

SICO 2008 – Summary in English

The Special International Crimes Office (SICO) was established on the 1 June 2002 and is responsible for investigating and – if possible – prosecuting persons residing in or with close ties to Denmark for serious crimes committed abroad, in particular genocide, crimes against humanity, war crimes and acts of terror.

The purpose of establishing the office was to ensure that Denmark does not provide a safe haven for persons who have committed serious crimes abroad.

SICO is part of the Danish Prosecution Service and is headed by a State Prosecutor who is assisted by a Deputy State Prosecutor and a Chief Superintendent. The Office is organized in four departments: Procurement of cases, Analysis and Documentation, Investigation and Prosecution and Administration.

In 2008, SICO opened 20 new cases, bringing the total number of cases opened since the founding of SICO in 2002 to 167. Of the 20 new cases, nine were related to countries in Former Yugoslavia, five were related to Asia apart from the Middle East, two to the Middle East and four to other countries. Two cases were received from the Danish Immigration Service and three from other Police Departments. Eight cases were reported by private citizens and seven cases were initiated through SICO's own investigation.

The statistics of the total of cases opened since 2002 (167 cases) show a preponderance of cases related to the Middle East (47), followed by countries in Former Yugoslavia (36), Africa and Asia apart from the Middle East and Afghanistan (27 cases each) and Afghanistan (24). Six cases were related to other countries.

Since 2002, the total of cases decided has reached a level of 150. The grounds for the decision of the cases are distributed as follows: No proved crime or lack of evidence: 92 cases, lack of jurisdiction: 18 cases, suspect having left the country or been deported: 12 cases, crime statute-barred: 6 cases, suspect deceased: 2 cases, final judgement: 2 cases, other grounds: 16, basis for indictment: 2 cases.

The goal for the Special International Crimes Office is to determine within 12 months whether there are sufficient evidence to prosecute or whether the investigation should be discontinued. In 2008, 15 cases were decided and the goal met in 11 of them.

At the beginning of 2008, SICO instituted two separate investigations of homicide etc. committed during the conflict in Bosnia-Herzegovina in 1992. In these cases SICO introduced a new model of investigation, in as much as the authorities of Bosnia-Herzegovina accepted the constant presence of SICO in the country during the investigation. This resulted in a most fruitful cooperation between the Danish investigators and the local authorities and offered the investigators the possibility to interview a large number of witnesses in a very short time. This method accelerated the investigation considerably and SICO was able to close the investigations after no more than 27 days in Bosnia-Herzegovina.

In recent years, SICO has become aware that missing girls and women of another ethnicity than Danish might have been the victims of culture related crimes. Thus in 2008, SICO has been looking into a number of cases where young girls and women with cultural or ethnic ties to other countries have disappeared and are registered in the police files as “missing”. By the 1st of February 2009 16 persons have been located in Great Britain, Ethiopia, Iraq, Somalia, USA and Norway. Fortunately, nothing in these cases indicates that a crime has been committed. An additional seven persons have been tracked to USA, Norway, Somalia and Ethiopia. These cases are still open but offer little reason to believe that any of these persons has been the victim of a crime.

2008 saw some important alterations to Danish law of relevance to SICO. As far back as June 2002 the Danish Immigration Authorities were authorized to inform SICO if they suspected a foreigner of having committed a serious crime abroad. However, in order for SICO to prove a crime, witnesses and victims are needed. That is why, already in 2002, SICO asked to be given access to information about foreigners who might have witnessed or been the victims of such crimes. A law allowing such access was ratified on the 27th of December 2008 with effect from the 1st of March 2009. Undoubtedly, this important amendment to the law will contribute greatly to the efforts to prevent Denmark from being a safe refuge for immigrants and refugees guilty of serious crimes.

Also, the Danish Penal Code has been amended with effect from the 1st of July 2008, so that criminal liability in cases concerning torture is no longer subject to any statute of limitation, an amendment which could, of course, have a bearing on the result in cases concerning crimes committed in a distant past.

A third legal alteration pertinent to the work of SICO is the new provision of Article 8, section 5 of the Danish Penal Code, which establishes the jurisdiction of Danish courts for “... acts committed outside the Danish State when such acts are of a kind covered by the Statute of The International Criminal Court, if such an act is committed by a person who at the time of the charge 1) is a Danish citizen, is a resident of the Danish State or has a similar permanent residence in the country or 2) is staying in the country.” This amendment will greatly improve the possibilities of prosecuting perpetrators of the gravest international crimes.

In order to enhance the quality of its work, The Special International Crimes Office is constantly intending to develop the skills of its staff in dealing with serious crimes in an international arena. In 2007, SICO organized a residential course of cross-cultural understanding for its staff and in 2008, the Office invited several experts to lecture on the culture and history in the areas of conflict of interest to SICO. 2008 also saw the introduction of a greater focus on the cognitive elements in police interviews and interrogations. In cognitive interviewing the interviewer will listen attentively without interrupting the interviewee, and thereby giving him or her the opportunity to elaborate the associations that spring to mind. This may provide a means of breaking any cultural barriers, in as much as questions asked by the interviewer may seem as an

intrusion and thus have a disruptive effect on the interview. In cognitive interviewing, questions will be asked, but only after the witness has related the incidents in his own way and time. In 2008, staff members also participated in language courses, courses on humanitarian international law and methods of open source research and analysis. A staff member also attended a seminar on development, mutual assistance and best practice at The International Criminal Court (ICC) in The Hague.