



The criminalisation of atrocity crimes in Danish criminal law

A Nordic comparison

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Abstract in English

For many years, despite its status as a state party to the Rome Statute of the International Criminal Court, international crimes such as genocide, crimes against humanity, war crimes, and torture were not individually criminalised under the Danish Penal Code. However, this changed on 1 January 2025 when the new Chapter 13 of the Danish Penal Code, concerning certain international crimes, entered into force. This article examines the considerations underlying the insertion of the new criminal provisions into the Danish Penal Code. Thereafter, it analyses each of the provisions with a special focus on the differences and similarities between the Danish legislation, provisions in Swedish and Norwegian national legislation, and the Rome Statute. Finally, the article discusses the importance of the introduction of domestic legislation for the criminalisation of atrocity crimes in Denmark, and for international criminal justice.

Abstract in Danish

Internationale forbrydelser som fx folkedrab, krigsforbrydelser og tortur har eksisteret i mange år, men uden at de har været særskilt kriminaliseret i den danske straffelov. Dette ændrede sig dog den 1. januar 2025, hvor straffelovens nye kapitel 13a om visse internationale forbrydelser trådte i kraft. Artiklen undersøger tankerne og hensynene bag indsættelsen af de nye straffebestemmelser og analyserer derefter de enkelte bestemmelser med fokus på forskelle og ligheder mellem den danske lovgivning og lignende artikler i Rom Statutten samt bestemmelser i norsk og svensk ret. Endelig diskuteres vigtigheden af en national kriminalisering af internationale forbrydelser – både for Danmark og for den internationale strafferet.

Keywords:

Atrocity crimes, Danish Penal Code, Rome Statute, Sweden, Norway.



1. Introduction

In June 2023, the Danish Minister of Justice (DMJ) formed the ‘Committee on the Independent Criminalization of Torture, War Crimes, and Crimes against Humanity’ (Krigsforbrydelsesudvalget). Its primary task was to design a proposal on how international atrocity crimes such as genocide, crimes against humanity (CAH), war crimes (WC), and torture could be criminalised under Danish law. The Committee was also tasked with considering whether Denmark should ratify the amendments to the Rome Statute of the International Criminal Court (RS) on the crime of aggression (*Rome Statute of the International Criminal Court*, 1998).¹ The Committee’s “Betænkning nr. 1583/2024 on certain international crimes” led to the DMJ introducing Bill L 58 on 23 October 2024, to the Danish parliament, which proposed the insertion of a new chapter into the Danish Penal Code (DPC). This contained provisions on the aforementioned international crimes (a.k.a. atrocity crimes). Subsequently, Chapter (Ch.) 13a was inserted into the DPC, and officially entered into force on 1 January 2025.²

Prior to this, Denmark did not have specialized national legislation criminalising the commission of atrocity crimes in their entirety (Vestberg, 2006a, p. 2). As outlined in section 2.2. below, the exception was the crime of genocide (Melgaard and Kessing, 2025, p. 670). Instead, the DPC was viewed as being sufficient to meet the needs of such investigations and prosecutions through provisions related to murder, manslaughter, assault, rape, etc. (Vestberg, 2006a, p. 2; Melgaard and Kessing, 2025, p. 670). Terrorism was introduced as an offence to the DPC in 2002.³ In addition, the Military Penal Code (MPC) was considered sufficient for the purposes of investigating and prosecuting potential WC. Despite the MPC containing provisions on crimes committed during armed conflicts (i.e. §§ 36–38) such as, misuse or disrespect of protective emblems (e.g. the misuse of the Red Cross symbol, § 36(1)), the use of methods or weapons of warfare that violate international law (§ 36(2)), pillage (§ 37), and looting from the dead (§ 38) (*Danish Military Penal Code: Lov nr. 530 of 24/06/2005*, 2005; Stevnsborg, 2025), gaps existed with regard to criminalising a range of other WC. The introduction of specific domestic provisions was therefore, required in order to cover these remaining WC, especially as outlined in the RS.

In the absence of specialised national legislation, due to the operation of the principle of legality, (found in DPC § 1) the direct application of international criminal provisions in Danish courts posed significant obstacles (Laursen,

1. L 58: Forslag om ændring af straffeloven, militær straffelov og retsplejeloven og om ophævelse af lov om straf for folkedrab og lov om beskyttelse af kulturværdier i tilfælde af væbnet konflikt (visse internationale forbrydelser), Justitsministeriet, 23. October 2024, [L 58], p. 7.
2. L 58 entered into force by Lov nr. 1674, 30 December 2024.
3. See Lov nr. 378 af 6 june 2002.



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2012, p. 999). This was because an international provision could not form the basis for a Danish criminal conviction. Instead, “a national legal basis ha[d] to exist or [needed to] be created” for such a criminal conviction to hold the requisite legality (Laursen, 2012, pp. 999-1000). DPC § 1, which concerns the principle of legality, forms a cornerstone of the Danish criminal law system. It ensures that an individual cannot be punished without a statutory basis (lovhjemmel) for both the criminalisation of the committed act and for the imposition of the punishment (Baumbach, 2014, p. 118). Therefore, the introduction of the new international crime provisions into the DPC, in accordance with the principle of legality, strengthens the statutory basis for charging and sentencing individuals for the commission of atrocity crimes.

Denmark became a signatory to the RS on 25 September 1998, and eventually deposited its instrument of ratification on 21 June 2001, thus becoming the 35th state party to the International Criminal Court (ICC) (Denmark, 2003; *Denmark and the Rome Statute*, 2018). The RS entered into force for Denmark on 1 July 2002.⁴ Following ratification, the Danish ICC Act was instituted (*Lov nr. 342/2001*, 2001). However, this Act only extended to cooperation obligations and not to atrocity crimes criminalisation (Laursen, 2012, p. 1001). The RS does not create positive obligations for state parties to implement domestic legislation, which paved the way for conducting domestic investigations and prosecutions of atrocity crimes (Nouwen, 2013, pp. 37-41; Nsereko, 2013, pp. 427-428; Klamberg, 2020, p. 213). However, the principle of complementarity, which underlies the operation of the ICC, makes such domestic implementation of the atrocity crimes “a political necessity” (*Rome Statute of the International Criminal Court*, 1998; Laursen, 2012, p. 998).⁵ This is because the principle of complementarity “serves as a mechanism to encourage and facilitate the compliance of States with their primary responsibility to investigate and prosecute core crimes” (Vestberg, 2006a, p. 3).⁶ Nothing however, prevents ICC member states “from criminalizing additional offences in domestic law, treaties or in relation to a development in customary international law” (Klamberg, 2020, p. 213). If states wish to ensure that they retain primacy over conducting atrocity crimes investigations and prosecutions and thereby avoid ICC intervention, they may especially wish to introduce specialized domestic legislation that cover all the conduct falling within the ICC’s jurisdiction (Nouwen, 2013, p. 41). Therefore, by introducing domestic atrocity crime legislation, states such as Denmark are actively signalling their commitment to upholding

4. Denmark | International Criminal Court, <<https://asp.icc-cpi.int/states-parties/western-european-and-other-states/denmark>>, accessed 4 September 2025.

