

## Summary

Elonvaalijat is a non-governmental organization (registered association) that aims to promote public awareness about the existential threat posed by the human induced climate change. To achieve this, Elonvaalijat has provided funding for a Finnish grassroots-level climate movement. In 2021 Elonvaalijat organized two fundraisers to collect funds for Extinction Rebellion Finland, more commonly known as Elokapina. In Finnish legislation, fundraising is subject to state approval for which Elonvaalijat acquired small fundraising licenses from the local police office. The fundraisers were successful, but soon after the last fundraiser police opened a criminal investigation against Elonvaalijat and confiscated all of its funds. At the time of this writing (3/2022), the prosecutor has pressed charges against Elonvaalijat and the members of its board on multiple fundraising offenses main claim being that Elonvaalijat collected funds for illegal activities or activities that clearly risk public safety or order. Elonvaalijat holds that the goal of the prosecutor and police is to exacerbate the funding of popular movements that are inconvenient to the police and government, such as Elokapina, and to discourage the general public from showing their support to such movements. This conclusion is based on both the charges pressed against Elonvaalijat as well as multiple strategically aligned actions that the police has taken against Elokapina in the aftermath of the 2021 campaigns. We will describe them in more detail below.

## Fundraisers

Elonvaalijat organized two fundraisers in 2021. Both of those were aimed at collecting funds for Elokapina's "rebellion weeks", i.e. prolonged periods of time during which multiple protests are organized. The fundraisers were "small-scale fundraisers" as described by the Finnish Money Collection Act (I). The permits for small-scale fundraisers are easier to obtain, but they only allow a maximum of 10 000 EUR collected in them and are valid only for a limited period.

The first fundraising was held in April-June to fund Elokapina's Summer Rebellion (Kesäkapina), that occurred in June. As the amount approached 10 000 EUR upper limit set by the fundraising legislation, the fundraiser was terminated. After the Summer Rebellion, Elonvaalijat submitted the accounting of the fundraiser to police as required. From the accounting the police could see detailed account about how the collected money was spent. The police accepted the accounting with no further comments or questions.

The second fundraising was held in September to fund Elokapina's Autumn Rebellion (Syyskapina), that occurred in September-October. This time around fundraising was stopped before the Autumn Rebellion because the 10 000 EUR upper limit was reached. On the first day of protest associated with Autumn Rebellion, Elonvaalijat received information about the criminal investigation targeted at them regarding the fundraisings.

Additionally, Elonvaalijat applied for a full-scale fundraising permit that would allow them to raise funds without upper limits for length or amount of collected money. This license is granted and supervised by the state police authority National Police Board. Elonvaalijat has not received a response to their permit request, likely due to the criminal investigation.

## Criminal investigation

On 29.9.2021, the eve of Elokapina's Autumn Rebellion Elonvaalijat was made aware of the criminal investigation targeting them via a contact by journalist requesting for comments regarding the investigation. Shortly after, on 6.10. the police confiscated 20 000 EUR of Elonvaalijat's funds (1), based on that being the amount that was collected in the two fundraisers, citing that they suspected a fundraising offense. Elonvaalijat was heard in Helsinki district court regarding the confiscation, but lost the case. The police interrogated the members of Elonvaalijat's board swiftly after this, and preliminary investigation was finished before the end of the year. Elonvaalijat suggested to include a witness' testimony to the preliminary investigation proceedings, but the police decided to include the proposed witness into the investigation as a suspect, a move that we consider implicative of police partiality. The person had nothing to do with the fundraisers, and the charges against him were subsequently dropped by the prosecutor.

The summary of the investigation provided by the police was also full of inaccuracies. For example, it claimed that Elonvaalijat was in effect responsible for Elokapina's demonstrations (2). As for the members of the board of Elonvaalijat, the charges were pressed in early 2022. Additionally, Elonvaalijat pleaded to appeal to the court of appeal of the district court's decision on the confiscation, but was denied the right of appeal. As a result of the preliminary investigation the police stated that since Elokapina's demonstrators practiced insubordination towards police, the fundraisers must be illegal (2, 3).

## Role of Elokapina

Elokapina strives to raise awareness of the ongoing ecological and climate crisis and to pressure decision-makers to avoid total climate catastrophe. To achieve its goal Elokapina organizes a wide variety of peaceful activities that range from public speeches to artistic performances, and from protest marches to road blocks. Elokapina holds that in addition to more traditional forms of protesting, road blocks that cause a minor inconvenience are a justifiable method for demanding change in the face of the existential threat posed by the combination of climate change and increasing pace of biodiversity loss. Non-violence and safety are key values to the movement.

Given that the Finnish Assembly Act designates (II) roads as suitable places for protests and permits public gatherings if they do not endanger people's safety, cause significant disadvantage to the environment or property, nor cause unreasonable disturbance to third parties and traffic, it is questionable whether Elokapina's protests amount to illegal activities. Certainly against the backdrop of earlier legal cases ((2003) C-112/00), the right to protest exceeds even considerable inconvenience caused by delayed traffic let alone minor delays due to rerouting. Therefore providing funding for Elokapina should not be considered a crime on its own.

