

The Act on the implementation of certain provisions of the Protocol for the Protection of Cultural Property in the Event of Armed Conflict and on the application of the Protocol 1135/ 1994

Section 1

The provisions of a legislative nature in the Protocol done at the Hague on the 14th day of May 1954, which is related to the Convention for the Protection of Cultural Property in the Event of Armed Conflict, also done at the Hague on the 14th day of May 1954, shall be in force as agreed.

Section 2

An object brought to Finland, which is reasonably considered to be cultural property as defined in Article 1 paragraph a of the Convention and in paragraph 2 of the Protocol mentioned in Section 1 shall be ordered confiscated in order to ensure the protection of the object and its return.

The confiscation shall be decided by an authorised officer upon the order of the Ministry of Justice. The applicable provisions of the Coercive Measures Act (450/87) shall be complied with in executing the confiscation or taking the object into custody for the purpose of confiscation and in executing the search for finding the object to be confiscated.

Section 3

The officer who decided on the confiscation shall within one month submit the decision concerning the confiscation for the confirmation of the Helsinki District Court or the court of the locality where the confiscation was executed.

When deciding to confirm the confiscation, the court shall simultaneously set a prescribed time for the validity of the confiscation, or shall order that the confiscation shall be in force until further notice.

The court may, before the termination of the prescribed time, extend the prescribed time upon the request of an authorised officer.

The applicable provisions of chapter 4 section 11 paragraph 1 and sections 16 and 17 of the Coercive Measures Act shall be in force with regard to rescinding the confiscation, appealing and returning the confiscated object.

Section 4

The Ministry of Justice shall decide on the return of the confiscated object in accordance with paragraph 3 of the Protocol to the competent authority of the Contracting Party from where the object was removed.

The request and the reasons submitted by a foreign state concerning the return of the object shall be conveyed to the owner of the object and other holder of a right by complying with the provisions concerning the giving of notices in administrative matters. At the same time, the owner and other holder of a right shall be requested to state within the specified time, at the risk of losing their right of action if failing to do so, whether they oppose the return and whether they have claims for compensation or other claims that they possibly wish to make in the matter. If the Ministry of Justice considers that the request does not call for any measures, that which has been prescribed above in this section shall not be applied.

Section 5

If the owner or other holder of a right of the object has, within the prescribed time, notified the Ministry of Justice that they oppose the return or they wish to present other claims in the matter, the Ministry of Justice shall submit the case concerning the return or the claim for compensation, with regard to the contested matter, to be settled by the court that decided on the confiscation. The

proceedings shall be instituted with a written application. The owner or other holder of a right shall be given an opportunity to be heard in the matter.

Section 6

A person who has obtained the ownership or other right to the object before the confiscation of it, shall be entitled to receive compensation from the state for loss that has been suffered as a consequence of the confiscation or the return of the object to a foreign state executed in accordance with this Act, provided that when obtaining the right, the person neither knew nor could have known that it was cultural property as defined in section 2, or if the payment of compensation is otherwise held justified.

The Ministry of Justice shall decide concerning the compensation, provided that the matter has not been submitted to the court for judgement.

Section 7

The National Board of Antiquities shall carry the responsibility in Finland for the safekeeping of the object confiscated under this Act and for the return of the object.

Furthermore, it is the duty of the National Board of Antiquities to give statements to courts and other authorities concerning the question of whether the object is cultural property as defined in section 2, and concerning other matters requiring particular expertise, which may have significance in dealing with the case.

Section 8

Further provisions on the application and implementation of the present Act may be given as necessary by decree.

Section 9

This Act will enter into force on a date to be defined by decree.

This Act shall not be applied to an object that was brought to Finland before this Act entered into force.