The Evolution of Swedish Legislation on International Crimes

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The Swedish terminology used in the penal regulations on international crimes may – for a person accustomed to modern terminology – at first appear confusing. As explained below, war crimes were until 2014 criminalized under the heading "crime against international law". This heading may appear to cover all core international crimes, including war crimes, crimes against humanity and genocide, but it did not; it is clear from how it was defined in chapter 22 section 6 of the Criminal Code (Brottsbalken) that it only criminalized war crimes. Genocide was until 2014 criminalized in a separate statute, while crime against humanity was not criminalized as a separate crime at all.

1 The Penal Law Reform of 1948

The penal regulation "crime against international law" was introduced with the reform of Swedish penal law in 1948. The provision was given in chapter 27 section 11 of the Penal Law (*Strafflagen*) as follows:

> He or she who, when the Realm is at war, during warfare uses means that the King has prohibited or abuses emblems aimed at protecting the wounded and sick or who during warfare acts against civilians on occupied territory or in the treatment of prisoners which violates regulations that the King has promulgated as a result of agreement with a foreign Power or generally recognised principles or tenets of international law, shall be sentenced for crime against international law to penal servitude for at most four years.
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> If the crime is gross, the sentence is penal servitude from two to ten years or life. Special consideration shall be given to whether the crime comprised a large number of individual acts or whether a large number of persons were killed or injured, or whether the crime occasioned extensive loss of property.
>
> In relation to those who belong to the armed forces of the enemy, what is prescribed here does not apply unless the act is in violation of mutually binding agreement or generally recognised principles or tenets of international law. (author's translation)

The preparatory works explain that this provision was part of a new penal law for the armed forces which replaced the previous penal legislation for the armed forces (*Strafflag för krigsmakten* - SLK) from 1914. This regulated wartime looting, unlawful means of war and other crimes against international law. The previous distinction between soldiers and non-soldiers which limited the application of the law ceased with the 1948 amendment when the wording of the penal regulation was given a general scope.[1] The head of the ministry (i.e. the minister) explicitly explained in the preparatory works that crime against international law provided "the basis for sanctioning so-called war crimes [*krigsförbrytelser*]".[2] This is noteworthy since "war crimes" (*krigsförbrytelser*) is the term later used in the amendment of 2014 when the term "crime against international law" was abandoned. This shows continuity in the kinds of act that

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1 Prop. 1948:144 om strafflagstiftning för krigsmakten, pp. 30 and 47. See also SOU 2002:98, part B, p. 46.

2 Prop 1948:144 , p. 59.

have been criminalized and the meaning of "crime against international law". The preparatory works for the reform in 1948 note that international agreements (treaties) are not exhaustive, that the original source of international law is "international legal custom, i.e. generally recognised legal principles or tenets", and that a future "development of international law" is to be expected and cannot be pre-empted in national law. It was argued that Sweden as a state based on the rule of law not only has an interest to uphold respect for international law, the criminalization of these types of act was also motivated since Sweden would otherwise risk reprisals from other states if transgressions were not sanctioned. It is also clear that the Swedish Government was inspired by Danish legislation in this area. During the consultations (*remissbehandling*) prior to adoption of the law, the Office of the Chancellor of Justice and the National Association of Conscript Officers voiced concern that the expression "or generally recognised principles or tenets of international law" was too vague.[3] Deland describes how chapter 27 section 11 of the Penal Law was phrased in a general manner, a temporary arrangement to remove the problem that the relevant treaties were not directly applicable in Sweden. The temporary nature of the law was reinforced when a group of international law experts was tasked to conduct an inquiry into how the treaties could be implemented in Swedish law in a final manner. The expert group presented their report in 1953, providing the basis for amending the law the following year.[4]

2 Amendments following Swedish Accession to the Geneva Conventions, and Extended Scope 1954

The provision in chapter 27 section 11 of the Swedish Penal Law was changed in 1954 to the following text (amendments in italics).

