



Ministry for Foreign Affairs
Department for International Law, Human Rights
and Treaty Law

Secretariat of the Assembly
of States Parties
International Criminal Court
The Hague

Implementing legislation questionnaire for States Parties

1. *Has your Government adopted any national legislation implementing the Rome Statute (“the Statute”), or otherwise enacted legislation pertaining to the Rome Statute?*

Yes.

Part B

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

The Act on Criminal Responsibility for Genocide, Crimes against humanity and War crimes (2014:406) entered into force on 1 July 2014 (since 1 January 2022 renamed as the Act on Criminal Responsibility for Certain International Crimes). The purpose of introducing the act was, among other things, to ensure that the crimes covered could be prosecuted in Sweden to at least the same extent as at the International Criminal Court. The act introduced new penal provisions on crimes against humanity relating to certain specified acts when they constitute or form part of a large-scale or systematic attack directed against a civilian population. The penal provision on genocide builds on the underlying rules of international law. The provision on violations of international law in Chapter 22 Section 6 of the Criminal Code was repealed and replaced by a clearer regulation of criminal responsibility for war crimes. Attempt, preparation, conspiracy to, and failure to disclose offences under the act were criminalized. A provision was also introduced to the effect that, under certain conditions, military and civilian superiors may be regarded as perpetrators of offences under the act that are committed by subordinates. In addition, a special criminal responsibility was introduced for military and civilian superiors who have

failed to control subordinates or who have failed to report genocide, crimes against humanity or war crimes committed by subordinates.

Genocide, crimes against humanity and gross war crimes, as well as attempts to commit such crimes, were exempted from statutes of limitations (regulated in the Swedish Criminal Code). Furthermore, universal jurisdiction for Swedish courts was introduced for all offences under the act (regulated in the Swedish Criminal Code).

On 1 January 2022, legislative amendments entered into force enabling Sweden's accession to the so-called Kampala amendments regarding crimes of aggression and certain other amendments to the Rome Statute of the International Criminal Court. A special criminal responsibility for the crime of aggression was introduced in Swedish law in the act on criminal responsibility for certain international offences. A person who is able to exercise control over or direct the political or military actions of a State and who plans, prepares, initiates or carries out an act of aggression which, by its nature, severity and extent, constitutes a flagrant violation of the Charter of the United Nations can be convicted of the crime of aggression. The punishment is imprisonment for a fixed term, a minimum of four and a maximum of eighteen years or for life.

6. Does the implementing legislation incorporate the substantive crimes through reference to the Statute or by incorporating the crimes into domestic law?

By incorporating the crimes into domestic law.

7. Does the implementing legislation incorporate the following aspects of cooperation with the Court and if yes, how?

Information regarding this was already provided in previous submission to the Secretariat in 2010.

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

See response to question 9.

9. Does the implementing legislation create a central national authority or designate a national focal point for cooperation 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.

10. Does the implementing legislation provide for the privileges and immunities of the Court? (See in particular article 48 of the Rome Statute and the Agreement on the Privileges and Immunities of the International Criminal Court)

Necessary legislation with respect to the privileges and immunities of the Court in accordance with the Statute and the Agreement on the Privileges and Immunities of the International Criminal Court which Sweden ratified on 13 January 2005, is provided in the Act on Immunity and Privileges in Certain Cases (1976:661).

11. What obstacles, if any, did your Government face in its efforts to implement the provisions of the Statute?

No particular obstacles identified.

12. Did your Government benefit from any form of assistance in the process of implementing the Statute?

No.

13. Has your government initiated or considered additional steps for the implementation of the Statute in national legislation?

We consider the Statute fully implemented in national legislation.