

CERTIFIED TRANSLATION

TERMS OF REFERENCE
for
an independent task force on the shipping company, ownership and
insurance details regarding Scandinavian Star

1. On 7 April 1990, a fire was started on the Scandinavian Star ferry. In connection with the fire, 159 people died.

The authorities in Denmark, Sweden and Norway subsequently made a number of investigations of the fire and its immediate cause, the fire-fighting effort and the technical conditions of the ship, the shipping company, ownership and insurance details of the ship as well as its seaworthiness.

However, particularly survivors and relatives of victims have questioned several of these investigations. Likewise, the investigations have given rise to political debate. A key theme in this connection has been doubts related to the ship's shipping company, ownership and insurance details and questions about a possible financial motive for the fire.

The Government and the Liberal Party, the People's Party, the Socialist People's Party, the Social-Liberal Party, the Red-Green Alliance, the Conservative Party, the New Right, the Liberal Alliance, the Alternative and the Christian Democrats have agreed to launch an independent investigation of the shipping company, ownership and insurance details regarding the Scandinavian Star.

2. For the purpose of the investigation, a separate unit ("task force") with special expertise is set up.

The task force will be made up of an academic lawyer or similar, specialising in, for instance, insurance law or criminal law (chairman), a defence counsel with expertise in, for instance, economic crime, a (possibly former) prosecutor and an investigation expert.

Slotsholmsgade 10
DK-1216 Copenhagen K

T +45 7226 8400
F +45 3393 3510

www.justitsministeriet.dk
jm@jm.dk

The task force will consist of individuals who have not previously worked professionally with the case, and who can look at it with impartial eyes.

The task force is assisted by a secretariat with the necessary qualifications in the form of knowledge of investigations, insurance, purchase and sale of vessels, etc. The task force engages the secretariat itself but may ask the Ministry of Justice for practical assistance in this connection. It is proposed that the task force secretariat will consist of seven full-time equivalents (corresponding to 10.5 full-time equivalents over the 18-month investigation period).

If, in the light of the task force's work, the police and the prosecution service assess that there is a basis for launching a police investigation, investigators from the police and relevant staff from the prosecution service, who may participate in the task force's work, are assumed to continue working on the case in the police and the prosecution service if they consent to it.

The task force is set up by the Minister for Justice following dialogue with the parties mentioned in section 1 above, but, in their work, the task force and the secretariat are independent of the Ministry of Justice and Parliament. Furthermore, the task force and the secretariat will be physically separated from the Department of the Ministry of Justice.

3. The task force must investigate and clarify matters regarding the shipping company, ownership and insurance details of the Scandinavian Star. The above includes that, in connection with its investigation, the task force may address the following issues:

- The ownership of the ship at the time of the fire and the details of the transfer of the ship prior to the fire, including financing and registration;
- The ship's shipping company and insurance details at the time of the fire as well as the determination, payment and distribution of the sum insured in continuation of the fire;
- Circumstances that may form the basis for suspicion about a connection between the shipping company, ownership and insurance of the Scandinavian Star and the actual arson on board the ship.

The task force has a broad mandate to clarify questions regarding the shipping

company, ownership and insurance details other than those mentioned, including bringing to light and investigating relevant new circumstances regarding the fire.

At the end of its work, the task force submits a report of the investigation and its results, which must be prepared in such manner that it is suited for publication. The report must contain a reasoned assessment of whether there is a basis for initiating additional police investigations of matters that are not time-barred under criminal law.

4. The task force is requested to finish its work within approximately 18 months of being set up. However, the task force is requested already after six months and again after 12 months to submit a report of the status of its investigation. Under the auspices of Parliament, a monitoring group will have to be set up or appointed, which will receive the biannual status reports from the task force. The Ministry of Justice will arrange for the task force's status reports to be forwarded to the monitoring group. It is suggested that the task force meets with the monitoring group at the beginning of the work.

