

Act on the Implementation in Norwegian Law of the Statutes of Criminal Court 17 July 1998 (Rome Statutes)

Date	LOV-2001-06-15-65
Ministry	Ministry of Justice and Public Security
Last changed	LOV-2016-04-22-3
Published	In 2001 issue 7
Entry into force	01.07.2002
Short title	Law implementing the Rome Statute

§ 1. Scope of the Act, etc.

Requests for extradition and other forms of assistance made by the International Criminal Court (Court of Justice) in accordance with the Statute of the Court of Justice of 17 July 1998 (Rome Statute) shall be dealt with in accordance with the provisions of this Act.

Such requests shall be submitted to the Ministry.

Requests from the Court of Justice shall be complied with in so far as this follows from the Rome Statute.

§ 2. Handover

At the request of the Court, a person who is suspected, charged or convicted of a crime which falls within the jurisdiction of the Court and who resides here in the realm may be handed over to the Court.

When processing the request for surrender, the rules in Act No. 39 of 13 June 1975 on the extradition of offenders, Chapter II, apply as far as they are appropriate.

The Ministry may consent to a person who is handed over from a foreign state to the Court being transferred over Norwegian territory.

§ 3. Other assistance

Norwegian courts and other authorities may, upon request, provide the Court with such assistance as referred to in Article 93 of the Rome Statute.

The request is processed and implemented in accordance with Norwegian law as far as it is appropriate. If the Court has requested that a special procedure be used, this shall be complied with if the procedure is not prohibited under Norwegian law.

The Ministry may, upon request, allow the Court to interrogate witnesses and conduct other investigations in this realm.

§ 4. Use of coercive measures

At the request of the Court, coercive measures may be used. The rules in [Act of 13 June 1975 no. 39](#) on extradition of offenders, etc. Sections 15, 20 and 24 apply correspondingly as far as they are appropriate. If there is a condition for using the coercive measure that there are reasonable grounds for suspecting a criminal act, the Court's assessment of this shall be used as a basis. A person can be arrested and imprisoned at the request of the Court, even if the conditions in the Criminal Procedure Act §§ 170 a and 171 are not met.

A person who has been arrested has the right to request a preliminary release pending delivery. The person in question can be released for the time being if the terms of the Rome Statute for this exist. Before the court releases the person in question, the Court shall be informed and given an opportunity to rule.

§ 5. The suspect's right to a lawyer

A person suspected or accused of acts falling within the jurisdiction of the Court has the right to be assisted by a defense counsel of his choice at any stage of the case. The person in question must be made aware of this before the first interrogation takes place.

If the Court has requested extradition or other assistance from the Norwegian authorities, a public defender shall be appointed for the person in question to the same extent as under the Extradition Act § 16 first paragraph first sentence and § 20, and the Criminal Procedure Act §§ 97, 98, 100 second paragraph and 100 a .

§ 6. The injured party's right to a lawyer

Victims in cases pending before the Court may, on request, have a lawyer appointed if there is reason to believe that the injured party as a result of the act suffers significant damage to body or health and there is a need for a lawyer. The rules in the Criminal Procedure Act, Chapter 9 a, apply correspondingly as far as they are appropriate.

§ 7. Exemption from the duty of confidentiality by explaining and presenting other evidence to the Court

The King may grant permission for the Court to accept an explanation of something which is kept secret for reasons of national security or relations with a foreign state.

The duty of confidentiality under other legislation or instructions does not prevent a person from appearing before the Court, to the extent that the Court imposes this.

The provisions in the first and second paragraphs apply correspondingly to the disclosure of documents or other items that contain confidential information.

§ 8. Anonymous testimony

At the request or consent of the Court, the court may determine anonymous testimony before the court or before the police to the same extent as in cases of offenses of a similar nature which are prosecuted in this kingdom. Sections 130 a and 234 a of the Criminal Procedure Act apply correspondingly as far as they are appropriate.

§ 9. *Effective effects*

Criminal proceedings or criminal convictions may not be instituted in this realm for an act for which the person has been convicted or acquitted by the Court.

§ 10. *Execution of custodial sentences in Norway*

The Ministry may agree that the custodial sentence imposed by the Court be enforced in Norway, and request the prosecuting authority to implement the execution. Enforcement is carried out in accordance with the provisions of the Rome Statute Part 10 and the conditions set by the Ministry to receive convicts for imprisonment.

§ 11. *Enforcement of other legal consequences in Norway*

Fines imposed by the Court can be enforced in Norway. The same applies to claims for confiscation and compensation for victims who have been sentenced by the Court. Sections 456 and 457 of the Criminal Procedure Act apply correspondingly to the confiscation of monetary claims, as far as they are appropriate.

§ 12. *Penalties for crimes against the Court, etc.*

Section 221 of the Penal Code applies correspondingly to criminal liability for incorrect explanation before the Court.

This section also applies to acts committed abroad by a Norwegian citizen.

0 Amended by [Acts 4 July 2003 No. 79](#) , [19 June 2015 No. 65](#) (Ikr. 1 Oct 2015), [22 Apr 2016 No. 3](#) (Ikr. 22 Apr 2016 according to [Res.](#)

§ 13. *Prosecution here in the kingdom*

The Criminal Procedure Act § 65 no. 5 does not apply to criminal prosecution in this realm of acts that fall within the Court's area of authority.

0 Amended by [Act no. 65 of 19 June 2015](#) (ikr. 1 Oct 2015).

§ 14. *Regulations*

The King may issue further regulations for the completion and implementation of this Act.

§ 15. *Entry into force*

The law applies from the time ¹ the Rome Statutes enter into force for Norway.

1 From 1 July 2002, according to an announcement from the Ministry of Justice 18 Dec 2002 no. 1614.

§ 16.

(Repealed by [Act No. 54 of 28 June 2002.](#))