> He or she who *during warfare uses means calculated to cause unnecessary suffering, abuses the Red Cross emblem or in other ways* violates *binding* agreements with a foreign Power or generally recognised principles or tenets of international law, shall be sentenced for crime against international law to penal servitude for at most four years. *The same law applies to him or her who in other cases than warfare disregards obligations that follow from agreements, principles or tenets for the protection of wounded, sick and shipwrecked members of armed forces in the field and at sea, prisoners of war and civilians during war or during occupation, thus causing bodily injury, physical or mental suffering or other injury or inconvenience which is not minor.*
>
> If the crime is gross, the sentence is penal servitude from two to ten years or life. Special consideration shall be given to whether the crime comprised a large number of individual acts or whether a large number of persons were killed or injured, or whether the crime occasioned extensive loss of property. (author's translation)

It is clear from the terminology used and the preparatory works that this amendment to the Swedish legislation was a result of the adoption of the four

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3 ibid, pp. 163-167.

4 Deland, Mats, *Purgatorium: Sverige och andra världskrigets förbrytare*, Stockholm: Atlas, 2010, pp. 352-353.

Geneva Conventions in 1949 and Sweden's accession to these conventions. The preparatory works contain a detailed account of the relevant treaties, the newly adopted Geneva Conventions, the earlier Geneva Conventions from 1864, 1906, 1929 and the Hague Conventions from 1899 and 1907. It is emphasized that the 1949 Conventions oblige state parties to sanction alleged violations of the conventions.[5] The preparatory works use the phrase "serious violations" (*svåra överträdelser*)[6] which connects directly to the terminology in original texts, i.e. "grave breaches"; although neither of these phrases was used in the penal regulation at the time. This appears to be deliberate since the Ministry's expert group (with the exception of T. Gihl) stated that "an expansion of the provision should also include the less serious violations".[7] The Geneva Conventions distinguish between "simple breaches" and "grave breaches".[8] The Svea Court of Appeal, the Scania and Blekinge Court of Appeal and the Chief of Defence (*överbefälhavaren*) all criticized the proposal in this regard.[9] The international law experts referred to chapter 3 of the penal law on instigation in relation to the requirement to criminalize command responsibility. In relation to other issues which pertain to the general principles of criminal law, the Government bill provides that "according to the travaux préparatoires [to the 1949 Geneva Conventions] the domestic courts should in this regard apply general principles of criminal law" and a footnote refers to a section of the "Final record of the diplomatic conference of Geneva of 1949".[10] The mentioned section in the 1949 records reveals that there was no agreement on accomplice liability, attempt to commit crime, duress, grounds for excluding criminal responsibility or the obligation to obey orders. This was for the judges who should apply domestic law to deal with.[11] This is relevant for several other articles in this volume.[12]

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5 Prop 1953:142 ändring i 1 och 27 kap. strafflagen m.m., pp. 8-12.

6 ibid, pp. 14-15.

7 ibid, pp. 16 and 37. Gihl held that it was decisive whether the violations constituted war crimes, see p. 17. The other experts were F. Wetter, D, Landquist and H. Henkow.

8 Grave breaches are listed in GC I, article 50; GC II, article 51; GC III, article 130; GC IV, article 147.

9 Prop. 1953:142, pp. 20-22. See also Justice Karlgren pp. 53-57 on the principle of legality and criminalisation based on customary international law.

10 ibid, p. 19. See also p. 39 on intent and negligence and pp. 53-54 on grounds for excluding criminal responsibility.