5. The operation of the principle of complementarity means that the ICC acts as a mechanism that is complementary to national criminal jurisdictions. Hence, it is only where the national criminal jurisdictions are either genuinely unable or unwilling in terms of investigating and prosecuting an alleged atrocity crime that the ICC can step in to investigate and prosecute the same. Preamble, Art. 1, and Art. 17, Rome Statute.

6. Atrocity crimes are also synonymously referred to as core crimes.



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their responsibilities to fight impunity in the face of atrocity crimes. In essence, in the hypothetical event that a Danish national was subject to ICC scrutiny due to the alleged commission of atrocity crimes, the presence of relevant domestic legislation enabling the investigation and prosecution of such crimes could potentially bar the matter from being admissible at the ICC – provided Denmark demonstrates that it is genuinely investigating the allegations.

Against the above backdrop, this article seeks to examine the substantive atrocity crimes in the new Ch. 13a of the DPC. The Danish provisions will remain the primary focus of the analysis. Under Danish criminal law, the preparatory comments to legislation (forarbejder) have significant value as a source of legal interpretation (Blume, 2020, p. 189; Tvarnø, 2021, p. 69f; Baumbach, 2022, p. 112). Such comments can be defined as material, from which the law has arisen (Baumbach, 2022). Here, the comments to the specific provisions are of central value. However, relevant comments can also include reports (betænkninger) or EU-directives, which the law is meant to implement (Baumbach, 2022). On this basis, when analysing the new provisions, this article includes comments to Ch. 13a of the DPC.⁷ Moreover, to fully understand and interpret these provisions, the article examines, if and how the Danish provisions differ from the articles in the RS, that criminalise the same crimes. Furthermore, the article explores the Swedish and Norwegian legislation on the criminalization of the same atrocity crimes to compare the approaches adopted by these two Nordic states to the Danish legislation.⁸ The Nordic states have a long history of cooperating and presenting a united front on matters concerning atrocity crimes (Eneström, 2019a; *Nordic statement on Strengthening Accountability*, 2022; Nylander, 2024). For instance, for multiple consecutive years, Denmark, Sweden, Norway, Finland, and Iceland, have presented joint Nordic statements in support of a legally binding international convention on CAH (*Nordic Statement on CAH in the 6th Com*, 2020; *Nordic Statement, 6th Com on CAH*, 2023; *Joint Nordic Statement on CAH*, 2024). This also permeates into the national sphere regarding domestic penal provisions. Especially, Denmark, Norway, and Sweden have a unique legal tradition concerning national criminal law and can therefore be argued to form a distinct legal family (Evald and Schaumburg-Müller, 2004, p. 211). Therefore, Denmark often looks to Sweden and Norway for inspiration when legislating on aspects of national penal law (Grønning-Madsen, 2023, p. 44). This is further elucidated by the fact that the Committee also adopted such a comparative approach regarding Betænkning nr. 1583/2024. On this basis, the analysis of the article is particularly limited to the Danish, Swedish, and Norwegian provisions to explore whether these Nordic states have taken a

7. The commentary on Ch. 13a can be found on the webpage of the Danish parliament, FT.dk, when searching on L58.

8. While this piece does not delve into Finnish atrocity crime legislation, for related information see: (Karkkulainen, 2025).



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common approach in criminalising atrocity crime provisions in their national legislation. Also, the purpose of probing the national laws of these other Nordic states is not to engage in a comparative exercise as a strict method, but to highlight major similarities and differences between these states' relevant legislation and the abovementioned Danish provisions to position the new DPC Ch. 13a within the Nordic legal realm. From this comparison, this article also offers new insights regarding the different national legislative provisions, especially given the relative novelty of the latest additions to the DPC that have not previously been explored in length, thereby contributing to the state of the art in this area of law (Laursen, 2012; Ingadóttir, 2018; Klamberg, 2020; Marchuk and Nielsen, 2025).

In addition to the introductory section, this article comprises two substantive sections below. Section 2 analyses the substantive atrocity crimes in DPC Ch. 13a – aggression, genocide, CAH, WC, and torture. This will be done by analysing the relevant atrocity crimes provisions in the Danish national legislation and the RS, and by comparing the Danish provisions to the Swedish and Norwegian provisions on atrocity crimes. Section 3 will provide the reader with closing reflections on the potential value of the recent legislation for Denmark and for international criminal justice.

2. The crimes in DPC Ch. 13a

During a statement made during the ICC Assembly of States Parties general debate in 2023, the spokesperson for the Danish Ministry of Foreign Affairs “call[ed] on states to adopt national legislation based on the RS to ensure effective cooperation with the Court as well as the domestic prosecution of crimes under the jurisdiction of the Court” (Pasternak Jørgensen, 2023). According to the DMJ, the purpose of criminalizing these international crimes (and ratifying the Kampala amendments on the crime of aggression) was to send a clear and important signal to the world and victims that such crimes will not be condoned – especially in light of the crimes perpetrated in Ukraine.⁹ By ratifying the Kampala amendments on the crime of aggression in particular, Denmark viewed itself as sending a clear signal to the international community, that Denmark safeguards the international order as well as justice, and that attacks against other states cannot be condoned.¹⁰

2.1. Aggression

According to DPC § 118(b)(1), an act of aggression, which by its character, gravity and scale, constitutes a manifest violation of the Charter of the United Nations” (UN Charter), can be punished. While the definition of the crime of

9. L 58, p. 7.

10. Ibid.



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aggression as set out in RS Art. 8bis does not entail a requirement of purpose, it too sets the same threshold that needs to be crossed before the ICC can try the crime (i.e. that the act “by its character, gravity and scale, constitutes a manifest violation of the [UN Charter]” (*Rome Statute of the International Criminal Court*, 1998). What is important to note regarding the reference to the UN Charter is that before the ICC can exercise its jurisdiction, the UN Security Council (UNSC) must deem whether a particular act constitutes a manifest violation of the UN Charter. The wording of the crime of aggression in Danish national legislation also suggests that such a determination by the UNSC would be necessary before proceedings can be initiated for the crime of aggression at the national level. In a practical sense, the threshold of an act having to constitute a manifest violation of the UN Charter has been introduced to prevent borderline cases from being included in the scope of the provision. The elements in the assessment of this threshold are the act’s character, gravity and scale. The first two criteria are qualitative in nature, which refer respectively to the material and physical damage caused by the act and the purpose of the act. The scale of the act is on the other hand a quantitative criterion, which for example refers to the duration and geographical range of the military operation.¹¹

Even though the wording of § 118(b)(1) clearly has its starting point in RS Art. 8bis, there are certain differences between these two provisions. First, the list of possible acts of aggression contained in RS Art. 8bis(2) is left out of the wording of § 118(b)(1) and is instead inserted in the comments to the provision. According to Krigsforbrydelsesudvalget, this was more in line with the Danish legal tradition.¹² Second, though pursuant to RS Art. 8bis(1) the crime of aggression includes “planning, preparation, initiation or execution” of an act, in DPC § 118(b), this has been replaced by the word “foretager” [carries out].¹³ However, in practice, such actions will essentially need to be read in context.¹⁴ According to the comments to § 118(b), participation in the preparation or planning of an act of aggression is also punishable if the act has been *carried out*.¹⁵ Therefore, DPC § 21 regarding attempt will be inapplicable in these instances.¹⁶ Third, the description of attribution of responsibility is placed separately in § 118(b)(3). Pursuant to this provision, the responsibility for carrying out an act of aggression can only be attributed to a person who can exercise actual control over or manage a state’s political or military conduct.¹⁷ This replicates the essence of RS Art. 8bis, which views aggression as a leadership crime, meaning that not everyone in a state’s apparatus can commit it (Clark, 2016, p. 565).

