Cooperation with the International Criminal Court Ordinance

Swedish Code of Statutes – SFS No. 2003:69

Ministry/authority: Ministry of Justice – Division for Criminal Cases and International Judicial Cooperation (BIRS)

Heading: Cooperation with the International Criminal Court Ordinance (2003:69)

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General provisions

Section 1

This Ordinance contains provisions on the application of the Cooperation with the International Criminal Court Act (2002:329).

Time limit for statement of views by the International Criminal Court

Section 2

Where a statement of views by the International Criminal Court is to be obtained in accordance with Section 7 of the Cooperation with the International Criminal Court Act (2002:329), the Court shall determine a time limit within which its statement of views shall be submitted. The time limit may not exceed five days from when the International Criminal Court has been notified of the possibility of submitting a statement of views.

Legal assistance in Sweden

Section 3

The International Criminal Court shall be notified of the time and place for the questioning by the prosecutor in accordance with the provisions on preliminary investigations in criminal matters, of a court hearing in accordance with Chapter 4, Section 2, 15 or 16 of the International Legal Assistance in Criminal Matters Act (2000:562) and about other measures for which a judge of the International Criminal Court or a representative of the parties has requested and been granted a right to attend.

Section 4

When the International Criminal Court requests that a questioning is held with anyone whom there is cause to assume are grounds to believe has committed a crime that can be prosecuted at the Court, the prosecutor shall notify the person to be heard that the questioning will take place at the request of the International Criminal Court and that he or she:

1. is suspected of a crime that can be prosecuted at that Court,
2. is entitled to remain silent without this being a consideration when the Court determines the issue of guilt,
3. is entitled to the assistance of defence counsel, and
4. is entitled to be heard in the presence of the defence counsel, unless the suspect voluntarily waives the right to the assistance of defence counsel.

The fact that notification according to the first paragraph has been given shall be noted in the record of the hearing questioning.

Legal assistance from the International Criminal Court

Section 5

An application by a Swedish prosecutor or court for legal assistance shall, in accordance with that stated in Chapter 3, Section 1, first paragraph of the International Legal Assistance in Criminal Matters Act (2000:562) contain details of information concerning

1. the judge or prosecutor or judge who is dealing with the case or matter, or some other person at the authority who may be contacted,
2. address, telephone and telefax numbers and, in appropriate cases, e-mail address, and
3. the case or reference matter reference number.

The application may also contain details of the procedure or conditions that the International Criminal Court should observe when the requested measure is executed and also the reasons for this.

The application shall be submitted to the Ministry of Justice to be forwarded to the Registrar of the International Criminal Court.

Translations

Section 6

The prosecutor or court that is dealing with an application by the International Criminal Court for a measure referred to in Section 1 of the Cooperation with the International Criminal Court Act (2002:329) may if necessary refer to the Ministry of Justice for translation into Swedish of the application and appended documents.

Section 7

The Ministry of Justice shall ensure that the application to the International Criminal Court for legal assistance is translated into English or French.

Compensation

Section 8

The Government or the Ministry of Justice shall decide on compensation from public funds to

public defence counsel for work in a matter for surrender to the International Criminal Court, except on issues concerning compensation for work that shall be decided by a court.

Section 9

On issues concerning compensation in accordance with Section 18 of the Cooperation with the International Criminal Court Act (2002:329), Section 1, second and third paragraphs, Sections 2-5, 8 and 10 together with as well as Section 11, first paragraph of the Compensation from Public Funds to Witnesses, etc. Ordinance (1982:805) shall apply. However, subsistence costs may be fixed at 350 kr per day at most.

Section 10

An application for compensation or an advance on compensation as referred to in Section 9 shall be made to the district court in the district where the person summoned to attend is staying. Otherwise, the provisions contained in the Public Proclamation on Payment of Certain Compensation in Cases or Matters at Court, etc. (1973:261) shall apply.

Recovery demands for Reimbursement of costs

Section 11

Reimbursement of the following costs shall be sought from the International Criminal Court.

1. Costs of translation, interpretation and transcription.
2. Costs associated with the travel and security arrangements for witnesses.
3. Costs associated with the transport in connection with the transfer of a person deprived of his or her liberty in Sweden.
4. Costs of travel and security arrangements for experts and costs of expert opinions and reports requested by the Court.
5. Costs of transport for the person to be surrendered to the Court.

Section 12

Reimbursement of extraordinary costs may be recovered sought from the International Criminal Court. If during the handling of the matter it appears that execution of the request it transpires during the processing that the enforcement of an application will involve extraordinary costs, the prosecutor or court shall notify the Ministry of Justice thereof.

The Ministry of Justice shall, in consultation with the International Criminal Court, determine what costs the Court shall bear.

Section 13

The authority that has incurred such costs as are referred to in Section 11 or Section 12 seeks reimbursement of may recover the cost from the International Criminal Court. The application for recovery of costs shall request should be submitted to the Ministry of Justice to be forwarded to the International Criminal Court.

Enforcement of penalty

Section 14

If a sentence of imprisonment that has been imposed by the International Criminal Court is to be enforced in Sweden, the National Prison and Probation Administration shall notify the Court when the sanction has been fully enforced. Notification shall also be given if the person sentenced has absconded from a prison before the sanction has been fully enforced.

Section 15

A request for the consent of the International Criminal Court for a measure in accordance with Section 23 of the Act on International Co-operation in the Enforcement of Criminal Judgments (1972:260), shall contain

1. details of the or those crimes to which the measure relates,
2. a copy of the penal provisions and provisions on sanctions and limitation period that apply for the offences in question,
3. a copy of the judgment, arrest decision and detention decision, and
4. information about the views of the sentenced person on the measure for which the consent of the Court is sought.

If a request for consent in accordance with the first paragraph is based on a request for extradition for a crime to another State, the request shall instead contain

1. a copy of the request for extradition and appended documents, and also
2. information about the views of the sentenced person on the request for extradition.