11 Final record of the diplomatic conference of Geneva of 1949, vol II, section B, s. 114 f.

12 Svensson, Erik, *Participation, Perpetration and Accomplice Liability for International Crimes Pursuant to Swedish and International Criminal Law*, Scandinavian Studies in Law, 2020, vol. 66; Lekvall, Ebba and Martinsson, Dennis, *The Mens Rea Element of Intent in the Context of International Criminal Trials in Sweden*, Scandinavian Studies in Law, 2020, vol. 66; Noree, Annika and Andreev, Dennis, *Grounds for Excluding Criminal Responsibility in Swedish Case Law*, Scandinavian Studies in Law, 2020, vol. 66; Björklund, Fredrik, *Charging of International Crimes in Sweden*, Scandinavian Studies in Law, 2020, vol. 66; Holmgren, Axel, *Swedish National Sentencing and International Norms*, Scandinavian Studies in Law, 2020, vol. 66.

3 Retained Wording of the Crime Against International Law with the Adoption of the 1962 Criminal Code

When the Criminal Code (*Brottsbalken*) was adopted in 1962 the same wording of crime against international law was used in its chapter 22 section 11 as had been used previously in chapter 27 section 11 of the Penal Law.

4 Separate Law on Genocide 1964

Sweden signed the Genocide Convention on 30 December 1949 and ratified it on 27 May 1952. The Committee on Penal Law found that its proposal for a new Criminal Code (adopted 1962) covered fairly well the acts criminalized by the Genocide Convention. However, the Committee noted that the Swedish provisions on attempt to commit crime and conspiracy to commit crime were not as extensive as required by the Convention. In addition the ranges of punishment used in the Criminal Code had not considered the Convention's types of crime. Thus there was a need for amendments in relation to ranges of punishment, attempt, conspiracy and omission to report crime for the crime in question (genocide). Considering the special nature of genocide as a crime it was determined that it was more appropriate to make this amendment in a separate law,[13] the Act on Criminal Responsibility for Genocide (1964:169).[14]

5 Limitation to Serious Violations 1986

The provision on crime against international law was amended in 1986 and the scope of crime against international law was limited to serious violations, and the provision now contained a non-exhaustive list of criminalized acts.[15] The provision was also moved to chapter 22 section 6 of the Criminal Code, with the following wording.

> A person guilty of a serious violation of a treaty or agreement with a foreign power or an infraction of a generally recognised principle or tenet relating to international humanitarian law concerning armed conflicts shall be sentenced for crime against international law to imprisonment for at most four years.
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> 1. use of any weapon prohibited by international law,
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> 2. misuse of the insignia of the United Nations or of insignia referred to in the Act on the Protection of Certain International Medical Insignia (Law 1953:771), parliamentary flags or other internationally recognised insignia, or the killing or injuring of an opponent by means of some other form of treacherous behaviour,
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> 3. attacks on civilians or on persons who are injured or disabled,

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13 Prop. 1964:10 med förslag till lag om införande av brottsbalken m. m., pp. 202-204.

14 See Nilsson, Jonas, *The Crime of Genocide Before Swedish Courts*, Scandinavian Studies in Law, 2020, vol. 66.

15 SOU 2002:98, part B, pp. 243-244.

> 4. initiating an indiscriminate attack knowing that such attack will cause exceptionally heavy losses or damage to civilians or to civilian property,
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> 5. initiating an attack against establishments or installations which enjoy special protection under international law,
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> 6. occasioning severe suffering to persons enjoying special protection under international law; coercing prisoners of war or civilians to serve in the armed forces of their enemy or depriving civilians of their liberty in contravention of international law; and
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> 7. arbitrarily and extensively damaging or appropriating property which enjoys special protection under international law in cases other than those described in points 1-6 above.
>
> If the crime is gross, imprisonment for at most ten years, or for life shall be imposed. In assessing whether the crime is gross, special consideration shall be given to whether it comprised a large number of individual acts or whether a large number of persons were killed or injured, or whether the crime occasioned extensive loss of property.
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> If a crime against the international law has been committed by a member of the armed forces, his lawful superior shall also be sentenced in so far as he was able to foresee the crime but failed to perform his duty to prevent it.[16]

