

**Act No. 65 of 15 June 2001 relating to the implementation of the Statute of the International Criminal Court of 17 July 1998 (the Rome Statute) in Norwegian law**

**§ 1. Scope etc. of the Act**

Any request for the surrender of a person sought and other forms of assistance submitted by the International Criminal Court (the Court) in accordance with the Court's Statute of 17 July 1998 (the 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 shall be complied with in so far as the Rome Statute so provides.

**§ 2. Surrender**

At the request of the Court any person who is suspected, accused or convicted of a crime that falls within the jurisdiction of the Court and who is present in the realm may be surrendered to the Court.

When dealing with a request for surrender, the provisions of Chapter II of the Act of 13 June 1975 No. 39 relating to the surrender of offenders apply in so far as they are appropriate.

The Ministry may consent to the transportation through Norwegian territory of a person who is being surrendered to the Court by a foreign state.

**§ 3. Other assistance**

Norwegian courts and other authorities may on request provide the Court with such assistance as is mentioned in Article 93 of the Rome Statute.

Such requests shall be dealt with and executed in accordance with Norwegian law in so far as it is appropriate. If the Court has requested that a particular procedure be followed, this shall be complied with unless the procedure is prohibited by Norwegian law.

The Ministry may on request authorize the Court to examine witnesses and carry out other investigations in the realm.

**§ 4. Compulsory measures**

Compulsory measures may be used at the request of the Court. The provisions of [sections 15, 20 and 24 of the Act of 13 June 1975 No. 39](#) relating to the surrender of offenders apply correspondingly in so far as they are appropriate. If the use of a compulsory measure is conditional on there being just cause to suspect that an offence has been committed, the Court's finding on this point shall be adopted. A person may be arrested and remanded in custody on the application of the Court, even if the conditions set out in sections 170 a and 171 of the Criminal Procedure Act are not fulfilled.

A person who has been arrested has the right to apply for interim release pending surrender. The said person may be granted interim release if the Rome Statute's conditions for so doing are fulfilled. Before the court releases the said person, the Court shall be notified and given the opportunity to make recommendations.

#### **§ 5. The suspect's right to a defence counsel**

A person who is suspected or accused of offences that come within the jurisdiction of the Court is entitled to the assistance of a defence counsel of his own choice at every stage of the case. The said person shall be informed of this prior to being questioned.

If the Court has requested surrender of a person sought or other assistance from the Norwegian authorities, an official defence counsel shall be appointed for him on the same terms as provided by section 16, first paragraph, first sentence, and section 20 of the Act relating to the surrender of offenders, and sections 97, 98, 100, second paragraph, and 100 a of the Criminal Procedure Act.

#### **§ 6. The aggrieved person's right to counsel**

A counsel may on application be appointed for the aggrieved person in cases being dealt with by the Court if there is reason to believe that as a result of the offence the said person will suffer considerable harm to body or health and there is deemed to be a need for a counsel. The provisions of Chapter 9a of the Criminal Procedure Act apply correspondingly in so far as they are appropriate.

#### **§ 7. Exemption from the duty of secrecy in connection with testimony and the submission of other evidence before the Court**

The King may grant leave for the Court to receive testimony about a matter that is being kept secret in the interests of national security or relations with a foreign state.

The duty of secrecy or other legislation or instructions shall not preclude a person from testifying before the Court in so far as the Court so orders.

The provisions of the first and second paragraphs apply correspondingly to the surrender of documents or other objects that contain information that is subject to a duty of secrecy.

#### **§ 8. Anonymous testimony**

At the request of or with the consent of the Court, the court may allow anonymous testimony before the court or the police to the same degree as in cases concerning crimes of a similar nature that are prosecuted in the realm. Sections 130a and 234a of the Criminal Procedure Act apply correspondingly in so far as they are appropriate.

#### **§ 9. Ne bis in idem**

No person may be prosecuted or convicted in the realm for conduct for which the said person has been convicted or acquitted by the Court.

#### **§ 10. Enforcement of a sentence of imprisonment in Norway**

The Ministry may consent to a sentence of imprisonment imposed by the Court being served in Norway, and may request the prosecuting authority to commence enforcement. Enforcement is to be effected in accordance with the provisions of Part 10 of the Statute of Rome and the conditions attached by the Ministry to accepting the sentenced person for serving the sentence.

#### **§ 11. Enforcement of other sanctions in Norway**

Payment of fines ordered by the Court may be enforced in Norway. The same applies to forfeitures and reparations to aggrieved persons that have been ordered by the Court. In so far as they are appropriate, sections 456 and 457 of the Criminal Procedure Act apply correspondingly to the enforcement of pecuniary claims.

#### **§ 12. Penalties for offences against the Court etc.**

Sections 163 to 167 of the Penal Code apply correspondingly to criminal liability for giving false testimony before the Court.

Sections 127, 128, 132 and 132a of the Penal Code apply correspondingly to criminal liability for offences against an official of the Court.

Sections 112 to 114 of the Penal Code apply correspondingly to judges and other employees of the Court.

This section also applies to offences committed abroad by Norwegian nationals.

#### **§ 13. Prosecution in the realm**

Section 13, first paragraph, of the Penal Code does not apply to prosecution in the realm of offences that come within the jurisdiction of the Court.

#### **§ 14. Regulations**

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

#### **§ 15. Entry into force**

This Act enters into force on the date on which the Statute of Rome enters into force for Norway.

## **§ 16. Amendments to other Acts**

The Act of 13 June 1975 No. 39 relating to the surrender of offenders etc. is amended as follows:

Section 15, first sentence, shall read:

In order to further the investigation and ensure surrender of the person sought, such coercive measures as are mentioned in chapters 14, 15, 15 a, 16, 16 a and 16 b of the Criminal Procedure Act may be applied to the same degree as in cases concerning crimes of a similar nature that are prosecuted in the realm.

Section 20, subsection 1, first sentence, shall read:

When a person in a foreign state is charged, indicted or convicted of an offence that could justify surrender pursuant to this Act, coercive measures pursuant to chapters 14, 15, 15 a, 16, 16 a and 16 b of the Criminal Procedure Act may be applied to the same degree as in cases concerning crimes of a similar nature that are prosecuted in the realm, provided that a competent authority in the foreign state so requests before an application for surrender has been submitted.

Section 24, subsection 1, shall read:

For the purpose of criminal proceedings in a foreign country, it may on application be decided that such coercive measures as are mentioned in chapters 15, 15a , 16, 16a, 16b and 17 of the Criminal Procedure Act may be applied in the same way as in cases concerning crimes of a similar nature that are prosecuted in the realm.