If, during the investigation, the task force assesses that there is a basis for initiating additional police investigations of matters that are not time-barred under criminal law, the task force is requested to the extent possible to make such assessment without awaiting the completion of its investigation or the submission of a biannual status report. In this connection, the task force may recommend to the police whether, in the task force's opinion, a basis exists for conducting new interviews or the like. However, it is for the police to decide whether the conditions for taking new investigative measures, including conducting interviews, have been met.

Thus, a police investigation may be initiated in parallel with the task force's work, provided that the police and the prosecution service assess that the investigation carried out by the task force so far justifies such action.

5. Within the framework of the law, the task force may obtain information from Danish authorities for the purpose of its work. It is a clear expectation that Danish authorities will cooperate fully with the task force and in that connection submit all relevant information to the task force, unless there are specific and reasoned grounds to the contrary. The task force may also request to receive information from individuals on a voluntary basis, such as material collected by relatives to the victims or support associations. No one, including individuals who may risk incriminating themselves, will thus be obliged to hand over material to be used in the task force's work.

Moreover, oral interviews may be conducted with individuals with knowledge (for instance from support associations), who do not risk incriminating themselves, with a view to collecting background information for the purpose of the work. However, the task force will not be permitted to conduct interviews.

It is assumed that the task force will be proactive in securing that relevant material possessed by individuals with knowledge (for instance from support associations) is to the widest extent possible made available to the task force. For example, the task force may request relevant individuals, support associations etc. to make material of interest available to the task force.

In connection with the biannual status reports, cf. section 4 above, the task force may indicate whether, in the task force's opinion, the case is moving forward as it should, or whether the investigation is hindered because relevant individuals do not want to make a statement or hand out material, or because the task force does not have sufficient funds, including funds to investigate the case, at its disposal.

The task force may include material from previous Danish and Norwegian investigations, etc. of the case, but will not be bound by previous assessments or conclusions.

As regards any material from third countries, the handing over of such material will depend on the relevant country's willingness to cooperate. Depending on the nature of the specific request, and in compliance with convention provisions, a scheme may be established whereby the request is formally sent via the Ministry of Justice.

6. The expenses related to the task force and its secretariat are paid by the Ministry of Justice. On a preliminary and uncertain basis, it is estimated that the total task force expenses will amount to around DKK 9-10 million annually, i.e. approximately DKK 14-15 million for the expected total 18-month period. The estimate of expenses will have to be further consolidated when the task force has been composed and the secretariat engaged. Likewise, allowance must be made for the actual expenses for rent of premises, etc.

Birgitte Hvidtfeldt

Certified Translator and Interpreter

I, the undersigned Birgitte Hvidtfeldt,
certified translator and interpreter of the English language,
hereby certify the preceding text to be a true and faithful translation
of the text in the attached appendix Terms of Reference
in the Danish language.

In Witness whereof I have hereunto set my hand
and affixed my Seal of Office.

This 9th day of May 2022



Birgitte Hvidtfeldt
Birgitte Hvidtfeldt

Certified Translator and Interpreter



KOMMISSORIUM

for

en uafhængig task force om reder-, ejer- og forsikringsforholdene vedrørende Scandinavian Star

1. Den 7. april 1990 blev der påsat brand på skibet Scandinavian Star. I forbindelse med branden omkom 159 mennesker.

Der er efterfølgende af myndighederne i Danmark, Sverige og Norge foretaget en række undersøgelser af branden og dens umiddelbare årsag, brandslukningsarbejdet og de tekniske forhold på skibet, skibets reder-, ejer- og forsikringsforhold samt skibets sødygtighed.

Navnlig overlevende og efterladte har dog rejst spørgsmål om flere af disse undersøgelser, ligesom undersøgelserne har givet anledning til politisk debat. Et centralt tema i den forbindelse har været tvivlsspørgsmål forbundet med skibets reder-, ejer- og forsikringsforhold og spørgsmål om et muligt økonomisk motiv bag branden.

