



INTERNATIONAL CRIMINAL COURT

Dedicated information for the International Criminal Court (ICC) prosecutor's office.

In summary, the context described involves a series of serious allegations of human rights violations in Sweden, including torture, enforced disappearances, and systematic attacks against human rights defenders and their families.

These actions, reported to have involved state actors and met with a lack of adequate investigation and action from national authorities, provide a potential basis for the involvement of the International Criminal Court (ICC).

Dedicated Prosecutor's Office at the ICC:

The Prosecutor at the ICC has the authority to initiate investigations into crimes that fall under the court's jurisdiction, which includes crimes against humanity and potentially war crimes, provided certain criteria are met. These criteria include:

Jurisdiction: Sweden, as a state party to the Rome Statute, grants the ICC jurisdiction over crimes committed on its territory or by its nationals.

Admissibility: The case must be of sufficient gravity, and there must be a reluctance or inability on the part of the national jurisdiction to genuinely investigate or prosecute the accused crimes.

Initiation of Investigation: The Prosecutor can initiate a preliminary examination on their own initiative based on information about crimes within the court's jurisdiction, after assessing the situation against the criteria for jurisdiction, admissibility, and the interests of justice.

Pre-Trial Chamber's Approval: The Prosecutor needs to seek approval from the Pre-Trial Chamber to proceed with an investigation initiated on their own accord.

These crimes, specifically torture and enforced disappearances, could be classified as crimes against humanity if they are part of a widespread or systematic attack against a civilian population.

This underscores the importance of the ICC's role in providing an international justice mechanism when national systems fail to protect the most fundamental human rights.

For those affected, engaging with international human rights organizations and legal entities skilled in international law and the ICC's procedures offers a pathway to bring attention to these issues and potentially initiate formal processes under the auspices of international law. This approach requires a meticulous legal strategy and collaboration with international partners to ensure that the claims are thoroughly investigated and addressed in accordance with international law. The government is overseeing a reported torture crime involving the Chancellor of Justice's role at Borås District Court. Human rights defenders face legal abuses, including home knife attacks and threats of violence with automatic weapons conveyed in trial records. Meanwhile, despite reporting murders to supervisory authority The Parliamentary Ombudsman, the judiciary refuses to investigate.

Human rights defenders and their families face retaliation instead of protection. On August 8, 2022, the Human Rights fighter and the whistleblower's family faced government retaliation when their car was extorted in their private home with threats of violence, retaliation crimes reported to police never investigated. This echoes a similar incident in 2010 involving a criminal motorcycle gang. The children and mother were victims of enforced disappearance on November 16, 2022, during actions influenced by the security police, who reported concerns to social services where the father had previously filed a report due to the children being at risk of torture.

The government's decision on December 1, 2022, which was reconsidered in a decision on November 16, 2023, was influenced by the Swedish security police's involvement in social services' investigations where the enforced disappearance of family members was strategically planned to intentionally violate Human Rights defenders' basic Human Rights. A police report was filed for case no. 0150-K2541-23, addressing allegations of torture and enforced disappearance linked to Justice Minister Gunnar Strömmer. This violates the Swedish constitution and the European Convention on Human Rights, which mandate thorough investigations into deaths and safeguard the right to life.

The government's refusal to investigate reported crimes involving torture, which also constitutes a violation of the principle of the rule of law, by government supervisory authorities means that prosecutors at the jurisdiction prosecution office of the International Criminal Court are competent to investigate these reported crimes against basic Human Rights.

To optimize the legal context and expertly delineate the potential crimes in relation to the Rome Statute's articles, let's delve deeper into the specific provisions that might be applicable to the scenario you've described, involving allegations of torture, enforced disappearance, and systematic attacks against human rights defenders and their families.

Article 7: Crimes Against Humanity

Crimes against humanity, as defined in Article 7 of the Rome Statute, include a wide range of acts when committed as part of a widespread or systematic attack directed against any civilian population, with knowledge of the attack. This includes:

Torture (Article 7(1)(f)): The infliction of severe physical or mental pain or suffering upon individuals in custody or under the control of the accused, excluding pain or suffering arising from, inherent in, or incidental to lawful sanctions.

Enforced disappearance of persons (Article 7(1)(i)): The arrest, detention, or abduction of persons by, or with the authorization, support, or acquiescence of, a state or a political organization, followed by a refusal to acknowledge that deprivation of freedom or to give information on the fate or whereabouts of those persons, with the intention of removing them from the protection of the law for a prolonged period.

Persecution (Article 7(1)(h)): The intentional and severe deprivation of fundamental rights contrary to international law by reason of the identity of the group or collectivity.

The scenario you've outlined may constitute crimes against humanity if these actions are part of a deliberate policy or practice meant to intimidate or eliminate a specific group, in this case, human rights defenders and their families.

Article 8: War Crimes

While the described situation does not explicitly involve an armed conflict, it's important to understand that war crimes (Article 8) are specific to contexts of international or non-international armed conflict. However, analysing the context for any elements that might qualify as such is crucial in comprehensively assessing the applicability of the Rome Statute.

Article 12: Preconditions to Exercise of Jurisdiction

The ICC's jurisdiction hinges on the principle that the state on whose territory the conduct occurred, or the state of which the person accused of the crime is a national, is a party to the Rome Statute or has accepted the Court's jurisdiction. Sweden's ratification of the Rome Statute therefore enables the Court to potentially exercise its jurisdiction over these alleged crimes.

Article 13: Exercise of Jurisdiction

The ICC may exercise its jurisdiction if a situation is referred to the Prosecutor by a State Party, the United Nations Security Council, or the Prosecutor may initiate investigations proprio motu (on their own initiative) into crimes within the Court's jurisdiction.

Article 15: Prosecutor's Authority to Initiate Investigations

The Prosecutor can initiate investigations on their own initiative based on information received on crimes within the jurisdiction of the Court. Given the allegations, the Prosecutor would conduct a preliminary examination to assess whether there is a reasonable basis to proceed with an investigation, considering jurisdiction, admissibility, and the interests of justice.

Article 17: Issues of Admissibility

A case is inadmissible if it is being investigated or prosecuted by a state which has jurisdiction over it, unless the state is unwilling or unable to genuinely carry out the investigation or prosecution. The scenario suggests a potential unwillingness or inability of Swedish authorities to investigate and prosecute the alleged crimes, thereby meeting the criteria for ICC intervention.

The detailed application of these provisions to the reported scenario underscores the ICC's potential role in addressing serious allegations of human rights violations when national jurisdictions fail to act. Engaging with the ICC requires a meticulous legal approach, including the submission of evidence and legal arguments detailing how the situation meets the Court's jurisdictional and admissibility criteria, along with the procedural steps outlined in the Rome Statute for initiating and conducting investigations and prosecutions.

Immediate action is imperative to halt the continuous violations against Human Rights defenders

Immediate action is imperative to halt the continuous violations against human rights defenders, as delineated in the EU Guidelines on Human Rights Defenders. This action target international organizations and Human Rights Fighters dedicated to assisting and safeguarding human rights defenders whose fundamental rights are infringed upon and who are facing immediate or serious risk.

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