These amendments were suggested by a committee appointed by the Government (*Militäransvarskommittén*). The committee questioned whether the provision at the time – chapter 22 section 11 of the Criminal Code – "exceeded the boundaries that could reasonably be covered by an open-ended penal regulation with life imprisonment in its range of punishment" and "the rules in international law to which the provision made reference are too extensive to be foreseeable for persons who may be subjected to the penal regulation at hand."[17] The view that the criminalized scope should be limited to "serious violations" was accepted by the Government and Parliament. It also conformed to and accommodated the earlier criticism voiced in the debate prior to the change 1954. Non-serious violations should instead be sanctioned through disciplinary proceedings pursuant to the law on disciplinary offence or as a crime of official misconduct.[18] The question arises as to whether "serious violations" in chapter 22 section 6 of the Criminal Code is limited to the "grave breaches" that, pursuant to the 1949 Geneva Conventions and Additional Protocol I, are limited to international armed conflicts. The Stockholm district court considered this question in the *M.M.* case which concerned a non-international armed conflict and explained that it followed from the preparatory works that "an explicit limitation to grave breaches was never made" and that "the design of the legislation which refers to serious violations in the Criminal Code's chapter 22

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16 As translated in Ds 1999:36.

17 Prop. 1985/86:9 om lag om disciplinförseelser av krigsmän m.m., p. 80.

18 ibid, pp. 80-81, 133.

section 6 cannot be deemed to limit the applicability of the law to include only the grave breaches in the Geneva Conventions".[19]

Although a new law was adopted in 2014, the previous provision in chapter 22 section 6 of the Criminal Code is still applicable for acts committed before 1 July 2014.

6 Transition from Open-ended Penal Regulation to an Exhaustive List, and the Introduction of a Provision on Crimes Against Humanity 2014

With the adoption of the Rome Statute of the International Criminal Court in 1998 and Sweden's impending accession thereto, the Government in 2000 appointed Justice Dag Victor to review the Swedish legislation on criminal responsibility for international crimes and Swedish criminal jurisdiction. In addition to Dag Victor, the Commission on International Criminal Law (*Internationella straffrättsutredningen*) consisted of Professor Ove Bring, Chief Prosecutor Eva Finné, Senior Advisor Marie Jacobsson, Deputy Director Maria Kelt and Professor Per Ole Träskman. The Commission presented a report entitled International Crimes and Swedish Jurisdiction (*Internationella brott och svensk jurisdiction*), SOU 2002:98. Some of the Commission's proposals were implemented in separate legal amendments, for example on statute of limitations.[20]

To properly understand why Sweden amended its legislation in 2014 one has to consider the following. Lee has noted that the Rome Statute contains no explicit obligation for a state party to criminalise the crimes included in and criminalized by the Statute.[21] Friman writes:

> The ratification of the Rome Statute itself does not entail per se the obligation to prosecute the ICC crime by its national court. An obligation to prosecute may, however, be derived from general international law. A guiding principle in the negotiations of the Statute was that the definitions should reflect customary international law … Hence, the states should make (at least) a moral commitment to ensure they have the legal framework for investigating and prosecuting those crimes. States should have a vested interest in making sure that such a legal framework exists in order to enable them to exercise their primary jurisdiction.[22]

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19 *M.M.*, Stockholms tingsrätt, judgment 20 January 2012, pp. 47 and 53; Österdahl, 2019, p. 363. See also Mark Klamberg, Mark and Andersson, Anna, *Swedish Case Law on the Contextual Elements Relating to War Crimes*, Scandinavian Studies in Law, 2020, vol. 66, section 1.3.4.

20 Prop. 2009/10:50, bet. 2009/10:JuU10, rskr. 2009/10:180.

21 Lee, Roy S., "States' Responses: Issues and Solutions" in Lee, Roy S. (ed.), *States' Responses to Issues Arising from the ICC Statute, Constitutional, Sovereignty, Judicial Cooperation and Criminal Law, 1-46*, Ardsley: Transnational Publishers, 2005, p. 22.

