



Ministry of Justice Sweden

The scope and application of the principle of universal jurisdiction

This is the submission from the Government Offices of Sweden on information and observation on the scope and application of the principle of universal jurisdiction in accordance with the request from The Office of Legal Affairs of the United Nations, reference LA/COD/59/1.

The Swedish Criminal Code, Chapter 2, Section 3, is the basis for universal jurisdiction in Swedish criminal law. It states that Swedish law is applicable to certain crimes (for example genocide, crimes against humanity and war crime) committed outside Swedish territory and that prosecution may take place in Swedish courts. The basis for this commitment is our international obligation, through the Geneva Conventions of 1949 and the Rome Statute, to investigate and prosecute grave international crimes.

Offences committed abroad are judged under Swedish law and in a Swedish court if the offence is hijacking, shipping or aircraft sabotage, airport sabotage, counterfeiting currency, attempting to commit such offences, unlawful handling of chemical weapons, unlawful handling of mines, making an untrue or careless statement before an international court, a terrorist offence under Section 2 of the Act on Criminal Responsibility for Terrorist Offences (2003:148), attempting, preparation or conspiracy to commit such an offence, an offence referred to in Section 5 of that Act, an offence under the Act on Criminal Responsibility for Genocide, Crimes against Humanity and War Crimes (2014:406), inciting crime consisting of an immediate and public call to commit genocide, or if the offence is directed at the administration of justice by the International Criminal Court; or if the least

severe penalty prescribed for the offence in Swedish law is imprisonment for four years or more.

A prosecution for an offence committed abroad may only be brought following authorisation by the Government or the public authority designated by the Government. However, a prosecution may be brought without such authorisation if the offence is making an untrue or careless statement before an international court.

Kind Regards,

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