

# Act amending the Criminal Code, Military Criminal Code and the Administration of Justice Act and repealing the Act on the Punishment of Genocide and the Act on the Protection of Cultural Property in the Event of Armed Conflict

(Certain international crimes)

WE FREDERICK THE TENTH, by the Grace of God King of Denmark, do hereby:

The Danish Parliament has adopted and We have ratified by Our consent the following law:

## § 1

The following amendments are made to the Criminal Code, cf. Consolidation Act No. 1145 of 5 November 2024:

1. In *section 7(1)(2)(a)*, "circumcision or" is changed to: "circumcision,".
2. In *section 7(1)(2)(b)*, "the country." is changed to: "the country, or".
3. In *section 7, subsection 1, no. 2*, the following is inserted as *letter c*:  
"c) is covered by section 118 b."
4. In *section 8 a*, "acts of the type in question are covered by the Statute of the International Criminal Court" is amended to: "the act is covered by sections 118 c-118 j or 118 l".
5. *Section 93 b, subsection 1*, is amended as follows:  
"When an offence is covered by Chapter 13a, the statute of limitations does not apply."
6. After Chapter 13, the following is inserted:

### »Chapter 13a

#### *Certain international crimes*

**Section 118 b.** Anyone who commits an act of aggression which, by its nature, gravity and extent, constitutes a manifest violation of the UN Charter shall be punished for the crime of aggression.

*Subsection 2.* An act of aggression means the use of armed force by a state against the sovereignty, territorial integrity or political independence of another state or in a manner that is otherwise contrary to the UN Charter.

*Subsection 3.* Criminal liability for a crime of aggression may only be imposed on the person who can exercise actual control over or direct the political or military actions of a state.

**Section 118 c.** Anyone who, with the intent to destroy, in whole or in part, a national, ethnic, racial or religious group as such, commits one or more of the following acts shall be punished for genocide:

- 1) Kills one or more members of the group.
- 2) Causes serious physical or psychological harm to one or more members of the group.
- 3) Inflicting on one or more members of the group conditions of life calculated to bring about the physical destruction of the group in whole or in part.
- 4) Imposing measures against one or more members of the group aimed at preventing births within the group.

5) Forcibly transfers one or more of the group's children under the age of 18 to another group.

*Subsection 2.* Anyone who, with the intent to destroy, in whole or in part, a national, ethnic, racial or religious group as such, directly and publicly incites someone to commit one of the acts mentioned in subsection 1 shall be punished for incitement to genocide.

**§ 118 d.** Anyone who, as part of a widespread or systematic attack against a civilian population, commits one or more of the following acts shall be punished for crimes against humanity:

- 1) Kills a person.
- 2) Exterminates parts of a population, including by imposing living conditions on parts of a population that aim to cause the population to be partially exterminated.
- 3) Subjects a person to slavery.
- 4) Deports or forcibly transfers a population in violation of international law.
- 5) Imprisons or otherwise seriously deprives a person of their liberty in violation of international law.
- 6) Inflicts severe physical or mental pain or suffering (torture) on a person in their custody or control.
- 7) Subjects a person to rape, sexual slavery, forced prostitution, forced pregnancy, forced sterilization or other forms of sexual or reproductive violence of similar severity.
- 8) Forcing a person to enter into a marriage or a religious ceremony without civil validity or other marriage-like relationship with another person.
- 9) Subjects one or more members of an identifiable group or community to serious deprivation of fundamental human rights on the basis of race, nationality, ethnicity, gender, sexual orientation, cultural or religious affiliation or political opinion, or for other reasons generally recognized as being in violation of international law (persecution).
- 10) Arrests, detains or abducts a person and refuses to acknowledge the deprivation of liberty or to provide information about what has happened or will happen to that person, or about the person's whereabouts, when the act is carried out to evade the protection of the law and is carried out on behalf of or with the consent, support or authorization of a State or organization (enforced disappearance).
- 11) Commits an inhuman act of the same or similar nature as the acts covered by nos. 1-10, within the framework of an institutionalized regime based on the systematic oppression and domination of one racial group over one or more other racial groups and with the intention of maintaining the regime (apartheid).
- 12) Commits another inhumane act of a similar nature that causes great physical or mental suffering or serious injury to body or health.

