it in accordance with the procedure prescribed by the legislation of its State; however, at the request of the organ making the request, it may use a special form and procedure, provided that this is consistent with the legislation of the Contracting Party to which the request is addressed.

Article 6

PROVISION OF ASSISTANCE

1. The organ to which a request is addressed shall comply with it immediately and if possible within the time-limit specified therein. It may ask for additional information if this is needed in order to carry out the request.

2. An application of the kind referred to in article 4, paragraph 4 (*b*), shall be granted if this is possible.

3. The organ to which a request is addressed shall immediately inform the organ making the request of any circumstances which may significantly delay compliance with the request or a response thereto.

Article 7

REFUSAL TO PROVIDE ASSISTANCE

1. Assistance may be refused if compliance with a request may prejudice the sovereignty or security, or is inconsistent with the fundamental principles of the legislation, of the Contracting Party to which the request is addressed.

2. Assistance may be refused if compliance with a request would be inconsistent with the legislation of the receiving Contracting Party to which the request is addressed concerning cooperation and legal assistance in crime prevention or with its international human rights obligations.

3. The organ making the request shall be notified of the refusal to provide assistance and of the reasons therefor.

Article 8

LANGUAGES

Requests for assistance and the documents attached thereto may be drafted in Finnish, Swedish, Russian or English.

Article 9

LEGAL CERTIFICATION OF DOCUMENTS

In the provision of assistance the documents which the Contracting Parties submit to each other shall be accepted without legal certification or other formalities.

Article 10

USE OF INFORMATION

1. Information and documents received under the cooperation arrangements may be used only for the purposes specified in this Agreement, including their use in court or administrative proceedings. Such information and documents may be used for other purposes only with the consent of the Contracting Party to which the request is addressed.

2. Requests, information and documents received by one Contracting Party shall be regarded as confidential at the request of the Contracting Party which submits them. The reason for such a request must be indicated. The Contracting Party making the request shall treat information received under this Agreement from the Contracting Party to which the request is addressed with the degree of confidentiality requested by the latter.

Article 11

EXPENSES

The Contracting Party to which a request is addressed shall bear any expenses in connection with compliance with a request in the territory of its State. If the expenses are considerable, the central organs may conclude a separate agreement concerning their possible division. Expenses in connection with application of the provisions of article 6, paragraph 2, of this Agreement shall be borne by the Contracting Party making the request.

Article 12

FURTHER STEPS CONCERNING THE IMPLEMENTATION OF THE AGREEMENT

The Contracting Parties shall, where necessary, hold consultations to assess the implementation of this Agreement and the desirability of modifications thereto. The first consultations shall be held one year after the entry into force of this Agreement.

Article 13

OTHER PROVISIONS

1. The provisions of this Agreement shall not impede cooperation between the competent organs of the Contracting Parties under other agreements in force between the Contracting Parties.

2. This Agreement shall not affect the rights and obligations of the Contracting Parties under other international treaties and agreements to which they are parties.

Article 14

FINAL CLAUSES

1. This Agreement shall enter into force 30 days after the Contracting Parties have informed each other in writing of the completion of the legal requirements for its entry into force.

2. This Agreement is concluded for an indefinite period. It shall expire six months after the date on which one Contracting Party informs the other Contracting Party in writing of its intention to terminate the Agreement.

DONE at Moscow on 5 March 1993, in duplicate, in the Finnish and Russian languages, both texts being equally authentic.

For the Government
of the Republic of Finland:

PAAVO VÄYRYNEN

For the Government
the Russian Federation:

ANDREI KOZYREV