



ROYAL NORWEGIAN EMBASSY

008/IO/2010

NOTE VERBALE

The Royal Norwegian Embassy presents its compliments to the International Criminal Court, ASP Secretariat, and has the honour to make reference to ICC-ASP/S/PA/07 and Assembly resolution ICC-ASP/8/res 9 adopted at the 10th plenary meeting on 25 March 2010, by which the Assembly decided, inter alia, to request the Secretariat of the Assembly of State Parties to reissue the questionnaire on the measures undertaken in respect of implementing legislation of the Rome statute of the International Criminal Court and to encourage States Parties to provide information to the Secretariat in advance of the Review Conference to be held in Kampala, Uganda, from 31 May to 11 June 2010.

The request was forwarded to the Royal Ministry of Foreign Affairs. The Norwegian response is as follows.

1. Has your Government adopted any national legislation implementing the Rome Statute ("the Statute")?

Yes.

Norway ratified the Rome Statute on 16 February 2000. The implementing legislation with regard to cooperation and enforcement was enacted on 15 June 2001 (Act of 15 June 2001 No. 65). The definition of crimes and general principles of criminal law are set out in chapter 16, cf. chapter 1, of the Civil Penal Code of 2005 (Act of 20 May 2005 No. 28. Before the 2005 Civil Penal Code the 1902 Civil Penal Code applied).

2. In implementing the statute, did your Government draft special implementing legislation or did it incorporate the articles or substantive provisions of the Statute into pre-existing law?

Norway has drafted special implementing legislation.

As mentioned under question 1, the implementing act of 2001 regulates legislation with regard to cooperation and enforcement. This act contains minimal provisions that set out, in a general sense, the

obligation to cooperate with the ICC, as well as provisions that authorise the Norwegian authorities to provide voluntary assistance to the Court. These statutory provisions are drafted in a succinct form, in accordance with established Norwegian practice, and they have to be interpreted in the light of the comprehensive *travaux préparatoires* detailing the scope of the obligations concerned.

The implementing act does not incorporate the ICC penal provisions into Norwegian law. This is not a requirement of the Statute. However, the definition of crimes and general principles of criminal law are set out in chapter 16, cf. chapter 1, of the Civil Penal Code of 2005. As mentioned, important directions are set out in the *travaux préparatoires*, which play a particularly important role in the interpretation of Norwegian statutory law.

3. Does the implementing legislation incorporate the substantive crimes through reference to the Statute or by incorporating the crimes in the legislation itself?

The crimes are incorporated in the legislation itself. Chapter 16 of the Civil Penal Code of 2005 contains penal provisions on genocide, crimes against humanity and war crimes. These provisions are mainly based on the corresponding provisions in the Rome Statute. However, some of the Norwegian provisions go beyond the provisions in the Statute.

4. Does the implementing legislation fully incorporate all modes of cooperation under part 9 of the Statute?

The implementing act of 2001 sets out a general obligation to cooperate. Section 1, states that, “Requests from the Court shall be complied with to the extent this follows from the Rome Statute”.

5. Does the implementing legislation designate a channel of communication with the Court?

According to section 1 of the implementing act of 2001, requests for surrender and other forms of assistance shall be addressed to the Ministry of Justice and the Police. In the event of a request from the Court for the surrender of a person who is a suspect, or has been charged or convicted, chapter 2 of the Extradition Act applies to the extent that its provisions are fully compatible with the Statute. In such cases, the request shall be sent through diplomatic channels, in accordance with section 13 of the Extradition Act.

The Royal Norwegian Embassy avails itself of this opportunity to renew to the International Criminal Court, ASP secretariat, the assurances of its highest consideration.

The Hague, 6 May 2010

International Criminal Court
ASP Secretariat
The Hague