**Section 118 e.** Anyone who, in connection with an armed conflict, commits one or more of the following acts shall be punished for war crimes against persons:

- 1) Kills a protected person.
- 2) Inflicts a protected person
  - a) severe physical or mental pain or suffering for the purpose of obtaining information or a confession from someone, for the purpose of punishing, intimidating or compelling someone to do, tolerate or refrain from doing something, on the basis of any form of discrimination or on the basis of a purpose of a similar nature (torture),
  - b) severe physical or mental pain or suffering (inhuman treatment) or
  - c) great physical or mental pain or suffering or serious injury to body or health.
- 3) Subjects a protected person to slavery.
- 4) Subjects a protected person to rape, sexual slavery, forced prostitution, forced pregnancy, forced sterilization or other forms of sexual or reproductive violence of similar severity.
- 5) Taking a protected person hostage.
- 6) Conscripts or recruits a child under the age of 15 for service in armed forces or groups or uses a child under the age of 15 for active participation in hostilities.

7) Subjects a protected person to a medical, biological or scientific experiment that results in death or serious danger to the person's life or health.

8) Deports, forcibly transfers or deprives a protected person of his liberty in violation of international humanitarian law.

9) Imposes or implements a punishment against a protected person in violation of the right to a fair trial under international humanitarian law.

10) Grossly violates the dignity of a protected or deceased person through humiliating, degrading or other offensive treatment.

11) Injuring an opponent who has surrendered unconditionally or is incapacitated, or a parliamentarian.

12) Declares the rights and access to legal proceedings of the citizens of the opposing party to be revoked, temporarily suspended or excluded from being asserted in the courts.

*Subsection 2.* Anyone who, in connection with an international armed conflict, commits one or more of the following acts shall also be punished for war crimes against persons:

1) Transfers part of its own civilian population to an occupied territory.

2) Forcing a citizen of the opposing party to participate in hostilities against his own country.

3) Forcing a protected person to serve in the forces of a hostile power.

*Subsection 3.* A protected person is a person who is not or no longer taking a direct part in hostilities, or who is otherwise protected under international humanitarian law.

**Section 118 f.** Anyone who, in connection with an armed conflict, commits one or more of the following acts shall be punished for war crimes against property:

1) Looters.

2) Seizes, confiscates, destroys or appropriates property when the act is not justified by imperative military necessity.

3) Destroys or appropriates cultural property on a large scale in violation of the UNESCO Convention of 14 May 1954 for the Protection of Cultural Property in the Event of Armed Conflict and its 2nd Protocol.

4) Plunders, commits theft of, or commits vandalism against or unlawfully uses cultural property in violation of the UNESCO Convention of 14 May 1954 for the Protection of Cultural Property in the Event of Armed Conflict and its 2nd Protocol.

**Section 118 g.** Anyone who, in connection with an armed conflict, commits one or more of the following acts shall be punished for war crimes against humanitarian efforts or characteristics:

1) Attacks personnel, installations, equipment, units or means of transport involved in humanitarian operations or peacekeeping missions in accordance with the UN Charter or similar international peacekeeping missions and who are entitled to protection under international humanitarian law.

2) Attacks personnel, buildings, equipment or medical units or transports which, in accordance with international humanitarian law, use one of the protected distinctive signs or emblems of the Geneva Conventions, including their Additional Protocols, or other means of identification.

3) Misuses parliamentary flags, enemy flags, UN flags or military symbols or uniforms or the protected emblems of the Geneva Conventions, including their Additional Protocols, where the misuse negligently results in death or serious personal injury.

**Section 118 h.** Anyone who, in connection with an armed conflict, commits one or more of the following acts shall be punished for war crimes involving the use of prohibited combat methods:

1) Targets attacks against the civilian population as such or against civilians not taking a direct part in hostilities.