11. L 58, p. 48.

12. L 58, p. 14.

13. Authors’ own translation from Danish to English.

14. Authors’ own translation from Danish to English.

15. Comments to § 118 b in L 58

16. L 58, pp. 14 and 48.

17. L 58, pp. 14 and 49.



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Turning now to the other two Nordic states, Sweden accepted the Kampala amendments on the crime of aggression to the RS on 26 January 2022 (*10. b Amendments: on the crime of aggression*, 2010). Aggression was criminalised as of 1 January 2022 by Swedish Law by Lag 2021:1016 (Lag om straff för vissa internationella brott), which added § 11(a) to Lag 2014:406 (om straff för folk-mord, brott mot mänskligheten och krigsförbrytelser). The law thus changed name to Lag 2014:406 (Lag om straff för vissa internationella brott). When comparing DPC § 118(b) to Sweden's § 11(a) in Lag 2014:406, one identifies both similarities and differences. The wording in the Swedish § 11(a) resembles the wording of RS Art. 8bis(1), explicitly mentioning "planerar, förbereder, inleder eller utför" ("plans, prepares, initiates or executes"). The structure of § 11 differs from DPC § 118(b). However, like DPC § 118(b), the list of possible acts of aggression (contained in RS Art. 8bis(2)) has been exempted from the wording of the Swedish provision. In contrast to Denmark and Sweden, Norway is yet to ratify the Kampala amendments on the crime of aggression (*10. b Amendments: on the crime of aggression*, 2010; Høgestøl, 2020, p. 409; Gröning, Husabø and Jacobsen, 2023, p. 96). Hence, there is some disparity between the acceptance of the Kampala amendments on the crime of aggression between the Nordic states discussed in this article and the approaches they adopt in criminalizing aggression at the national level.

2.2. Genocide

Denmark ratified the Convention on the Prevention and Punishment of the Crime of Genocide in 1951 (*Convention on the Prevention and Punishment of the Crime of Genocide: Signatories & Parties*, 1948).¹⁸ While the crimes covered by the Convention were considered to be unique in nature ('ganske særlige forbrydelser') at the time, ratification did not lead to the implementation of specific national laws (Laursen, 2012, p. 1000). In 1955 however, the Danish parliament passed the Genocide Act (a.k.a. Law on Genocide) (Vestberg, 2006b, p. 2; Laursen, 2012, p. 1000).¹⁹ While at the point of ratification of the Genocide Convention, Denmark only envisioned prosecuting instances of genocide perpetrated on Danish territory, after ratifying the RS in 2001, this position changed. This allowed for the national 'Law on Genocide' to pave the way for prosecutions of genocide committed abroad (Vestberg, 2006b, p. 2)

At present, genocide is regulated in DPC § 118(c). § 118(c)(1) states that the crime consists of five different acts, including killing or inflicting serious harm to a member of a national, ethnic, racial or religious group as such, if the act is committed with the intent to fully or partially destroy such a group. Hence, an important aspect of the crime of genocide is the 'genocidal intent' (i.e. special intent or *dolus specialis*). Thus, in order for it to constitute genocide, the perpetrator must have committed one of the five prohibited acts with the special "intent to destroy, in whole or in part, a national, ethnical, racial or

18. Bekendtgørelse no. 21 of 26 May 1952.

19. Lov nr. 132 of 29 April 1955.



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religious group, as such" (*Rome Statute of the International Criminal Court*, 1998, Art. 6). The perpetrator must have the intent to destroy the specific group and not "just" a collective part of the members of the group.²⁰ Moreover, as per the ICC Elements of Crimes, "Notwithstanding the normal requirement for a mental element provided for in article 30 [of the RS], and recognizing that knowledge of the circumstances will usually be addressed in proving genocidal intent, the ... mental element regarding this circumstance will need to be decided ... on a case-by-case basis" (*Elements of Crimes*, 2011, Art. 6(c)).²¹

When looking at DPC § 118(c) and RS Art. 6, some differences stand out. First, the Danish provision, § 118(c)(2), explicitly criminalizes incitement to genocide. The purpose of § 118(c)(2) is not mentioned in the comments to the provision. However, it is stated that it is based on RS Art. 25(3)(e), which refers to the attribution of individual criminal responsibility – in particular, directly and publicly inciting others to commit genocide.²² The comments also state that the provision is subsidiary to DPC § 118(1) and the "ordinary" Danish rule on aiding and abetting in DPC § 23.²³ Therefore, concrete genocidal conduct will be included in § 23, whereas conduct of a more general character will be included in § 118(c)(2).²⁴ It seems puzzling however, why the legislators found it necessary to insert § 118(c)(2), since its content was already covered by § 118(c)(1) and § 23, and since neither Sweden nor Norway have chosen to insert a similar provision. Furthermore, the word "intentional" has been left out of § 118(c)(1)(3). Moreover, an age limit of 18 years is explicitly mentioned for the perpetrator in § 118(c)(1)(5). Additionally, Krigsforbrydelsesudvalget pointed out that the Genocide Convention does not entail a context requirement.²⁵ Therefore, the context requirement linked to RS Art. 6 (*Elements of Crimes*, 2011, Art. 6(a)(4), 6(b)(4), 6(c)(5), 6(d)(5), 6(e)(7)) has also been omitted.²⁶

As mentioned above, neither Sweden nor Norway has explicitly criminalized incitement to genocide as in DPC § 118(c)(2).²⁷ However, in the wording of the Norwegian Penal Code (NPC) § 101,²⁸ the intent requirement for aiding and abetting genocide is mentioned. Also, inflicting mental harm as stated in both RS Art. 6(b) ("causing serious bodily or mental harm to members of the

20. L 58, p. 51.

21. As per Art. 9 of the RS, the Elements of Crimes are meant to assist the ICC in the interpretation and application of Arts 6, 7, 8 and 8bis.

22. Comments to § 118 c in L 58.

23. L 58, p. 52 f.

24. L 58, p. 52.

25. L 58, pp. 16 and 52.

26. Ibid.

27. See Lov 2008-03-07-4 om endringer i straffeloven 20. mai 2005 nr. 28 mv. (skjerpene og formildende omstendigheter, folkemord, rikets selvstendighet, terrorhandlinger, ro, orden og sikkerhet, og offentlig myndighet) and Lag 2014:406 om straff för folkmord, brott mot mänskligheten och krigsforbrytelser.

28. Inserted in the Norwegian Penal Code by Lov om endringer i straffeloven 20. mai 2005 nr. 28 mv. (skjerpene og formildende omstendigheter, folkemord, rikets selvstendighet, terrorhandlinger, ro, orden og sikkerhet, og offentlig myndighet).



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group”) and in § 118(c)(1)(2) is not mentioned in either the Swedish § 1(2) of Lag 2014:406 or NPC § 101(b). Finally, in § 118(c)(1)(1) and the NPC § 101 it states “dræber et eller flere medlemmer af gruppen”,²⁹ (killing one or more members of the group³⁰) while the Swedish § 1(1) only mentions “dödar en medlem av folkgruppen” (killing a member of the group³¹). Whether the wording of the provisions between the Danish and Norwegian stance, as opposed to the Swedish stance, demonstrates an underlying difference in the understanding of the *mens rea* standard for genocide is worth exploring further, but is beyond the scope of this article.