22 Friman, Håkan, "Political and Legal Considerations in Sweden Relating to the Rome Statute for the International Criminal Court" in Lee, Roy S. (ed.), *States' Responses to Issues Arising from the ICC Statute, Constitutional, Sovereignty, Judicial Cooperation and Criminal Law, 121-145*, Ardsley: Transnational Publishers, 2005, pp. 139-140.

The preparatory works to the 2014 Act contain similar statements:

> The Rome Statute does not in itself require that the crimes and criminal law principles contained in the Statute be implemented in domestic legal orders of the States Parties. However, the Statute is intended to merely supplement the national criminal systems, and to be used when the states either lack will or ability to sanction crimes. Thus, as emphasized in our instructions there is an important Swedish interest to ensure that Swedish legislation criminalizes and allows prosecution of serious crimes in a similar manner and to the same extent as required by the international order of which Sweden is an advocate.[23] … Accession to the Statute does not entail a formal obligation on states to introduce domestic rules covering the crimes contained in Part II [of the Rome Statute]. … The Statute contains, in addition to the list of criminalized offences, rules which pertain to the general principles of criminal law. In this context one may mention inchoate crimes, grounds for excluding criminal responsibility, *mens rea* requirements, mistake of facts and law and liability in the context of intoxication or mental disease (compare with section 5.6). Also in relation to these issues, there is in the Rome Statute no requirement on national implementation. The rules in this part of the Statute are for the most part not customary international law. Thus, it is neither necessary nor suitable for this reform of the criminal law to construct separate rules in relation to fundamental, general principles of criminal law and national rules, for example on intent, criminal liability for a person who suffers from a mental disease or defect, actions taken in an emergency, self-defence, mistakes of facts and law.[24] (author's translation)

The Statute addresses primarily, and provides the applicable law for, the International Criminal Court (ICC). This follows from Article 1 which provides that "The jurisdiction and functioning of the Court shall be governed by the provisions of this Statute." Moreover, Article 21 provides that it is for the ICC to apply the listed sources of law: there is nothing in the provision which obliges domestic courts to apply these sources of law. The legal obligation to criminalize international crimes follows from other treaties, for example the 1949 Geneva Conventions which provide that "The High Contracting Parties undertake to enact any legislation necessary to provide effective penal sanctions for persons committing, or ordering to be committed, any of the grave breaches of the present Convention defined in the following Article …".[25] The UN Genocide Convention contains a corresponding obligation.[26] With the establishment of the ICC, the states parties have an interest that cases that potentially can be prosecuted in their domestic courts may in fact come under those courts' jurisdiction so as to avoid their coming before the ICC pursuant to the principle of complementarity.[27]

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23 SOU 2002:98, part I, pp. 67-68.

24 Prop. 2013/14:146, pp. 67 and 71.

25 GC I, article 49; GC II, article 50; GC III, article 129; GC IV, article 146.

26 Genocide Convention, Article 5.

27 Rome Statute of the International Criminal Court, 17 July 1998, 2187 U.N.T.S. 90, article 1 and 17. Triffterer, Otto, "Legal and Political Implications of Domestic Ratification and Implementation Processes" in Kreß, Claus & Lattanzi, Flavia (eds.), *The Rome Statute and Domestic Legal orders, volume I: General Aspects and Constitutional Issues*, 1-28, Baden-Baden: Nomos Verlagsgesellschaft, 2000, p. 16