- 2) Starves civilians as a method of warfare by depriving, withholding or denying them access to food or items essential to their survival, including by preventing the arrival of relief supplies.
- 3) Attacks civilian property or objects, including buildings used for religion, education, art, science or charitable purposes, or historical monuments, hospitals or areas where the sick and wounded are collected, when the said property or objects, buildings, monuments or areas do not constitute military objectives.
- 4) Attacks cultural property under protection or heightened protection or uses cultural property under heightened protection or their immediate surroundings in support of military action in violation of the UNESCO Convention of 14 May 1954 for the Protection of Cultural Property in the Event of Armed Conflict and its 2nd Protocol.
- 5) Kills or injures an opponent by deceiving him into believing that the perpetrator has a right to protection.
- 6) Orders or threatens that no mercy will be shown.
- 7) Attacks with the knowledge that it will cause indiscriminate harm to civilians or loss of life, damage to civilian property or objects, or widespread, long-term and severe damage to the natural environment which is clearly excessive in relation to the concrete and direct military advantage anticipated.
- 8) Uses the presence of a protected person, cf. Section 118 e, subsection 3, to ensure that certain places, areas or armed forces cannot be made military targets.
- 9) Attacks towns, villages, homes or buildings that are not defended and do not constitute military objectives.

**Section 118 i.** Anyone who, in connection with an armed conflict, uses one or more of the following means of combat shall be punished for war crimes involving the use of prohibited means of combat:

- 1) Poison or poisonous weapons.
- 2) Biological or chemical weapons.
- 3) Projectiles that easily expand or flatten in the human body.
- 4) Weapons whose primary weapon effect is to cause damage to the human body by explosive fragments that cannot be detected by an X-ray examination.
- 5) Laser weapons specifically designed to cause permanent blindness as their sole or one of their weapon effects.

**§ 118 j.** A military or civilian leader or a person actually acting as such is liable for genocide, crimes against humanity or war crimes if persons under his authority and control commit a crime as mentioned in §§ 118 c-118 i and the crime is a result of the leader not having exercised proper control over them, if

- 1) the manager knew or should have known that the persons under his authority and control had commenced such a crime or that it was imminent, and
- 2) the manager failed to take necessary and reasonable measures within his or her power to prevent or stop the crime or failed to report the matter to a competent authority for criminal prosecution.

**Section 118 k.** Violation of Section 118 b, Section 118 c, subsection 1, Section 118 d or Section 118 j, cf. Section 118 b, Section 118 c, subsection 1, or Section 118 d, is punishable by imprisonment for up to life.

*Subsection 2.* Violation of sections 118 e, 118 h or 118 i or section 118 j, cf. sections 118 e, 118 h or 118 i, is punishable by imprisonment for up to 16 years.

*Subsection 3.* Violation of section 118 c, subsection 2, section 118 f, section 118 g or section 118 j, cf. section 118 c, subsection 2, section 118 f or section 118 g, is punishable by imprisonment for up to 12 years.

*Subsection 4.* The penalty for violation of sections 118 e, 118 g, 118 h or 118 i or section 118 j, cf. sections 118 e, 118 g, 118 h or 118 i, may increase to life imprisonment when the violation is of a particularly serious nature, including when the violation involves murder.

*Subsection 5.* When determining the penalty for a violation of sections 118 e-118 i or section 118 j, cf. sections 118 e-118 i, it shall generally be included as an aggravating circumstance that the act was committed as part of a plan or policy or as part of extensive crimes of the aforementioned nature.

*Subsection 6.* Sections 118 d-118 i shall also apply to acts committed before 1 January 2025, if the act is punishable under the rules in force at the time of the act and the act constituted a crime against humanity or a war crime under international law at the time of the act. The penalty may not exceed the penalty that would have been imposed under the provisions in force at the time of the act under which the act is punishable.

**Section 118 l.** A person who works in a Danish, foreign or international public service or office, or who performs a function that corresponds to or can be equated with this, and who inflicts severe physical or mental pain or suffering on another person, or who encourages, consents to or similarly agrees to such pain or suffering being inflicted by a third person, shall be punished with imprisonment for up to 12 years for torture.

- 1) to obtain information or a confession from someone,
- 2) to punish, intimidate or force someone to do, tolerate or refrain from doing something,
- 3) on the basis of any form of discrimination, including the person's sex, race, colour, national or ethnic origin, political opinion, social status, disability, religion, sexual orientation, gender identity, gender expression or sex characteristics, or
- 4) on the basis of a purpose of a similar nature to the purposes in nos. 1-3.«

7. *Sections 157 a and 157 b* are repealed.

## § 2

The following amendment is made to the Military Penal Code, Act No. 530 of 24 June 2005, as amended by Section 2 of Act No. 494 of 17 June 2008, Section 1 of Act No. 1550 of 19 December 2017 and Section 4 of Act No. 708 of 8 June 2018:

1. *Sections 10 a and 27 a* are repealed.