2.3. Crimes against humanity (CAH)

CAH are criminalized in DPC § 118(d), where 12 types of conduct are proscribed, including killing a person or subjecting a person to slavery. Such conduct is punishable, if the act is committed as part of a comprehensive or systematic attack against a civilian population. The wording and structure of DPC § 118(d) (1) has its starting point in RS Art. 7, which refers to CAH. However, certain aspects differ from RS Art. 7. This is due to considerations of appropriateness, subsequent developments in international law, and adaptation to fit the Danish legal tradition.³² There are additional differences specifically related to the 12 prohibited conduct. In particular, forced marriage is listed as an independent CAH, and reproductive violence is included in § 118(d)(1)(7), which pertains to rape.³³ Furthermore, § 118(d) does not contain the legal definitions elucidated in RS Arts 7(2) and 7(3). This approach is similar to the Swedish § 2 in Lag 2014:406 and the NPC § 102. Hence, neither Denmark, Sweden, nor Norway has incorporated the requirement that an attack must be conducted pursuant to or in furtherance of a ‘State or organizational policy’ as required by RS Art. 7(2)(a) (Høgestøl, 2020, p. 417). Krigsforbrydelsesudvalget opined that this requirement may not be in line with customary international law but was potentially included in RS Art. 7 to reach a political compromise.³⁴ Consequently, Danish, Swedish and Norwegian law employ a broader definition of the types of attacks that could constitute CAH than what the RS does (Høgestøl, 2020, p. 417). Additionally, all three states have not implemented the requirement for the perpetrator to have “knowledge of the attack” (as set out in RS Art. 7(1)). However, in practice, this requirement will be covered through the applicable *mens rea* requirements in the national legislations (Ingadóttir, 2018, p. 130).

By adopting this approach, the national provisions leave out two of the five distinct ‘contextual elements’ of CAH as identified by the ICC. These contextual elements include: (i) an attack directed against any civilian population; (ii) a State or organizational policy; (iii) an attack of a widespread or

29. The Norwegian wording is “dreber ett eller flere medlemmer av gruppen”.

30. Authors’ own translation from Norwegian to English.

31. Authors’ own translation from Swedish to English.

32. L 58, p. 18.

33. L 58, pp. 19 and 54 ff.

34. L 58, s. 19.



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systematic nature; (iv) a nexus between the individual act and the attack; and (v) knowledge of the attack.³⁵ The requirement for the existence of a state or organisational policy is outlined in RS Art. 7(2)(a) and is linked to the meaning of an ‘attack directed against any civilian population’. Krigsforbrydelsesudvalget’s assertion that the requirement for the existence of a state or organisational policy not existing in customary international law may be justified when viewed in the context that this requirement first came to existence through application at the ICC. The ICC’s predecessors, such as the International Criminal Tribunal for the Former Yugoslavia (ICTY), have held the view that a requirement for a state or other policy is not necessitated for a CAH.³⁶ The requirement has also given rise to varying stances on whether it is present in customary international law (Ambos, 2022, pp. 254-264).

Comparatively, as mentioned above, the acts listed in RS Art. 7(1) and those included in § 118(d)(1) are dissimilar. This is also the case for the Swedish § 2 (Ingadóttir, 2018, p. 131). In contrast, the acts listed in the Norwegian § 102 are identical to those in RS Art. 7(1)(a) to (k) (Høgestøl, 2020, p. 417). However, since the definitional sections of RS Arts 7(2) and 7(3) have not been incorporated into the national legislation, all three states can operate with somewhat different definitions of the types of attacks against civilian populations that constitute a CAH (Høgestøl, 2020, p. 417).

2.4. War crimes (WC)

On 1 January 2025, Denmark accepted the amendments to RS Art. 8 (10. a Amendment: Art. 8, 2010; 10. d Amendment Art. 8 (Weapons which use microbial or other biological agents, or toxins), 2017; 10. e Amendment Art. 8 (Weapons the primary effect of which is to injure by fragments undetectable by x-rays in the human body), 2017; 10. f Amendment Art. 8 (Blinding laser weapons), 2017, p. 1010; 10. g Amendment Art. 8 (Intentionally using starvation of civilians), 2019). The amendments introduced additional prohibited conduct to the list of WC enumerated under Art. 8. However, the acceptance contained an explicit territorial exclusion regarding the Faroe Islands and Greenland.³⁷ Pursuant to RS Art. 121(5), the amendments will enter into force for Denmark a year after it deposited its instrument of acceptance. For Denmark, this date is set for 1 January 2026. For the remainder of RS Art. 8, the ICC’s jurisdiction applies to Denmark from 1 July 2002 onwards.

As for Danish national legislation, the new provisions on WC have been based on RS Art. 8. However, the provisions have been designed giving consideration to appropriateness, subsequent developments in international law,

35. Situation in the Republic of Côte d’Ivoire (ICC-02/11), Decision Pursuant to Article 15 of the Rome Statute on the Authorisation of an Investigation into the Situation in the Republic of Côte d’Ivoire, 3 October 2011, para. 29

36. *Kunarac et al.* (IT-96-23 & IT-96-23/1-A), Judgment, 12 June 2002, fn. 114.

37. Amendment to Art. 8 of the Rome Statute of the International Criminal Court, United Nations Treaty Collection, <https://treaties.un.org/Pages/ViewDetails.aspx?src=IND&mtdsg_no=XVIII-10-a&chapter=18&clang=_en>, accessed 5 September 2025.



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and adaptation to fit the Danish legal tradition.³⁸ Such considerations have led to several differences between the national provisions and the RS. At the Danish national level, some of the differences include expansion of the scope of the provisions. Slavery has specifically been included in § 118(e)(1)(3), which is not present in RS Art. 8 (except for ‘sexual slavery’, which is explicitly mentioned in Art. 8(2)(b)(xxii)).³⁹ Other minor changes to the wording of the provisions have also been introduced.⁴⁰ Furthermore, some of the differences include larger interpretative differences. These include first, that the Danish provisions are divided into 5 categories (§§118(e)-(i)) based on the prohibited acts or types of legal goods which are to be protected: WC against persons, property, humanitarian missions or distinctive signs, by using prohibited methods of warfare, and using prohibited means of warfare. This simplification and reorganisation was suggested by Krigsforbrydelsesudvalget with reference to both Swedish and Norwegian law, which contain this division (Ingadóttir, 2018, pp. 126 and 137; Høgestøl, 2020, pp. 417-418; Klamberg, 2020, p. 214).⁴¹

Second, in the Danish legislation, there is no distinction between acts committed in an international or non-international armed conflict.⁴² This contrasts with the RS, which makes a clear demarcation between the crimes applicable under the two prevailing conflict classifications under international humanitarian law, namely: (a) international armed conflicts (IACs);⁴³ and (ii) non-international armed conflicts (NIACs)^{44,45} In line with this, the RS clearly highlights that the WC enshrined under Arts 8(2)(a) and (b) are applicable in the context of IACs, and those enshrined under Arts 8(2)(c) and (e) are applicable in the context of NIACs. Moreover, while the RS Art. 8(2)(b)(vi) is only applicable in the context of an IAC, the Danish provision is applicable in both IACs and NIACs (§§118 (e)(1)(11) and (12)).⁴⁶ An important point of departure within the Danish context, where conflict classification does play a role, is with regard