## Police bias against Elokapina

Our stance is that with regards to Elonvaalijat and Elokapina, there is a trail of evidence that points to systematic repression from the part of the police which violates the basic human rights of those targeted. In order to properly show the systematic nature of the biased police conduct, we describe the many repressive actions that the police has taken

against Elokapina.

In fact, already in Autumn 2020 during a peaceful sit-in protest, approximately 30 Elokapina protesters were subjected to pepper spraying by Helsinki police (III), after which the police denied protesters from first aid. This alone fulfills the criteria of human rights violation. However, after considerable public backlash against the police, the National Police Board started an internal investigation, which deemed police's actions correct and the use of force proportionate. Elokapina contested the report in their press release (IV) by stating that police was clearly untruthful and omitting facts from the report in order to justify the use of overt force. The actions of police officers were later investigated by the state prosecutor. However, 16 months after the incident the prosecutor has not yet pressed charges against the police.

During 2021 Elokapina organized two approximately week long campaigns, one during Summer, called Summer Rebellion and another during Autumn, similarly called Autumn Rebellion. During these Elokapina organized some of the largest and longest climate related demonstrations in Finnish history, including multiple road blocks as well as other demonstrations and activities.

Summer Rebellion took place between 16th and 24th of June 2021. During the campaign Elokapina arranged protests which blocked two streets in central Helsinki, Unioninkatu and Mannerheimintie and had a protest tent in the Senate Square. After 3 days of continuous demonstrations and negotiations with police, the police finally ordered both road block demonstrations to disperse, leading to some of the activists being detained due to insubordination. The police failed to protect public order and safety from a counter-demonstration consisting of well-known far-right and neo-nazi affiliated persons whose self-claimed purpose was to prevent people affiliated with Elokapina to exercise their right to protest. They did so by playing music with extremely high decibel levels, shoving people and threatening activists verbally, ie. with racist slurs. Despite numerous pleas, the Helsinki police refused to move the counter demonstration further away and in this way denied the Elokapina protestors their right to exercise their constitutional rights. The police officer on-site explained that this was the order from the head of the police.

Similarly during the Autumn Rebellion, beginning from 29th of September, Elokapina blocked Mannerheimintie twice, Pitkäsilta (a bridge in central Helsinki) once, and the front of the senate house once. All of these demonstrations were ordered to disperse by the police (this time without negotiations), and activists were detained at each dispersal. As a clear sign of bias against Elokapina, police officers were filmed (V) giving advice to the violent counter demonstrators where they would find Elokapina activists as the protest had moved from Mannerheimintie to Pitkäsilta. Later the Commissioner of Police, Jarmo Heinonen, who is the witness against Elonvaalijat, participated in an interview (VI) on a known disinformation and far-right platform called "Tokentube" where he said that in his opinion the police should have the right to pepper spray Elokapina activists in police districts such as Lapland where there are fewer resources.

Finally, the police made a clear misjudgement during the final day of the campaign, 8th of October, in a sit-in demonstration that was held at the immediate surroundings of the senate house. There part of the protesters peacefully attached themselves to some of the doors and windows of the building to make it more difficult for the police to remove them and thus prolong the protests. According to the protesters, the intended purpose of

the protest was never to block entry to the building itself. Police however announced in a public Twitter post (VII) that the protesters had not just blocked all of the doorways, but effectively “occupied” the building and that thus the protests constituted direct security threat to the government officials. Police then detained 52 of the participants keeping some of them in custody for more than 24 hours.

Police claimed that in addition to the usual insubordination charges, the senate house protest participants would be facing two additional criminal charges, i) **prevention of a public meeting** (up to 2 years in prison) and ii) **an aggravated invasion of public premises** (up to 2 years in prison). This accusation aroused a backlash in the public after both the head of security of the senate house, as well as the government officials including the president of Finland Sauli Niinistö publicly stated that they didn’t share police’s assessment of the situation and didn’t perceive that any threat existed in the first place (VIII). After the event Helsinki police stated that their public messaging had failed during the protest and the state level National Police Board started internal investigation of the event.

In the same time period, police also started multiple investigations against people who had made public statements about either supporting or simply showing approval for Elokapina demonstrations (IX). These included **public provocation of crime** (up to 2 years in prison) and **fraud** (up to 2 years in prison). For former, it was enough to state paying fines of a protester and for latter applying for funding from a climate activism centred foundation and using that money to pay the rent of an office space used by Elokapina.

## SLAPP

We believe that the lawsuit filed against Elonvaalijat constitutes a SLAPP, strategic lawsuit against public participation. That is, it is intended to discourage criticism of the Finnish state. It is well-established that the judicial processes in Finland are slow. In 2020 the average processing time for the district court in the Helsinki region was 15 months and the national pooled average 9 months. By raising the lawsuit against Elonvaalijat, the NGO has been in practice deprived of its ability to raise funds, since the ongoing judicial process can be used by the police as a reason to deny any further requests for fundraising permits. This has indeed been the case with another NGO, Electronic Frontier Finland (Effi), who have been unable to raise funds publicly due to ongoing judicial processes for a total of 15 years.