## § 3

The following amendments are made to the Administration of Justice Act, cf. Consolidation Act No. 1160 of 5 November 2024, as amended by Section 5 of Act No. 1446 of 10 December 2024, Section 1 of Act No. 1464 of 10 December 2024 and Act No. 1465 of 10 December 2024:

1. In *section 29 a, subsection 1*, the following is inserted as *the third clause*:  
"The same also applies in cases of violation of sections 118 c-118 e or 118 g, section 118 j, cf. sections 118 c-118 e or 118 g, or section 118 l, which involves an act that is covered by the provisions mentioned in the 1st and 2nd clauses."
2. In *section 334 a, subsection 1*, "cases concerning violations of sections 210 or 216-223, section 225, cf. sections 216-223, or sections 231 or 232 of the Criminal Code" is amended to: "the cases mentioned in section 741 a, subsection 4", and ", cf. section 741 a, subsection 4" is deleted.
3. In *section 741 a, subsection 1*, the following is inserted after "the Criminal Code": "sections 118 c-118 i, section 118 j, cf. sections 118 c-118 i, section 118 l,".
4. In *section 741 a, subsection 2*, the following is inserted as *the 4th clause*:

"The same also applies in cases of violation of sections 118 c-118 e or 118 g, section 118 j, cf. sections 118 c-118 e or 118 g, or section 118 l, which involves an act that is covered by the provisions mentioned in the 1st and 3rd clauses."

5. In *section 741 a, subsection 4*, the following is inserted as *the second sentence*:

"The same applies in cases of violation of sections 118 c-118 e or 118 g, section 118 j, cf. sections 118 c-118 e or 118 g, or section 118 l, which involves an act that is covered by the provisions mentioned in the 1st clause."

6. In *section 741 c, subsection 4*, the following is inserted as *the 4th clause*:

"The same applies in cases of violation of sections 118 c-118 e or 118 g, section 118 j, cf. sections 118 c-118 e or 118 g, or section 118 l, which involve an act that is covered by the provisions mentioned in the 3rd clause."

7. In *section 745 e, subsection 1, no. 2, letter a*, "Chapter 24 or" is amended to: "Chapter 24,".

8. In *section 745 e, subsection 1, no. 2, letter b*, "the person's closest relative." is changed to: "the person's closest relative, or".

9. In *section 745 e, subsection 1, no. 2*, the following is inserted as *letter c*:

"c) Sections 118 c-118 i, Section 118 j, cf. Sections 118 c-118 i, or Section 118 l of the Criminal Code."

10. In *section 745 e, subsection 1, no. 5*, the following is inserted after "section 216 or section 225, cf. section 216,": "or a violation of sections 118 c-118 e or 118 g, section 118 j, cf. sections 118 c-118 e or 118 g, or section 118 l, which involves an act covered by section 216 or section 225, cf. section 216."

11. In *section 783, subsection 2, first sentence*, "chapter 12 or 13" is amended to: "chapter 12-13 a".

12. In *section 791 d, subsection 1*, the following shall be inserted after "sections 114-114 i of the Criminal Code.": "sections 118 b-118 i, section 118 j, cf. sections 118 b-118 i, section 118 l."

13. In *section 799, subsection 1, first sentence*, "chapter 12 or 13" is amended to: "chapter 12-13 a".

#### § 4

Act No. 132 of 29 April 1955 on the punishment of genocide is repealed.

#### § 5

Act No. 310 of 25 April 2018 on the protection of cultural property in the event of armed conflict is repealed.

#### § 6

*Subsection 1.* The Act enters into force on 1 January 2025.

*Subsection 2.* Section 1, no. 5, also applies to offences committed before the Act came into force, unless the statute of limitations under the previously applicable rules has expired before the Act came into force.

#### § 7

*Subsection 1.* The Act does not apply to the Faroe Islands, but Section 2 may be brought into force for the Faroe Islands in whole or in part by royal decree with the amendments required by Faroese conditions.

*Subsection 2.* The Act does not apply to Greenland, but sections 2 and 4 may be brought into force for Greenland in whole or in part by royal decree with the amendments required by the circumstances in Greenland.

*Given at Amalienborg, December 30, 2024*

Under Our Royal Hand and Seal

FREDERICK R.