38. L 58, p. 24

39. L 58, p. 26.

40. See e.g. that the concept of internment is replaced with detention in § 118(e)(1)(8).

41. L 58, p. 24.

42. L 58, p. 24 f.

43. Art. 8(2)(a)-(b).

44. Art. 8(2)(c)-(f).

45. Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field Art. 2, Convention for the Amelioration of the Condition of Wounded, Sick and Shipwrecked Members of Armed Forces at Sea Art. 2, Convention relative to the Treatment of Prisoners of War Art. 2, Convention relative to the Protection of Civilian Persons in Time of War; Protocol Additional to the Geneva Conventions, and relating to the Protection of Victims of Non-International Armed Conflicts Art. 1, Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field Art. 3, Convention for the Amelioration of the Condition of Wounded, Sick and Shipwrecked Members of Armed Forces at Sea Art. 3, Convention relative to the Treatment of Prisoners of War Art. 3, Convention relative to the Protection of Civilian Persons in Time of War.

46. L 58, p. 65 f. The RS provision refers to “Killing or wounding a combatant who, having laid down his arms or having no longer means of defence, has surrendered at discretion”.



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to crimes that can only be committed in the context of an IAC. An example of such a crime may include an instance where a national of a hostile party is compelled to take part in military operations against his or her own state (Marchuk & Nielsen, p. 18).

In comparison, both Sweden and Norway have fully erased the distinction between an IAC and NIAC in their WC provisions. Adopting a more general stance, both Swedish and Norwegian legislation define WC as prohibited acts perpetrated in the context of armed conflicts, regardless of conflict classification (Ingadóttir, 2018, pp. 137-138; Høgestøl, 2020, p. 418 f). Hence, regarding the national criminalisation of WC, the three states have adopted wider definitions of WC than stipulated in RS Art. 8 (Ingadóttir, 2018, pp. 135-136). Both the Swedish and Norwegian provisions on WCs criminalise more acts than the RS (Klamberg, 2020, p. 214; Gröning, Husabø and Jacobsen, 2023, p. 96).⁴⁷ This can also be seen from the fact that the phrase from RS Art. 8(1) limiting WC to “when committed as part of a plan or policy or as a part of a large-scale commission of such crimes” is excluded from the relevant Swedish and Norwegian provisions. Pointing out that this restriction does not reflect international humanitarian law, Krigsforbrydelsesudvalget also recommended its exclusion from the Danish provision (Ingadóttir, 2018, pp. 135-136).⁴⁸ Instead, it was included in § 118(k)(5) as an aggravating circumstance – just as it has been done in Sweden and Norway. Third, Sweden and Norway have broadened the definition of prohibited weapons, reflecting RS Art. 8(2)(b)(xx) (Ingadóttir, 2018, p. 136). Considering that these crimes constitute WC under customary international law, Krigsforbrydelsesudvalget viewed it as being appropriate, that these be categorised as WC both in the context of IACs and NIACs.⁴⁹

Even though the new Danish provisions on WCs are inspired by Swedish and Norwegian law, there are also differences between the three states’ provisions. For example, Sweden and Denmark follow RS Art. 8(2)(e)(vii), setting the age limit for the prohibition against recruiting child soldiers at 15 years.⁵⁰ In contrast, Norway’s NPC § 103(1)(f) prohibits the conscription or recruitment of child soldiers under the age of 18. In an age where environmental crimes are gaining more attention, it is also notable that the provisions concerning WC related to this area also contain some notable differences between the three states. At present, Art. 8(2)(b)(iv) remains the only provision in the RS that explicitly criminalises and attributes individual criminal responsibility for attacks against the environment (Bustami and Hecken, 2021, p. 156). In its domestic law, Denmark has maintained the wording from RS Art. 8(2)(b)(iv) regarding intentionally launching an attack causing damage to the natural

47. Ot. Prp. Nr. 8 (2007-2008), p. 53-54.

48. L 58, p. 25.

49. L 58, p. 30.

50. L 58, p. 26.



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environment.⁵¹ In Sweden, a comparable provision appears in § 9(4) and requires “serious damage being caused to the natural environment on a scale that is disproportionate to the concrete and direct overall military advantage anticipated”. Norway, however, has excluded the criterion of intentionally launching an attack causing “widespread, long-term and severe” damage to the natural environment that would be excessive relative to the specific and immediate overall military benefit that is anticipated”.⁵² On a plain text reading, it appears that the Swedish and Norwegian provisions are less stringent than the Danish (given that the focus is on the disproportionality or excessiveness of the attack in comparison to the expected military advantage, instead of adding an additional level of complexity necessitating a “widespread, long-term and severe” impact on the environment).

2.5. Torture

Torture is regulated in DPC § 118(l) and criminalizes acts carried out by a person, “who acts in a Danish, foreign or international public interest or post, or who has a function which corresponds to or is equal hereto, and who inflicts great physical or mental harm or suffering, or who encourages, consents to or in a seminal way agree to, that such a pain or suffering is inflicted by a third person (...)”. Denmark signed the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT) on 4 February of 1985 and ratified the Convention on 27 May of 1987 (*Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment*, 1984). It has also ratified the Optional Protocol to the CAT.⁵³ In addition, Denmark has ratified the International Covenant on Civil and Political Rights, which contains a prohibition on torture or cruel, inhuman or degrading treatment or punishment (in Art. 7) (*International Covenant on Civil and Political Rights*, 1966). Hence, they create international legal obligations for Denmark.

DPC § 118(l) has its point of departure in CAT Art. 1(1). Minor changes in the wording have however, been introduced to secure harmonization with Danish legislation.⁵⁴ In practice, this provision may apply when an act cannot be qualified as either a war crime or a crime against humanity (Marchuk and Nielsen, 2025, p. 5). The initial seed for introducing such a provision appears to have been planted around the year 2008. In response to criticism received by the United Nations Committee Against Torture (CATCom), in 2008 the

51. L 58, p. 29.

52. NPC § 106(c).

53. On 29 August 2005, Denmark informed the UN Secretary-General that it “... withdraws its declaration made upon ratification of the said Protocol to the effect that until further notice the Optional Protocol should not apply to the Faroe Islands.” Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, United Nations Treaty Collection, 18 December 2002 <https://treaties.un.org/pages/ViewDetails.aspx?src=TREATY&mtdsg_no=IV-9-b&chapter=4> accessed 6 September 2025.