However, that states have an interest in crimes being investigated does not mean that the Rome Statute creates a legal obligation for them to do so. This distinction is important since domestic authorities and domestic courts may otherwise be misled to believe that they should apply the Rome Statute. Its definitions of crimes do not necessarily represent the same crimes and transgressions as those regulated in treaties and customary international law relating to international humanitarian law (IHL). The Statute *may* in part assist in the interpretation of treaties and customary international law relating to IHL, but this cannot be done mechanically or automatically. The Statute's Article 22(3) which relates to the principle of legality provides that "This article shall not affect the characterization of any conduct as criminal under international law independently of this Statute." This clarification was made to take into account that customary international law is a dynamic source which can lead to differences compared with the Statute's definitions of crimes.[28] To determine the content of customary international law it is more advisable to use studies such as those conducted by the International Committee of the Red Cross (ICRC).[29] The necessity to take into account customary international law exists primarily in relation to the previous provision in chapter 22 section 6 of the Swedish Criminal Code since this contains an explicit reference to this source of law. Regarding the 2014 Act it may appear more suitable to seek answers in the Rome Statute since it has served as a model for the amendments made in 2014.[30] There is still a need for caution here also: one cannot apply the Rome Statute mechanically and automatically. The Statute serves as a minimum guarantee that the most serious crimes will be sanctioned: there is nothing that prevents states from criminalizing additional offences in domestic law, treaties or in relation to a development in customary international law. The preparatory works to the Act of 2014 state that "the scope of the law, most clearly in relation to war crimes committed during non-international armed conflicts, will partly go beyond what the Rome Statute proscribes."[31]

States do have obligations under the Rome Statute; however these are in Part 9 of the Statute which relate to states' cooperation with the ICC and assistance when it comes to witnesses, evidence, and surrender of suspects to this Court. These rules appear more directly applicable for national authorities and national courts.[32] Part 9 uses a partly different vocabulary than that in other parts of the Statute, indicating that this part is directed towards the states. Thus for example Article 93 provides that "States Parties shall, in accordance with the provisions of this Part and under procedures of national law, comply with requests by the

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[28] Broomhall, Bruce, "Article 22" in Triffterer, Otto & Ambos, Kai (eds.), *Commentary on the Rome Statute of the International Criminal Court*, 949-966, München/Oxford/Baden-Baden: C.H. Beck/Hart/Nomos, 2016, p. 962, para. 49; Lind, Camilla, "Article 22" in Klamberg, Mark (ed.), *The Commentary on the Law of the International Criminal Court*, 253-257, Brussels: TOAEP, 2017, p. 257.

[29] ICRC, *Customary International Humanitarian Law* Henckaerts, Jean-Marie & Doswald-Beck, Louise (eds.), Cambridge: Cambridge University Press, 2005. Note how the study was used in *Arklöv*, judgment 18 December 2006, pp. 53-56.

[30] Prop. 2013/14:146, p. 74.

[31] ibid, p. 75.

[32] Friman, 2005, pp. 132-133.

Court to provide the following assistance in relation to investigations or prosecutions."

The proposal of the Commission on International Criminal Law for a new law on international crimes provided the basis for Government Bill 2013/14:146 which was adopted by the Parliament. Thus, the previous penal regulation in chapter 22 section 6 of the Criminal Code was repealed, being replaced by the Act on Criminal Responsibility for Genocide, Crimes against Humanity and War Crimes (2014:406). This act entered into force on 1 July 2014. The new law better harmonised the criminalization of genocide with the wording in the UN Genocide Convention and the Rome Statute.[33] The change was greater in relation to war crimes, since, instead of having an open-ended penal regulation with the legal characterization "crimes against international law" (*folkrättsbrott*), the new law gives an exhaustive list of what is meant by war crimes; and the reference to customary international law has been removed. The Act also contains a new penal regulation on crimes against humanity.

As indicated above, the report of the Commission on International Criminal Law prompted a separate process of legal amendments in relation to the statute of limitations. The proposal in Government bill 2009/10:50 was adopted by Parliament and entered into force on 1 July 2010 with the consequence that the statute of limitations was changed in relation to murder, manslaughter, gross crime against international law (*folkrättsbrott*), genocide, terrorist offences and attempts to commit murder, manslaughter, genocide and terrorist offences. The crimes mentioned are no longer subject to a statute of limitations pursuant to chapter 35 section 2 of the Criminal Code. This provision was partly changed again as a consequence of the adoption of the 2014 Act, crimes against humanity being added to the list of crimes not subject to a statute of limitations. The regulations on transition between the old law and the new one provide that chapter 35 section 2 of the Criminal Code shall also apply to crimes committed before the entry into force of the Act but that have not yet been subject to the statute of limitations.[34] This means that murder, manslaughter, gross crime against international law (*folkrättsbrott*), genocide and terrorist offences committed after 1 July 1985 will never become subject to the statute of limitations.

