

Implementing legislation questionnaire for States Parties

1. Has your Government adopted any national legislation implementing the Rome Statute (“the Statute”), or otherwise enacted legislation pertaining to the Rome Statute?

Yes

IF NOT

Part A

2. What legislative or other efforts, if any, has your Government taken or initiated to implement the provisions of the Statute into national law?

N/A

3. What obstacles, if any, has your Government faced in its efforts to implement the provisions of the Statute? Has your Government managed to overcome such obstacles, and if so, how?

N/A

4. What form of assistance would benefit or has benefitted your Government’s efforts to implement the Statute?

N/A

IF YES

Part B

5. In implementing the Statute, did your Government draft a stand-alone legislation or did it incorporate the articles or substantive provisions of the Statute into pre-existing law?

Norway has adopted both substantive and procedural legislation to implement the Rome Statute into national law. Norway adopted both a stand-alone piece of legislation (Lov om gjennomføring av Roma-vedtektene, 15 June 2001) and amended pre-existing laws. The Penal Code was amended to include the substantive crimes under the Rome Statute.

6. Does the implementing legislation incorporate the substantive crimes through reference to the Statute or by incorporating the crimes into domestic law?

The crimes under the Rome Statute—genocide, crimes against humanity, and war crimes—are incorporated into Norwegian criminal law through specific provisions in the Penal Code. The crimes are not merely referenced but fully incorporated and defined in domestic law.

7. Does the implementing legislation incorporate the following aspects of cooperation with the Court and if yes, how?

- a. Arrest and surrender;

Yes. Norwegian legislation provides for the arrest and surrender of individuals to the ICC in accordance with requests made by the Court.

- b. Interim release and release of persons (acquittal, non-confirmation of charges, etc);
Yes. National procedures allow for interim release and the handling of individuals released by the Court, in accordance with ICC procedures.
 - c. Cooperation with OTP investigations;
Yes. Norwegian law provides for full cooperation with investigations conducted by the Office of the Prosecutor.
 - d. Cooperation with the Court on the identification, tracing and freezing or seizure of proceeds, property and assets and instrumentalities of crimes;
Yes. National legislation enables the identification, tracing, freezing, or seizure of assets and proceeds related to crimes under the jurisdiction of the Court.
 - e. Enforcement of sentences;
Yes. Norway has concluded a formal agreement with the Court on the enforcement of sentences. This agreement entered into force on 6 August 2016.
 - f. Witness protection;
Yes. Norwegian law includes procedures for protecting witnesses, including cooperation with the Court in such matters.
 - g. Other forms of cooperation (see in particular article 93 of the Rome Statute).
Yes. Norway has implemented measures to allow for other forms of cooperation, such as assistance with the collection of evidence, service of documents, temporary transfer of persons, and provision of records.
8. Does the implementing legislation designate a channel of communication with the Court?
Yes. The legislation and associated procedures designate the competent national authority to communicate with the Court.
9. Does the implementing legislation create a central national authority or designate a national focal point for cooperation with the Court?
Yes. The Ministry of Justice and Public Security is designated as the competent authority for communication and cooperation with the Court.
10. Does the implementing legislation provide for the privileges and immunities of the Court? (See in particular article 48 of the Rome Statute and the Agreement on the Privileges and Immunities of the International Criminal Court)
Yes. Norway ratified the Agreement on the Privileges and Immunities of the Court (APIC) on 10 September 2002. Norwegian legislation ensures that Court officials and staff enjoy the necessary privileges and immunities.

11. What obstacles, if any, did your Government face in its efforts to implement the provisions of the Statute? How did your Government manage to overcome such obstacles

The main challenge was ensuring that domestic criminal law fully reflected the complex definitions of crimes under the Rome Statute. These were addressed through comprehensive legal reform, including the adoption of a new Penal Code in 2005, which includes dedicated chapters on international crimes. Procedural adaptations were also made to ensure compliance with the Court's requests and decisions.

12. Did your Government benefit from any form of assistance in the process of implementing the Statute?

Norway largely relied on internal legal expertise and comparative legal analysis. While no formal international assistance is documented, international legal cooperation and the drafting history of the Rome Statute informed Norway's implementation process.

13. Has your government initiated or considered additional steps for the implementation of the Statute in national legislation?

Yes. The Norwegian Foreign Ministry is currently working on the proposed ratification of the Kampala amendment on the crime of aggression (article 8 bis).