

PERMANENT MISSION OF DENMARK TO THE UNITED NATIONS

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The Permanent Mission of Denmark to the United Nations presents its compliments to the Secretary-General of the United Nations and in reference to the letter of 9 April 2010 regarding "Status of the Protocols Additional to the Geneva Conventions of 1949 and relating to the protection of victims of armed conflict" (circular note I.A/COD/2), has the honour to submit the following requested information on measures taken to implement the Additional Protocols to the Geneva Conventions on the behalf of the Government of the Kingdom of Denmark.

Denmark ratified the Geneva Conventions in 1951 and the Additional Protocols in 1982.

The Conventions and Additional Protocols as well as other aspects of international humanitarian law have been integrated into Danish law through the following legislative acts and amendments hereto: the Civil Defense Act (1976), the Military Penal Code (2006), the Penal Code (1978), the Military Administration of Justice Act (2006), the Rescue Preparedness Act (1992), the International Tribunals Act (1994), the Executive Order on Weapons and Ammunition Act (1995) and the International Criminal Court Act (2001).

The most recent change was the 2005 reform of the Military Penal Code and Military Administration of Justice Act, which entered into force on 1 January 2006. The reform separated the competences of the Military Prosecution Service and military commanders. Criminal cases are dealt with by the Prosecution Service while disciplinary cases and sanctions imposed in accordance with the Military Disciplinary Code are dealt with by military commanders.

H.E. Mr. Ban Ki-moon
Secretary General of the United Nations
New York

The law reform also introduced a decriminalization of certain military offences. Accordingly, the Military Penal Code only covers violations of a more serious nature. In addition, violations have to be committed either intentional or by gross negligence, whereas lesser degrees of negligence no longer constitute a military criminal offence.

In cases where Danish military personnel are suspected of violations of the Military Penal Code, the Military Prosecution Service is responsible for the investigation and prosecution. The Military Prosecution Service, more specifically the Prosecutors General's Office, is also responsible for the legal training of Danish military legal advisors. The scheme was created in 1996 to fulfill the obligations to facilitate legal advice to military commanders, in particular in the field of humanitarian law, prescribed by Article 82 of Additional Protocol I.

In addition to Military Prosecution Service there is the Special International Crimes Office (SICO). SICO was established in 2002 and is part of the Danish Prosecution Service. This specific office is responsible for investigating and – if possible – prosecuting serious crimes committed abroad by persons residing in Denmark. Serious crimes include war crimes, genocide, crimes against humanity, terrorism and torture. In this connection, the Danish Penal Code has also been amended to provide the Danish courts with jurisdiction over conventional crimes committed abroad.

Finally, in 1982 the Danish Government's Red Cross Committee was established. The Committee consists of members from the Danish Red Cross, representatives from various Danish ministries and defense authorities.

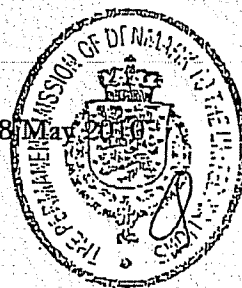
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The Committee has an advisory and coordinating function with regard to the Danish implementation of the humanitarian law.

The mandate of the Committee is to establish the need for, coordinate and implement administrative measures to secure the continuous compliance with the Additional Protocols and the Geneva Conventions, especially as regards educational and information activities. In addition, the Committee advises the Government about the interpretation and application of the rules of international humanitarian law.

The Permanent Mission of Denmark to the United Nations avails itself of the opportunity to renew to the Secretary-General of the United Nations the assurances of its highest consideration.

New York, 28 May 2010



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