

1. Has your Government adopted any national legislation implementing the Rome Statute (“the Statute”)?

Yes

5. In implementing the Statute, did your Government draft special implementing legislation or did it incorporate the articles or substantive provisions of the Statute into pre-existing law?

Sweden has adopted the Cooperation with the International Criminal Court Act (2002:329) which contains necessary legislation for cooperation with the Court in accordance with the obligations set forth in the Rome Statute. The Act entered into force on 1 July 2002. Simultaneously, amendments were made to the Act (1994:569) on Sweden's Cooperation with the International Criminal Tribunals for Crimes Against International Humanitarian Law, the Immunities and Privileges Act (1976:661) and the Secrecy Act (1980:100). Additionally, the Cooperation with the International Criminal Court Ordinance (2003:69) has been adopted, entering into force on 1 April 2003. In 2010 necessary amendments were made in the Penal Code and in the Cooperation with the International Criminal Court Act (2002:329) in order to fully meet the obligations regarding offences against the administration of justice by the Court (article 70 of the Statute). The amendments entered into force on 1 January 2010. Also amendments were made in the Penal Code concerning the non-application of the ordinary statute of limitation for the crimes of genocide and crime against international law (which correspond to war crimes). The amendments are entering into force on 1 July 2010.

6. Does the implementing legislation incorporate the substantive crimes through reference to the Statute or by incorporating the crimes in the legislation itself?

Amendments to Swedish penal law in light of the Rome Statute and other developments in international law have been considered by a separate Commission, the Commission on International Criminal Law, which submitted its report in early November 2002 (SOU 2002:98). The Report contains proposals for a new Act on International Crimes, amendments to the Penal Code regarding the competence of Swedish courts and non-application of the ordinary statute of limitation to certain crimes. The report and the proposals have been remitted for comments and preparations towards a Government Bill is presently taking place.

7. Does the implementing legislation fully incorporate all modes of cooperation under Part 9 of the Statute?

Yes. The Cooperation with the International Criminal Court Act (2002:329) includes provisions on surrender of persons to the Court, including on provisional arrest, other forms of cooperation (compare Article 93 of the Rome Statute). Legal cooperation

with respect to offences against the administration of justice (Article 70 of the Rome Statute) is also regulated. In addition, the Act provides for enforcement of fines, forfeiture and reparation orders, and authorizes the Swedish Government to accept enforcement of sentences of imprisonment

8. Does the implementing legislation designate a channel of communication with the Court?

Yes. With respect to requests for international legal cooperation (surrender, legal assistance, enforcement), the Cooperation with the International Criminal Court Act (2002:329) designates the Swedish Ministry of Justice as the channel for communications from and to the Court. For all other matters related to the ICC, the Swedish Ministry for Foreign Affairs is responsible for communications with the Court.