



Copenhagen, 26 November 2024

**ECCHR and DIGNITY's foretræde  
Folketingets Retsudvalg**

**effective implementation in practice of the new legislation regarding criminalization of  
torture and other international crimes, i.e., law proposal L58**

European Center for Constitutional and Human Rights (ECCHR) and DIGNITY – Danish Institute against Torture highly appreciate the opportunity to submit and present our recommendations regarding the effective implementation of the new legislation regarding the criminalization of torture and other international crimes, i.e., law proposal L58, at the foretræde 28 November 2024.

**ECCHR**, based in Berlin, is an independent, non-profit legal and educational organization dedicated to enforcing civil and human rights worldwide. ECCHR has extensive experience in building cases and filing criminal complaints, representing, and supporting victims and survivors of serious international crimes. Their expertise is derived from interventions during investigations as well as in court and collaborations with prosecutors, the police, war crimes units, the EU Genocide Network as well as with NGOs and lawyers in international crimes cases across Europe. ECCHR provided input on the recently concluded reform of Germany's international crimes law and on the draft Danish legislation regarding international crimes.

**DIGNITY** is an international human rights and development organization. DIGNITY works with a mandate to prevent torture and violence, rehabilitate traumatized victims, and support local partner organisations in documenting serious human rights violations, with the goal of holding perpetrators accountable. DIGNITY and its supported partners, that operate in contexts such as Belarus, Ukraine and Palestine, have a keen interest in ensuring accountability for survivors of torture and other victims of international crimes.

With the new legislation entering into force, as expected on 1 January 2025, Denmark will face the unique opportunity to send a clear signal that it stands on the side of the victims of the world's most heinous crimes. Denmark's investigations and its contribution to foreign investigations, e.g. through the collection and sharing of evidence, will greatly contribute to the fight against impunity for international crimes.

ECCHR's experiences in Germany have shown that having a legislative framework in place is an essential first step in ensuring the enforcement of international criminal law domestically. Following it up with fit-for-purpose implementation measures is essential in allowing the legislation to unfold its full potential.

In Denmark, the investigation and prosecution of international crimes will be carried out by NSK – National enhed for Særlig Kriminalitet and SSK – Statsadvokaten for Særlig Kriminalitet. Both authorities will have to act as the driving force to ensure the law's operational functionality by living up to their mandate to initiate investigations, to prosecute international crimes if the alleged perpetrator is present in Denmark, and to secure evidence of international crimes that is available in Denmark. Such evidence can consequently be shared via the databases of Eurojust and Europol in order to support the war crimes units and law enforcement agencies in other European Union member states in their investigations. Danish authorities would vice versa benefit from evidence sharing for their own investigations.

By successfully implementing this new legislation, Denmark can contribute to and foster united and strong **European cooperation** in the investigation and prosecution of international crimes. Denmark has the possibility to emerge as a leading player in the combat against impunity, thereby strengthening its reputation in and beyond Europe.

Based on our experience, effective implementation of the new legislation would require:

### 1. **Resource allocation**

Sufficient resource allocation to NSK and SSK must be a priority. Even a small increase in permanent staff members that are fully dedicated – without tasks to investigate other special crimes as well - to the investigation and prosecution of international crimes can be a cost-effective measure for increasing Denmark's contribution to accountability for international crimes. Adequate resourcing would also allow Denmark to become a more engaged player in existing cooperation efforts. This includes enhanced participation in the regular meetings of the EU Genocide Network, the forum fostering cross-border collaboration in increasing and strengthening investigations and prosecutions in Europe. Dedicated officers tasked with handling mutual legal assistance requests regarding international crimes processes would also be conducive to establishing Denmark as a reliable partner for other countries.

### 2. **Proactive approach**

Institutionally, NSK should be empowered to act proactively and initiate structural investigations (i.e. on specific conflict situations and not person-specific). NSKs role should not be limited to reacting to complaints being submitted but should include the capability to act ex-officio.

### **3. Cooperation across agencies**

Systematic cooperation between the Danish asylum authorities and NSK will allow a smooth flow of information and ensure the collection of important testimonies of witnesses. Examples of such coordination from Norway and Germany could serve as useful inspiration for establishing cross-agency referral pathways in Denmark.

### **4. Training**

Empowering all stakeholders involved (investigators, prosecutors, judges and lawyers) in the enforcement of the law proposal via adequate training is another strong tool in ensuring effective implementation. Given the nature of international crimes, training must cover guidance on gender- and child-sensitive investigations and prosecutions.

### **5. Involving civil society**

Civil society can play a vital part in building the bridge between victims and the authorities. Improved collaboration, direct referral mechanisms, and sufficient resource allocation will allow civil society actors, such as trauma support centers, refugee support groups and other organizations working with affected communities, to play their role.

### **6. Transparency and outreach**

Adoption and implementation of the new legislation also provides an opportunity for engaging in outreach and communication with affected communities. Easy to access information in various languages should be disseminated among relevant civil society actors, refugee communities and other relevant stakeholders.

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As organisations experienced in supporting victims of torture and other international crimes, DIGNITY and ECCHR are ready to support the implementation of the legislation regarding criminalization of international crimes. We remain at your disposal for any further questions.