To summarize, with the 2014 amendment, Swedish law in essence criminalizes the same acts as the Rome Statute does, but with a different structure when it comes to war crimes. The amendment may be described as the culmination of a series of amendments where the scope of criminalized conduct as war crime first expanded, later to become narrower. It has now reached a more stable form. The scope of criminal conduct expanded with the amendments of 1948 and 1954, where the latter amendment made the scope of criminal conduct cover simple as well as grave breaches of the Geneva Conventions. The 1986 amendment involved a partial narrowing-down of the scope of criminal conduct to serious violations while the exact scope was unclear with reference to customary international law, later to gain a better-defined scope by 2014.

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[33] See section 2 in Nilsson, Jonas, *The Crime of Genocide before Swedish Courts*, Scandinavian Studies in Law, 2020, vol. 66.

[34] See footnote 2 in SFS 2010:60 and Prop. 2009/10:50, pp. 29-31.

Literature

Björklund, Fredrik, *Charging of International Crimes in Sweden*, Scandinavian Studies in Law, 2020, vol. 66

Broomhall, Bruce, "Article 22" in Triffterer, Otto & Ambos, Kai (eds), *Commentary on the Rome Statute of the International Criminal Court*, 949-966, München/Oxford/Baden-Baden: C.H. Beck/Hart/Nomos, 2016

Deland, Mats, *Purgatorium: Sverige och andra världskrigets förbrytare*, Stockholm: Atlas, 2010

Friman, Håkan, "Political and Legal Considerations in Sweden Relating to the Rome Statute for the International Criminal Court" in Lee, Roy S. (ed), *States' Responses to Issues Arising from the ICC Statute, Constitutional, Sovereignty, Judicial Cooperation and Criminal Law*, 121-145, Ardsley: Transnational Publishers, 2005

Holmgren, Axel, *Swedish National Sentencing and International Norms*, Scandinavian Studies in Law, 2020, vol. 66

Lee, Roy S., "States' Responses: Issues and Solutions" in Lee, Roy S. (ed), *States' Responses to Issues Arising from the ICC Statute, Constitutional, Sovereignty, Judicial Cooperation and Criminal Law*, 1-46, Ardsley: Transnational Publishers, 2005

Lekvall, Ebba and Martinsson, Dennis, *The Mens Rea Element of Intent in the Context of International Criminal Trials in Sweden*, Scandinavian Studies in Law, 2020, vol. 66

Lind, Camilla, "Article 22" in Klamberg, Mark (ed), *The Commentary on the Law of the International Criminal Court*, 253-257, Brussels: TOAEP, 2017

Nilsson, Jonas, *The Crime of Genocide Before Swedish Courts*, Scandinavian Studies in Law, 2020, vol. 66

Noree, Annika and Andreev, Dennis, *Grounds for Excluding Criminal Responsibility in Swedish Case Law*, Scandinavian Studies in Law, 2020, vol. 66

Svensson, Erik, *Participation, Perpetration and Accomplice Liability for International Crimes Pursuant to Swedish and International Criminal Law*, Scandinavian Studies in Law, 2020, vol. 66

Triffterer, Otto, "Legal and Political Implications of Domestic Ratification and Implementation Processes" in Kreß, Claus & Lattanzi, Flavia (eds), *The Rome Statute and Domestic Legal Orders, volume I: General Aspects and Constitutional Issues*, 1-28, Baden-Baden: Nomos Verlagsgesellschaft, 2000