Permanent Mission of Sweden
to the United Nations

New York

The Permanent Mission of Sweden presents its compliments to the Office of Legal Affairs of the United Nations and with reference to note LA/COD/2/1, has the honour to communicate attached Note Verbale regarding Sweden's submission on new developments and activities undertaken during the reporting period 2020-2022 following the UN General Assembly Resolution 75/138 "Status of the Protocols Additional to the Geneva Conventions of 1949 and relating to the protection of victims of armed conflicts" for their inclusion in the report by the Secretary-General to the General Assembly at its seventy-seventh session.

The Permanent Mission of Sweden avails itself of this opportunity to renew to the Office of Legal Affairs of the United Nations the assurances of its highest consideration.

Follow-up to UNGA Res 75/138 **("Status of the Protocols Additional to the Geneva Conventions of 1949 and relating to the protection of victims of armed conflicts")**

Submission from Sweden on new developments and activities undertaken during the reporting period 2020-2022

In line with Operative Paragraph 15 of UNGA Resolution 71/144, Sweden has used a template questionnaire introduced by the UK and would welcome other states to do the same. Sweden has been a party to the first and second Protocol Additional to the Geneva Conventions since 1979 and has reported continuously on the implementation and development of international humanitarian law (IHL), to the UN Secretary General in accordance with the above-mentioned resolution since 1994, in the latest report from 2020. The following information supplements previous reports.

Please set out briefly any new developments or activities undertaken in the following areas:

I. Ratifications or Accessions to the Geneva Conventions of 1949, their Additional Protocols and other relevant international humanitarian law (IHL) treaties

Not applicable.

II. Adoption of national legislation to implement the above-mentioned instruments

Not applicable.

III. Adoption of other measures of implementation and for the dissemination of IHL

1. Strengthening compliance with IHL is a core priority for Sweden and the national implementation of IHL is an important part of the overall compliance efforts. Sweden works to promote cooperation between national and international actors to initiate national prosecution for violations of IHL when possible.

2. Sweden facilitates the biannual resolution Status of the Protocols Additional to the Geneva Conventions of 1949 and relating to the protection of victims of armed conflicts whereby the UN General Assembly reaffirms its commitment to respect and ensure respect for International Humanitarian Law in all circumstances.

3. Sweden has since 2008 had permanent entities within its judicial authorities investigating and prosecuting crimes against the Geneva Conventions and IHL. Sweden exercises universal jurisdiction for international crimes to end impunity and uphold accountability for said crimes. Through cases on national level, Sweden has taken part in establishing new jurisprudence relating in the field of IHL. In investigations at national level, victims of armed conflicts are entitled legal counsel

financed by public means. In order to safeguard their rights in judicial procedures, additional measures are taken in relation to victims of sexual and gender-based crimes in armed conflict. Moreover, Swedish judicial authorities regularly undergo training in IHL. Sweden is an active member of meetings regularly held by the Eurojust Network for investigation and prosecution of genocide, crimes against humanity and war crimes.

4. Swedish prosecutors have initiated a structural investigation into suspected war crimes during Russia's aggression against Ukraine and will, where possible and appropriate, be cooperating fully with other states, Eurojust, Ukraine and the ICC.

5. Together with 43 states, including all EU Member States, Sweden referred the situation in Ukraine to the International Criminal Court (ICC) and the ICC Prosecutor has opened an investigation on alleged war crimes, crimes against humanity and genocide. Sweden supports the work of the Prosecutor both financially and with national experts.

6. On the 1st of January 2022, legislative amendments entered into force criminalizing crime of aggression according to Swedish criminal law. The Swedish legislation is based on the criteria set out in the Rome Statute.

7. We support investigative mechanisms at international level such as the International, Impartial and Independent Mechanism for or the most serious crimes under International Law committed in the Syrian Arab Republic (IIIM) as well as UNITAD. In 2021, Sweden concluded cooperation agreements on information- and evidence sharing with both IIIM and UNITAD.

8. On March 31, 2021, Sweden together with the International Committee of the Red Cross (ICRC) launched officially the Guidance Document for Armed Forces on the Protection of Health Care in Armed Conflict. The aim of the initiative is to find concrete ways forward, to improve respect for international humanitarian law in this regard. The Guidance Document for Armed Forces provides practical examples of how to protect health care while carrying out military operations and inspire to better implementation.

IV. Domestic case-law relating to the above-mentioned instruments

9. In a judgment from May 5th, 2021, the Swedish Supreme Court found a man guilty of war crimes committed in Iraq in 2015. The man had posed with dead persons in a humiliating or degrading manner which was considered seriously violating the victims' personal dignity. The sentence imposed is a term of imprisonment of one year.

In another judgment on March 4th, 2022, the Stockholm District Court found a woman guilty of grave war crimes and grave crimes against international law. The woman had in 2013 brought her twelve-year-old son to Syria, where he during several years was used as a child soldier. The sentence imposed is a term of imprisonment of six years.

V. Activities carried out by national commissions or committees to support the implementation or dissemination of IHL

Not applicable.

VI. Other relevant initiatives to promote respect for the 1949 Geneva Conventions, their Additional Protocols and other relevant instruments.

10. Since June 2020 Sweden has seconded a national IHL expert for the position as Political Adviser to the European Union Special Representative for Human Rights (EUSR HR), Mr. Eamon Gilmore. The secondment was possible due to the strengthened mandate for the EUSR HR which now includes IHL. As part of the implementation of the new mandate, the EUSR has proactively advocated for better implementation and compliance with IHL on a global level.

11. Sweden co-sponsored the High Level Side-Event on Protection of Health Care marking the five-year anniversary of UN Security Council Resolution 2286 on the protection of healthcare in New York on May 26 2021. In our national statement we particularly stressed that despite legal obligations to protect medical workers, facilities, and transports, we see the pattern of deliberate attacks on health care facilities repeating itself. The need for practical application of these rules is at the heart of Security Council resolution 2286 and the event provided an opportunity to reflect upon how we can fully implement the resolution and make sure States comply with the relevant obligations under international law.

12. Foreign minister Ann Linde participated in the high-level meeting International Humanitarian Law: Enhancing Monitoring, Improving Compliance during the UN General Assembly in September 2021 hosted by the EU, Germany and France. We joined the "Call for Action" initiative in 2019 to demonstrate our full support for the efforts to ensure accountability for the most serious international crimes through new, as well as existing, multilateral mechanisms.

13. The Nordic Launch of the Updated Commentary on the Third Geneva Convention was held in Copenhagen on 17 September 2021. A panel consisting of experts and practitioners from ICRC and the Nordic region showed the importance the Nordic region attach to International Humanitarian Law. The latest Commentary reflects the

legal, technical, and social developments to ensure an updated interpretation of International Humanitarian Law.

14. Sweden also supports the work of the Humanitarian Fact Finding Commission established under Article 90 of the First Additional Protocol to the Geneva Conventions of 1949. Sweden was the first country to recognize the Commission's competence in 1979. The current Swedish member of the Commission, Dr. Åsa Molde was re-elected for a second five-year term in the elections held in Berne in November 2021.

15. Sweden joined the Group of Friends (GoF) on Accountability in Ukraine in New York and Geneva in March 2022. The GoF will serve as a forum for states and civil society organisations dedicated to the accountability agenda in Ukraine by mapping of existing and potential accountability mechanisms in Ukraine and supporting the work of the different accountability mechanisms for Ukraine by advocating for their work among the broader UN membership. Sweden moreover co-sponsored the United Nations Security Council Arria-formula meeting on Ensuring accountability for atrocities committed in Ukraine held in New York on April 27.