54. L 58, p. 36.



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Danish Ministry of Justice requested the Standing Committee on Criminal Law (Straffelovrådet) to weigh in on the necessity for introducing separate criminal law provisions on the crime of torture.⁵⁵ At that point, the Standing Committee on Criminal Law's evaluation was in the negative. It was deemed that acts of torture were covered by other criminal law provisions, thus making the introduction of a separate criminal law provision specifically related to torture unnecessary⁵⁶ (Marchuk and Nielsen, 2025, pp. 19-20). Fast-forward nearly two decades, and the newly appointed Krigsforbrydelsesudvalg reached a different conclusion. Proposing the introduction of a standalone provision on torture, Krigsforbrydelsesudvalget opined that while torture was subsumed by "the definitions of war crimes and crimes against humanity, such legal qualification requires that torture has been committed in the context of an armed conflict to qualify as a war crime, or as part of a widespread or systematic attack against civilians to qualify as a crime against humanity" (Marchuk and Nielsen, 2025, p. 20).⁵⁷ Given this, the new provision is intended to cover acts of torture perpetrated by Danish public officials – encompassing both state and non-state actors – that may not necessarily amount to a war crime or a crime against humanity (Marchuk and Nielsen, 2025, p. 20).⁵⁸ Therefore, in line with the definition of torture, as outlined in the CAT, the introduction of this new provision is meant to fill any accountability gap that may have previously existed within the Danish context regarding instances of torture (Marchuk and Nielsen, 2025, p. 20).

Sweden, however, does not have an independent provision criminalising torture. Instead, under Swedish law, torture is criminalised as a part of CAH and WC.⁵⁹ This is although in 2015, it was deemed that an independent provision on torture was necessary within the Swedish context.⁶⁰ When looking at Norway, there has been a similar development regarding criminalizing torture as in Denmark. During Norway's ratification of the CAT, it was considered unnecessary to criminalize torture independently, as legislators considered it to be already covered by existing rules (Gröning, Husabø and Jacobsen, 2023, p. 101). In 2004, following several encouragements from the CATCom, torture was inserted into § 117(a) of the former NPC. Today, torture is criminalized in

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55. Straffelovrådet (Criminal Law Committee), 'Straffelovrådets Betænkning Om En Torturbestemmelse i Straffeloven (Report on the Provision Prohibiting Torture in the Danish Penal Code)' (2008), <https://www.ft.dk/samling/20072/almDEL/reu/bilag/104/517734.pdf>. and United Nations Committee Against Torture (cat), 'Concluding Observations on the Second Periodic Report of Denmark' CAT/C/DNK/CO/5 (November 28, 2006).
56. Straffelovrådet (Criminal Law Committee), 'Straffelovrådets Betænkning Om En Torturbestemmelse i Straffeloven (Report on the Provision Prohibiting Torture in the Danish Penal Code)' (2008), <https://www.ft.dk/samling/20072/almDEL/reu/bilag/104/517734.pdf>, pp. 50-54.
57. International Crimes Committee Report, p. 228.
58. International Crimes Committee Report, p. 229.
59. Prop. 2013/14:146 Straffansvar för folkmord, brott mot mänskligheten och krigsforbrytelser.
60. Ds 2015:42 "Ett särskilt tortyrbrott?".



NPC § 174 (Gröning, Husabø and Jacobsen, 2023, pp. 98, 101). In contrast to Denmark, Norway also criminalised aggravated torture in NPC § 175, which is specifically to be used when the torture has led to the loss of human life or risks the loss of human life.

3. The New Provisions: What is the value for Denmark and for international criminal justice?

In L 58, the DMJ highlighted the reasons underlying the inclusion of Ch. 13a in the DPC. The provisions were to “send a clear and important signal to the world and not least to the victims, that such crimes are not acceptable”, thereby highlighting the important signalling value of the inclusion of the Chapter for Denmark.⁶¹ However, it raises attendant questions regarding whether Denmark would find itself in a position where it will utilize these provisions in practice. Preceding the introduction of the new provisions, atrocity crime investigations and prosecutions in Denmark were few and far between. In recent years, only two WC complaints stemming from the ongoing situation in Ukraine have been recorded.⁶² Both instances were transferred to Europol.⁶³ To date, the introduction of the new provisions does not appear to have had a remarkable impact on increasing the number of atrocity crime investigations and prosecutions.

During Denmark’s candidacy for a non-permanent seat for the UN Security Council (UNSC), which it now retains in 2025 and 2026, it highlighted “standing up for International Law, including International Humanitarian Law” as one of its main cross-cutting priorities (UN, 2025; *Standing up for International Law*, no date). Denmark’s seat at the UNSC and its priorities for its term at the UNSC also align with the timing of the introduction of the new national provisions on atrocity crimes (UN, 2025). Combined, it sends a strong political message on Denmark’s stance on such crimes. The Nordic states discussed in this article also have a long history of cooperating and presenting a united front on matters concerning atrocity crimes (Eneström, 2019b; *Nordic statement on Strengthening Accountability*, 2022; Nylander, 2024). Hence, the above examples demonstrate that these Nordic states attempt to position themselves as advocates of international justice, especially regarding ending impunity for atrocity crimes. The introduction of national atrocity crimes legislation sends a powerful signal that these Nordic states will not act as a safe haven for those who have committed some of the most egregious crimes known to mankind.

61. L 58, p. 7.

62. The Attorney General’s answer to question #141 from the Legal Affairs Committee regarding bill L 58.

63. Ibid.



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Although international criminal justice is often associated with international courts, the role of national jurisdictions in enforcing international criminal law remains indispensable (Jessberger, 2010, p. 208). As a treaty-based body, the ICC's jurisdiction is limited, with many situations falling outside its reach. Combined with the growing incidence of atrocity crimes and the resource constraints of institutions such as the ICC, national courts play an increasingly vital role in combating impunity. Yet, national prosecutions cannot always be expected to occur where crimes were committed. Post-conflict societies often suffer from institutional collapse and at times lack political will to pursue accountability (Seils, 2015, p. 306). This is where third states can step in to fill accountability gaps utilising universal jurisdiction combined with their national atrocity crimes legislation (Gur-Arye and Harel, 2020, p. 217).

Some scholars predict that the future of international criminal justice lies increasingly at the domestic level (Schlesinger, 2025). Although national efforts to prosecute atrocity crimes have historically been selective and inconsistent (Jessberger, 2010, p. 210), a growing number of states are asserting jurisdiction over such crimes through the principle of universal jurisdiction. This allows states to prosecute atrocity crimes regardless of where they occurred or the nationality of the perpetrator, effectively enabling "the prosecution of extraordinary crimes through ordinary means" (Hovell and Malagodi, 2024, p. 1480). With more than a hundred states now incorporating universal jurisdiction into their domestic laws, its application is expanding (Lefranc, 2021, p. 573; Cruvellier, 2022; Asymmetrical Haircuts, 2023; Menon, no date). The Nordic states have embedded the principle in their legal systems, urging others to follow suit (Nylander, 2024). Sweden has pursued numerous cases for crimes committed in Syria, launching over fifty investigations by 2021 (Bjurström, 2021; Meakin, 2024; *Swedish citizen requested to be detained for severe war crimes and terrorist crimes*, 2025). Whether Denmark will emulate these efforts remains to be seen.

Despite Denmark's new atrocity crime legislation, significant challenges persist. For instance, most atrocity crimes are committed abroad, making investigations and evidence collection arduous (Plum, 2020, pp. 450-451). Additionally, questions of immunity and the practical limits of universal jurisdiction mean that national prosecutions are only likely to target lower-level perpetrators (Kroker, 2025). Nonetheless, Denmark's new provisions signal a clear commitment to international criminal justice and the principle that perpetrators of atrocity crimes should face accountability before the law.