Regeringen og Venstre, Dansk Folkeparti, Socialistisk Folkeparti, Radikale Venstre, Enhedslisten, Det Konservative Folkeparti, Nye Borgerlige, Liberal Alliance, Alternativet og Kristendemokraterne er blevet enige om at iværksætte en uvildig undersøgelse af reder-, ejer- og forsikringsforholdene vedrørende Scandinavian Star.

2. Til brug for undersøgelsen nedsættes en særskilt enhed ("task force") med særlig ekspertise.

Task forcen skal bestå af en universitetsjurist eller lignende med speciale inden for f.eks. forsikringsret eller strafferet (formand), en forsvarsadvokat med ekspertise inden for f.eks. økonomisk kriminalitet, en (evt. tidligere)

Slotsholmsgade 10
1216 København K.

T +45 7226 8400
F +45 3393 3510

www.justitsministeriet.dk
jm@jm.dk

anklager og en efterforskningsekspert. Task forcen skal bestå af personer, der ikke tidligere professionelt har arbejdet med sagen, og som kan gå til arbejdet med uvildige øjne.

Task forcen bistås af et sekretariat med de nødvendige kvalifikationer i form af kendskab til efterforskning, forsikringsforhold, køb og salg af skibe mv. Task forcen antager selv sekretariatet, men kan anmode Justitsministeriet om praktisk bistand i forbindelse hermed. Der lægges op til, at task forcens sekretariat vil bestå af 7 årsværk (svarende til 10,5 årsværk over undersøgelsens periode på halvandet år).

Vurderer politiet og anklagemyndigheden på baggrund af task forcens arbejde, at der er grundlag for at iværksætte en politimæssig efterforskning, forudsættes efterforskere fra politiet og relevant personale fra anklagemyndigheden, der måtte indgå i task forcens arbejde, at arbejde videre med sagen i politiet og anklagemyndigheden, hvis de selv er indforståede hermed.

Task forcen nedsættes af justitsministeren efter dialog med de under pkt. 1 nævnte partier, men task forcen og sekretariatet er i deres virke uafhængige af Justitsministeriet og Folketinget. Task forcen og sekretariatet vil desuden være fysisk adskilt fra Justitsministeriets departement.

3. Task forcen skal undersøge og klarlægge spørgsmål vedrørende reder-, ejer- og forsikringsforholdene omkring Scandinavian Star. Herunder kan task forcen i forbindelse med sin undersøgelse komme ind på følgende:

- Ejerskabet af skibet på tidspunktet for branden og de nærmere vilkår for overdragelsen af skibet forud for branden, herunder finansieringen og registreringen;
- Skibets reder- og forsikringsforhold på tidspunktet for branden samt fastsættelse, udbetaling og fordeling af forsikringssummen i forlængelse af branden;
- Omstændigheder, der kan danne grundlag for mistanke om en sammenhæng mellem reder-, ejer- og forsikringsforholdene omkring Scandinavian Star og selve brandstiftelsen på skibet.

Task forcen har et bredt mandat til at belyse også andre spørgsmål vedrørende reder-, ejer- og forsikringsforholdene end de nævnte, herunder til at fremdrage og undersøge relevante nye forhold vedrørende branden mv.

Task forcen afgiver ved afslutningen af sit arbejde en redegørelse for undersøgelsen og dens resultater, der skal være udfærdiget på en sådan måde, at den er egnet til offentliggørelse. Redegørelsen skal indeholde en begrundet vurdering af, om der er grundlag for at iværksætte yderligere politimæssig efterforskning af forhold, der ikke er strafferetligt forældet.

4. Task forcen anmodes om at færdiggøre sit arbejde inden for ca. halvandet år fra nedsættelsen. Task forcen anmodes dog om allerede efter et halvt år og igen efter et helt år at afgive en redegørelse for status for sin undersøgelse. Der vil i regi af Folketinget skulle oprettes eller udpeges en følgegruppe, som vil modtage de halvårlige statusredegørelser fra task forcen. Justitsministeriet sørger for at videresende task forcens statusredegørelser til følgegruppen. Der lægges op til, at task forcen mødes med følgegruppen ved begyndelsen af arbejdet.