Police’s ability to prevent NGOs from raising funds on the basis of an ongoing criminal investigation or judicial process constitutes a penalty that is served prior to trial. Regardless of the outcome of the trial the Elonvaalijat will be unable to fulfill its purpose as a supporting element for Finnish grass-roots actors for possibly years to come and the associated negative media attention incurs reputational damage to both the NGO as well as Elokapina. Additionally, the long judicial process causes possible insolvency of the NGO since its funds are frozen until the case is settled, while making it difficult to ensure the continuity of the NGO as potential new members of the NGO shy away from it.

## What enables police to act in this manner?

The problem is two-fold. First, the Finnish Money Collection Act regulates donations and fundraising in especially strict manner. Due to this many if not most of the NGOs,

politicians and other small actors are potentially engaging in practices that could be subjected to criminal investigations. For example, Effi was prosecuted simply for adding their bank account number to their website. They conducted their own online investigation, which revealed that there exists countless cases where NGOs as well as private people engage in the same practice yet aren't targeted with criminal investigation. This enables both the police as well as politically motivated third parties to selectively target NGOs with criminal investigations, and is a clear indication of legislation that isn't fit for purpose.

By preventing the funding of popular movements the right to peaceful assembly becomes indirectly threatened. Every political movement needs organisers and basic infrastructure which in turn is dependent on the ability to raise funding from the public. In Elokapina's case the fundraising has been effectively denied, which restraints the movement's ability to advertise their events, arrange the necessary infrastructure, as well as helping protesters cover various other organizing costs. Without the ability to raise funds for these costs, the protesters themselves will have to carry the costs, which inevitably sets limits for the scale of the protests. Although Elokapina as a movement is not strictly dependent on Elonvaalijat, the fear of similar charges constitutes a chilling effect for other NGOs that could potentially lend their support to the movement.

Second, the way in which the police oversight is arranged is not necessarily up to date. In Finland, the police still conducts the internal criminal investigation into its own matters. This might be contributing to outcomes where certain actors are more prone than others to being targeted by police based on their political views. When asked in opinion polls, the Finnish police officers and staff consistently favor right leaning political parties (X). When combined with the lack of proper civilian oversight, this might increase the likelihood of police targeting left-leaning and progressive groups such as climate movements while favoring actors that they feel share their views, thus contributing to partiality.

### Proposed recommendations

Our case has proven that the money collection act gives the police wide powers to hamper the activities of NGOs prior to due legal process, and that the police is willing to use this power to questionable ends. Further, we have shown that the utility of the money collection act in monitoring and enforcing legality of fundraisers is questionable, since Elonvaalijat was able to acquire fundraising permits and the police wanted no clarifications on the purpose of the fundraisers, but in the end they opened an investigation regardless. Therefore, we propose that the money collection act be refuted or strongly revised in light of its intended purpose to enable citizen participation. The legality of fundraisers can be enforced via other existing legislation, e.g. fraud legislation.

We have also demonstrated our first-hand experience about police being partial in targeting certain actors over others. We propose the state of Finnish police oversight will be re-evaluated and made sure that there is proper external investigation system into suspected police crimes. Finland could take example from countries that have introduced the so called 'civilian control model' that allows external agencies to conduct independent investigations of police and use of significant powers such as arranging compulsory hearings and conducting covert surveillance. External agency will allow police officers to more freely reveal internal misconduct and deter against clearly partial behavior.

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## References

I. Finnish Money Collection Act

(893/2019): <https://www.finlex.fi/en/laki/kaannokset/2019/en20190863.pdf>

II. Finnish Assembly Act

(530/1999): [https://www.finlex.fi/en/laki/kaannokset/1999/en19990530\\_20020824.pdf](https://www.finlex.fi/en/laki/kaannokset/1999/en19990530_20020824.pdf)

III. News source about pepper spraying: <https://yle.fi/news/3-11588018>

IV. Activist response to the lack of truthfulness of the police's internal investigation of the event: <https://elokapina.fi/news/press-release/2020/10/09/poliisin-selvitys/>

V. Police officers advice Huuhtanen and his companions to move to Pitkäniemen silta: <https://vimeo.com/625662584>

VI. Interview of the Commiissioner of Police Jarmo Heinonen on Tokentube: <https://tokentube.net/l/1262577131/L%C3%84HETYS-7-10-KLO-20-00—HAASTATTELUSSA-KOMISARIO-JARMO-HEINONEN>

VII. Tweet by the police: <https://twitter.com/HelsinkiPoliisi/status/1446390224712577027>

VIII. News article about the differing views of politicians and police: <https://yle.fi/uutiset/3-12136866>

IX. <https://yle.fi/uutiset/3-12275438>

X. News piece about a survey of the political opinions of the police: <https://www.iltalehti.fi/politiikka/a/201709162200397914>

## Attachments (in Finnish)

(1) Takavarikkovaatimus

(2) Ote esitutkintapöytäkirjasta

(3) Ote syyttämättäjättämispäätöksestä