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References

10. a *Amendment: Art. 8 (2010) United Nations Treaty Collection*. Available at: https://treaties.un.org/Pages/ViewDetails.aspx?src=IND&mtdsg_no=XVIII-10-a&chapter=18&clang=_en (Accessed: 5 September 2025).
10. b *Amendments: on the crime of aggression (2010) United Nations Treaty Collection*. Available at: https://treaties.un.org/pages/viewdetails.aspx?src=treaty&mtdsg_no=xviii-10-b&chapter=18&clang=_en#1 (Accessed: 30 September 2025).
10. d *Amendment Art. 8 (Weapons which use microbial or other biological agents, or toxins) (2017) United Nations Treaty Collection*. Available at: https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=XVIII-10-d&chapter=18&clang=_en (Accessed: 5 September 2025).
10. e *Amendment Art. 8 (Weapons the primary effect of which is to injure by fragments undetectable by x-rays in the human body) (2017) United Nations Treaty Collection*. Available at: https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=XVIII-10-e&chapter=18&clang=_en (Accessed: 5 September 2025).
10. f *Amendment Art. 8 (Blinding laser weapons) (2017)*. Available at: https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=XVIII-10-f&chapter=18&clang=_en (Accessed: 5 September 2025).
10. g *Amendment Art. 8 (Intentionally using starvation of civilians) (2019)*. Available at: https://treaties.un.org/pages/ViewDetails.aspx?src=TREATY&mtdsg_no=XVIII-10-g&chapter=18&clang=_en (Accessed: 5 September 2025).
- Lov nr. 342/2001 (2001). Available at: <https://legal-tools.org/doc/c2a26e/pdf> (Accessed: 14 October 2025).
- Ambos, K. (2022) *Rome Statute of the International Criminal Court: Article-by-article commentary*. Fourth edition. Oxford: Hart Publishing.
- Asymmetrical Haircuts (2023) *Has universal jurisdiction come of age?*, *JusticeInfo.net*. Available at: <https://www.justiceinfo.net/en/116161-has-universal-jurisdiction-come-of-age.html> (Accessed: 2 September 2025).
- Baumbach, T. (2022), in T. Baumbach and T. Elholm (eds) *Strafferettens almindelige del: det strafferetlige ansvar*. 2nd ed. Copenhagen: Djøf.
- Bjurström, L. (2021) 'Sweden on the frontline with Syria cases', *JusticeInfo.net*, 11 February. Available at: <https://www.justiceinfo.net/en/73587-sweden-frontline-syria-cases.html> (Accessed: 2 October 2025).
- Blume, P. (2020) *Retssystemet og juridisk metode*. 4th edn. Copenhagen: Jurist- og Økonomforbundets Forlag.
- Bustami, A. and Hecken, M.-C. (2021) 'Perspectives for a New International Crime Against the Environment: International Criminal Responsibility for Environmental Degradation under the Rome Statute', *Goettingen Journal of International Law*, 11(1), pp. 145-189. Available at: <https://doi.org/10.3249/1868-1581-BUSTAMI-HECKEN>.
- Clark, R.S. (2016) 'Individual Conduct', in *The Crime of Aggression: A Commentary*. Cambridge University Press, pp. 565-589. Available at: <https://doi.org/10.1017/9781139058360.017>.
- Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment* (1984) *United Nations Treaty Collection*. Available at: https://treaties.un.org/pages/ViewDetails.aspx?src=TREATY&mtdsg_no=IV-9&chapter=4&clang=_en (Accessed: 9 October 2025).
- Convention on the Prevention and Punishment of the Crime of Genocide: Signatories & Parties* (1948) *United Nations Treaty Collection*. Available at: https://treaties.un.org/pages/ViewDetails.aspx?src=TREATY&mtdsg_no=IV-1&chapter=4 (Accessed: 30 September 2025).
- Cruvellier, J.C. and T. (2022) 'Philip Grant: "Ukraine is accelerating a revival of universal jurisdiction"', *JusticeInfo.net*, 29 November. Available at: <https://www.justiceinfo.net/en/109532-philip-grant-ukraine-revival-universal-jurisdiction.html> (Accessed: 2 September 2025).

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- Danish Military Penal Code: Lov nr. 530 of 24/06/2005* (2005). Available at: <https://www.fauk.dk/globalassets/fauk/dokumenter/engelsk/-danish-military-penal-code-.pdf>.
- Denmark (2003) *International Criminal Court*. Available at: <https://asp.icc-cpi.int/states-parties/western-european-and-other-states/denmark> (Accessed: 20 June 2025).
- Denmark and the Rome Statute (2018). Available at: <https://www.pgaction.org/ilhr/rome-statute/denmark.html> (Accessed: 20 June 2025).
- Elements of Crimes* (2011). The Hague: International Criminal Court.
- Eneström, A.-K. (2019a) *Statement by Sweden on behalf of the Nordic Countries (Denmark, Finland, Iceland, Norway and Sweden), Government of Iceland*. Available at: <https://www.government.is/library/09-Embassies/New-York-UN/ICC%20plenary%20debate%20-%20Nordic%20Statement.pdf>.
- Eneström, A.-K. (2019b) *Statement by Sweden on behalf of the Nordic Countries (Denmark, Finland, Iceland, Norway and Sweden), Government of Iceland*. Available at: <https://www.government.is/library/09-Embassies/New-York-UN/ICC%20plenary%20debate%20-%20Nordic%20Statement.pdf>.
- Evald, J. and Schaumburg-Müller, S. (2004) *Retsfilosofi, retsvidenskab og retskildelære*. Copenhagen: Jurist- og Økonomforbundet.
- Grønning, L., Husabø, E.J. and Jacobsen, J. (2023) *Frihet, forbrytelse og straff. En systematisk fremstilling av norsk strafferett*. 3rd edn. Bergen: Fagbokforlaget.
- Grønning-Madsen, N. (2023) *Terrorismeforsøttet. En analyse af straffelovens § 114*. Copenhagen: Karnov Group.
- Gur-Arye, M. and Harel, A. (2020) 'Taking Internationalism Seriously: Why International Criminal Law Matters', in K.J. Heller et al. (eds) *The Oxford Handbook of International Criminal Law*. Oxford University Press, p. 0. Available at: <https://doi.org/10.1093/law/9780198825203.003.0010>.
- Høgestøl, S.A.E. (2020) 'A Norwegian Perspective on the Prosecution of International Crimes', *Scandinavian Studies in Law*, 66, pp. 408-434.
- Hovell, D. and Malagodi, M. (2024) 'Universal Jurisdiction: Law out of Context', *The Modern Law Review*, 87(6), pp. 1480-1518. Available at: <https://doi.org/10.1111/1468-2230.12898>.
- Ingadóttir, T. (2018) 'The Implementation of the Rome Statute of the International Criminal Court in the Nordic Countries: A New Comprehensive Criminalization of Serious Crimes', in *Nordic Approaches to International Law/Kjeldgaard-Petersen (ed)*. Leiden: BRILL.
- International Covenant on Civil and Political Rights (1966) United Nations Treaty Collection*. Available at: https://treaties.un.org/PAGES/ViewDetails.aspx?chapter=4&clang=en&mtdsg_no=IV-4&src=TREATY (Accessed: 9 October 2025).
- Jessberger, F. (2010) 'International v. National Prosecution of International Crimes', in *The Oxford companion to international criminal justice /Cassese, Antonio (ed)*. Reprint. Oxford: University Press, pp. 208-223.
- Joint Nordic Statement on CAH* (2024) *Ministry of Foreign Affairs of Denmark*. Available at: <https://fnnewyork.um.dk/en/statements/09-10-2024-joint-nordic-statement-on-crimes-against-humanity> (Accessed: 2 September 2025).
- Karkkulainen, J. (2025) 'Criminalising the denial of serious international crimes in Finland: A significant change or mere symbolism?', *Nordisk Tidsskrift for Kriminalvidenskab*, 112(3), pp. 174-192. Available at: <https://doi.org/10.7146/ntfk.v112i3.160493>.
- Klamberg, M. (2020) 'The Evolution of Swedish Legislation on International Crimes', *Scandinavian Studies in Law*, 66, pp. 205-215.
- Kroker, P. (2025) 'In Justice Efforts for Syria, "Universal Jurisdiction is not Disappearing"', *Opinio Juris*, 29 January. Available at: <https://opiniojuris.org/2025/01/29/in-justice-efforts-for-syria-universal-jurisdiction-is-not-disappearing/> (Accessed: 2 October 2025).
- Laurson, A. (2012) 'A Danish Paradox: A Brief Review of the Status of International Crimes in Danish Law', *Journal of International Criminal Justice*, 10, pp. 997-1016.



