## CONTENTS

*Preface* ................................................................. v  
*About the authors* ....................................................... vii  
*Abbreviations* ........................................................... xv  

1. **INTRODUCTION** ......................................................... 1  
   1.1. Why study international criminal law from a Swedish perspective? ..... 1  
   1.2. The structure of the book and its delimitations ................................. 3  
   1.3. Constitutional issues, the legislative process and the role of the courts... 5  
       1.3.1. The system of government ................................................. 5  
       1.3.2. Constitutional documents ................................................ 5  
       1.3.3. Law-making power .......................................................... 6  
       1.3.4. Treaty-making power and the transfer of law-making and decision-making power ................................................................. 7  
       1.3.5. Rights ............................................................................ 7  
       1.3.6. The legislative process ...................................................... 10  
       1.3.7. The position of the travaux préparatoires in the hierarchy of legal sources and something on the judicial culture ..................... 11  
       1.3.8. The organization of the courts and the judiciary ....................... 12  
   1.4. Basic facts about Sweden and demographics in Sweden ..................... 14  
   1.5. Basic institutions in the Swedish criminal justice system ............... 15  
       1.5.1. Generally ................................................................. 15  
       1.5.2. The Central Authority .................................................... 16  
       1.5.3. The organization of the police .......................................... 17  
       1.5.4. The organization of the prosecuting authorities in general .......... 18  
       1.5.5. *International Prosecution Offices* .................................... 20  
   1.6. Something on Swedish criminal policy, crime rates and prisons .......... 21  
   1.7. Nordic cooperation ........................................................ 23  
   1.8. The influence of the EU on the Swedish system of international criminal law ................................................................. 25  
   1.9. A note on statistics and empirical methodology ............................ 29  

2. **RELEVANT ASPECTS OF CRIMINAL PROCEDURE AND CRIMINAL LAW** ......................................................... 31  
   2.1. Introduction ....................................................................... 31  
   2.2. The investigation and prosecution of an offender ............................ 32
4. INTERNATIONAL LEGAL ASSISTANCE IN CRIMINAL MATTERS

4.1. Introduction

4.1.1. General remarks on international legal assistance

4.1.2. Swedish accession to multilateral agreements

4.1.3. Swedish accession to bilateral agreements

4.1.4. Overview of the Swedish legislation on international legal assistance

4.2. The ILA Act - Requests for legal assistance in Sweden

4.2.1. The general principles of the Act

4.2.2. What forms of assistance can be afforded?

4.2.3. In connection with what types of proceedings can assistance be afforded?

4.2.4. Double criminality (in certain cases)

4.2.5. Special provisions on the different forms of legal assistance

4.2.5.1. Introduction

4.2.5.2. Examination and hearing in conjunction with preliminary investigation

4.2.5.3. Taking of evidence before Swedish courts

4.2.5.4. Hearing by telephone conference

4.2.5.5. Hearings by video conference

4.2.5.6. Seizure and provisional attachment

4.2.5.7. Search of premises, body search and body examination

4.2.5.8. Interception of telecommunications (secret wire-tapping and secret telecommunications surveillance)

4.2.5.9. Technical assistance with interception of telecommunications

4.2.5.10. Permission for cross-border secret interception of telecommunications

4.2.5.11. Secret camera surveillance

4.2.5.12. Electronic eavesdropping

4.2.5.13. Transfer of persons deprived of liberty for the purpose of hearing etc

4.2.5.14. Forensic medical examination of the body of a deceased person

4.2.6. Obstacles to granting assistance

4.2.6.1. Introduction

4.2.6.2. Mandatory obstacles

4.2.6.3. Non-mandatory obstacles

4.2.6.3.1. Political offences

4.2.6.3.2. Military offences
5.1.5. Procedure ................................................................. 171
5.1.6. Coercive measures .................................................... 172
5.2. Conditions for extradition ............................................. 173
  5.2.1. Double criminality .................................................. 173
  5.2.2. Demands for a certain degree of seriousness of the crime
         and the length of the punishment ................................ 175
  5.2.3. Accessory crimes ................................................... 176
  5.2.4. Military offences .................................................. 176
  5.2.5. Political offences .................................................. 177
  5.2.6. Nationality .......................................................... 179
  5.2.7. Persecution .......................................................... 180
  5.2.8. Humanitarian reasons .............................................. 181
  5.2.9. Proving the basis for extradition ............................... 183
  5.2.10. Ne bis in idem ...................................................... 186
  5.2.11. Statutes of limitation (prescription) ............................ 188
  5.2.12. Temporary obstacles to extradition .............................. 188
  5.2.13. Ad hoc trials ...................................................... 189
  5.2.14. Death penalty ..................................................... 189
  5.2.15. Simultaneous requests from different states .................... 190
  5.2.16. Speciality principle .............................................. 190
5.3. Concluding remarks ................................................... 193

6. SURRENDER IN ACCORDANCE WITH A EUROPEAN ARREST
   WARRANT ................................................................. 197
  6.1. Introduction .......................................................... 197
     6.1.1. General remarks on the European Arrest Warrant .......... 197
     6.1.2. The Framework Decision ....................................... 200
     6.1.3. The European experience ..................................... 203
     6.1.4. Swedish statutory material and official information sources ... 209
     6.1.5. Competent authorities in Sweden ............................... 210
  6.2. Surrender instead of extradition .................................. 212
  6.3. The implementation process in Swedish law ...................... 214
  6.4. Surrender from Sweden to other Member States of the EU ......... 216
     6.4.1. General scope and conditions for surrender .................. 216
     6.4.2. Grounds for non-execution ................................... 220
     6.4.3. Special conditions for surrender ............................. 226
     6.4.4. Procedure, time-limits and coercive measures ............... 227
     6.4.5. Enforcement .................................................... 231
  6.5. Surrender to Sweden from other Member States of
       the European Union ................................................. 232
     6.5.1. General conditions for the issue of a European arrest order ... 232
     6.5.2. Domestic challenges to the Swedish judicial decision ....... 235