



PERMANENT MISSION OF SWEDEN
TO THE UNITED NATIONS

New York

The Permanent Mission of Sweden to the United Nations presents its compliments to the Secretary-General of the United Nations and, with reference to its note no. LA/COD/59/1 of 23 January 2014 and A/RES/68/117, has the honour to provide the following information and observations.

The fight against impunity is a common goal shared by the Member States of the United Nations, with the aim to ensure that individuals who commit international crimes such as genocide, crimes against humanity, war crimes and torture are brought to justice and that redress is provided for the victims.

States have a right and an obligation to either prosecute or extradite persons suspected of having committed genocide, crimes against humanity, war crimes or torture. Rights and obligations regarding prosecution and extradition derive from various legal bases for the exercise of jurisdiction. Far from all indictments against foreign nationals in national fora are based on universal jurisdiction.

Cases regarding national prosecution of international crimes have a global reach. Crimes such as genocide, crimes against humanity, war crimes and torture fall under universal jurisdiction. The exercise of universal jurisdiction or other jurisdictional grounds is a matter of national competence, based on principles of international law. The development/outcome of pending or new indictments is depending on the circumstances in the individual cases. It is of utmost importance that the Rule of Law governs national judicial systems, to ensure an

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impartial and fair trial for all parties involved in an investigation/prosecution regarding international crimes.

Sweden exercises universal jurisdiction over crimes against international law (i.e. criminal jurisdiction based on the nature of the crime, irrespective of its location and of the nationality of the alleged perpetrator or victim, see Chapter 2, Section 3.6, Swedish Penal Code. There is no double criminality requirement). A new Act on Criminal Responsibility for Genocide, Crimes against Humanity and War Crimes will enter into force on 1 July 2014. The act replaces the Genocide Act (1964:169) and the provision on international crime in the Penal Code that will cease to apply. The new act strengthens the protection against war crimes committed in non-international armed conflicts since the predominant part of the regulation concerning war crimes is applicable in international as well as non-international armed conflicts. The act also introduces a new crime in Swedish legislation; crimes against humanity. Swedish courts have universal jurisdiction for the crimes covered by the new act and there is no statute of limitation as regards genocide, crimes against humanity, gross war crimes and attempts to commit these crimes.

In order to initiate proceedings for international crimes which are not implemented into Swedish national law, the offence in question must fall within the scope of Sweden's national criminal law. Since 1986, Sweden is party to the Convention against Torture and Swedish courts may exercise universal jurisdiction over the crime of torture if the offence in question amounts to e.g. exceptionally gross assault under ordinary Swedish law.

It shall be noted that prosecution over crimes against international law that have been committed outside of Sweden require the authorization of the Swedish government or a person designated by the Government..

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

New York, 17 June 2014