Denne artikel er tildelt
en CC-By 4.0 licens

- Lefranc, S. (2021) 'A tale of many jurisdictions: how universal jurisdiction is creating a transnational judicial space', *Journal of Law and Society*, 48(4), pp. 573-594. Available at: <https://doi.org/10.1111/jols.12328>.
- Marchuk, I. and Nielsen, M.D. (2025) 'Uncharted Waters: On the Legal Reform of Danish Legislation on International Crimes and Emerging Trends in Domestic Case Law', *Nordic Journal of International Law* [Preprint]. Available at: <https://doi.org/10.1163/15718107-bja10104>.
- Meakin, I. (2024) *Swedish War Crimes Proceedings: Compliance with International Standards on Victim Participation and Prevention of Secondary Victimisation*. Lund University. Available at: <https://lup.lub.lu.se/luur/download?func=downloadFile&recordId=9158943&fileId=9158957> (Accessed: 10 February 2025).
- Melgaard, U. and Kessing, P.V. (2025) 'A New Chapter in the Danish Criminal Code on International Crimes', *Journal of International Criminal Justice*, 23(3-4), pp. 669-687. Available at: <https://doi.org/10.1093/jicj/mqaf053>.
- Menon, K.M. (no date) 'On Some Recent Universal Jurisdiction Contexts and Cycles | ANZSIL Perspective', *ANZIL Perspectives*. Available at: <https://anzsilperspective.com/on-some-recent-universal-jurisdiction-contexts-and-cycles/> (Accessed: 2 September 2025).
- Nordic Statement, 6th Com on CAH (2023) Embassy of Sweden: Permanent Mission UN, New York*. Available at: <https://www.swedenabroad.se/en/embassies/un-new-york/current/news/nordic-statement-6u-231011/> (Accessed: 2 September 2025).
- Nordic Statement on CAH in the 6th Com (2020) Embassy of Sweden: Representation UN, New York*. Available at: <https://www.swedenabroad.se/sv/utlandsmyndigheter/fn-new-york/aktuellt/nyheter/nordic-statement-on-crimes-against-humanity-in-the-sixth-committee/> (Accessed: 2 September 2025).
- Nordic statement on Strengthening Accountability (2022) Government of Iceland*. Available at: <https://www.stjornarradid.is/efst-a-baugi/frettir/stok-frett/2022/06/02/Nordic-statement-on-Strengthening-Accountability-and-Justice-for-Serious-Violations-of-International-Law/> (Accessed: 2 September 2025).
- Nouwen, S.M.H. (2013) *Complementarity in the Line of Fire: The Catalysing Effect of the International Criminal Court in Uganda and Sudan*. 1st edn. Cambridge University Press. Available at: <https://doi.org/10.1017/CBO9780511863264>.
- Nsereko, D. (2013) 'The ICC and Complementarity in Practice', *Leiden Journal of International Law*, 26(2), pp. 427-447. Available at: <https://doi.org/10.1017/S0922156513000101>.
- Nylander, F. (2024) *Nordic statement at UNGA Sixth Committee agenda item 85, Sweden Abroad*. Available at: <https://www.swedenabroad.se/en/embassies/un-new-york/current/news/nordic-statement-at-unga-sixth-committee-agenda-item-85/> (Accessed: 2 September 2025).
- Pasternak Jørgensen, V. (2023) *Danish statement at the Assembly of States Parties General Debate*. Available at: <https://fnnewyork.um.dk/en/statements/danish-statement-at-the-assembly-of-states-parties-general-debate> (Accessed: 20 June 2025).
- Plum, L. (2020) 'Investigation and Prosecution in Denmark of International Crimes', *Scandinavian Studies in Law*, 66, pp. 436-455.
- Rome Statute of the International Criminal Court (1998)*. Available at: <https://www.icc-cpi.int/sites/default/files/2024-05/Rome-Statute-eng.pdf>.
- Schlesinger, A. (2025) 'The Future of International Criminal Law is Domestic', *Verfassungsblog*. *Verfassungsblog*, 24 June. Available at: <https://verfassungsblog.de/universal-jurisdiction-on-syria-assad-regime/> (Accessed: 2 September 2025).
- Seils, P. (2015) 'Putting Complementarity in its Place', in C. Stahn (ed.) *The Law and Practice of the International Criminal Court*. Oxford University Press, pp. 305-327. Available at: <https://doi.org/10.1093/law/9780198705161.003.0013>.
- Standing up for International Law* (no date) *DK4UNSC*. Available at: <https://dkonunsc.dk/priorities/standing-up-for-international-law> (Accessed: 5 September 2025).



- Stevnsborg, L. (2025) *The Danish Military Justice System*, Danish Ministry of Defence: Military Prosecution Service. Available at: <https://www.fauk.dk/globalassets/fauk/dokumenter/engelsk/-the-danish-military-justice-system-.pdf>.
- Swedish citizen requested to be detained for severe war crimes and terrorist crimes* (2025) Åklagarmyndigheten. Available at: <https://www.aklagare.se/en/for-the-media/press-releases/2025/january/swedish-citizen-requested-to-be-detained-for-severe-war-crimes-and-terrorist-crimes/> (Accessed: 2 October 2025).
- Tvarnø, C.D. and Nielsen, R. (2021) *Retskilder og retsteorier*. 6th ed. Copenhagen: Djøf.
- UN (2025) *Denmark in the Security Council for the next two years*, United Nations. Available at: <https://unric.org/en/denmark-security-council/> (Accessed: 8 October 2025).
- Vestberg, B. (2006a) *Informal expert paper: The principle of complementarity in practice*. International Criminal Court. Available at: <https://www.icc-cpi.int/sites/default/files/NR/rdonlyres/20BB4494-70F9-4698-8E30-907F631453ED/281984/complementarity.pdf> (Accessed: 19 June 2025).
- Vestberg, B. (2006b) *Prosecuting and Investigating International Crimes in Denmark*. The Hague, The Netherlands: International Criminal Court.

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