Såfremt task forcen undervejs i undersøgelsen vurderer, at der er grundlag for at iværksætte yderligere politimæssig efterforskning af forhold, der ikke er strafferetligt forældet, anmodes task forcen om så vidt muligt at afgive denne vurdering uden at afvente afslutningen af sin undersøgelse eller afgivelsen af en halvårlig statusredegørelse. Task forcen vil i den forbindelse kunne indstille til politiet, om der efter task forcens vurdering er grundlag for at foretage nye afhøringer eller lignende. Det vil dog være politiets vurdering, om betingelserne for at indlede nye efterforskningsskridt, herunder afhøringer, er opfyldt.

En efterforskning vil således kunne påbegyndes parallelt med task forcens arbejde under forudsætning af, at politiet og anklagemyndigheden vurderer, at task forcens hidtidige undersøgelse giver grundlag herfor.

5. Task forcen vil inden for lovgivningens rammer kunne indhente oplysninger fra danske myndigheder til brug for arbejdet. Det er en klar forventning, at danske myndigheder vil samarbejde fuldt ud med task forcen og i den forbindelse udlevere alle relevante oplysninger til task forcen, medmindre der foreligger konkrete og begrundede omstændigheder, der taler væsentligt imod. Task forcen vil også kunne anmode om at få oplysninger udleveret fra private på frivilligt grundlag. Det drejer sig f.eks. om materiale, som pårørende eller støtteforeninger måtte have indsamlet. Ingen personer, herunder personer der risikerer at inkriminere sig selv, vil således være forpligtet til at udlevere materiale til brug for task forcens arbejde.

Der vil desuden kunne gennemføres mundtlige interviews med videnspersoner (f.eks. fra støtteforeninger), der ikke risikerer at inkriminere sig selv, med henblik på at indsamle baggrundsinformation til brug for arbejdet. Task forcen vil dog ikke kunne foretage afhøringer.

Det forudsættes, at task forcen vil være opsøgende i forhold til at sikre, at relevant materiale, som videnspersoner (f.eks. støtteforeninger mv.) måtte være i besiddelse af, i videst muligt omfang stilles til rådighed for task forcen. Task forcen vil f.eks. kunne opfordre relevante personer og støtteforeninger mv. til at stille relevant materiale til rådighed for task forcen.

Task forcen vil i forbindelse med de halvårlige statusredegørelser, jf. pkt. 4 ovenfor, kunne tilkendegive, om der efter task forcens vurdering er den fornødne fremdrift i sagen, eller om undersøgelsen forhindres af, at f.eks. relevante personer ikke ønsker at udtale sig eller udlevere materiale, eller at task forcen ikke har tilstrækkelige midler, herunder midler til at oplyse sagen, til rådighed.

Task forcen vil kunne inddrage materiale fra tidligere danske og norske undersøgelser mv. af sagen, men vil ikke være bundet af tidligere vurderinger eller konklusioner.

For så vidt angår eventuelt materiale fra tredjelande vil udlevering heraf afhænge af det pågældende lands samarbejdsvilje. Der vil – afhængig af karakteren af den konkrete anmodning og under overholdelse af konventionsmæssige rammer – kunne etableres en ordning, hvor anmodningen formelt fremsendes via Justitsministeriet.

6. Udgifterne knyttet til task forcen og dens sekretariat afholdes af Justitsministeriet. Det skønnes på et foreløbigt og usikkert grundlag, at de samlede udgifter til task forcen vil udgøre i omegnen af ca. 9-10 mio. kr. årligt, dvs. ca. 14-15 mio. kr. for den forventede samlede periode på ca. halvandet år. Udgiftsskønnet vil skulle konsolideres nærmere, når task forcen er sammensat, og sekretariatet er antaget, ligesom der vil skulle tages højde for de faktiske udgifter til leje af lokaler mv.