

HOVEDDOKUMENT FOR LOV OM KRIGSFORBRYTERDOMSTOL, JUGOSLAVIA M M.
DATO: LOV 1994-06-24 38 JD.

TITTEL: Lov om gjennomføring i norsk rett av De forente
nasjoners sikkerhetsråds vedtak om å opprette
internasjonale domstoler for forbrytelser i det tidligere
Jugoslavia og Rwanda.

DEPARTEMENT: JD (Justisdepartementet).

IKRAFT: 1994-07-01.

SIST-ENDRET: LOV 1995-06-30 47 fra 1995-07-15.

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No. 38

Act No. 38 of 24 June 1994 relating to the incorporation into Norwegian law of the United Nations Security Council Resolution on the establishment of international tribunals for crimes committed in the former Yugoslavia and Rwanda

Section 1. Scope of the Act, etc.

Requests for extradition, other forms of legal aid and the like from the international tribunal for the prosecution of persons responsible for serious violations of international humanitarian law committed in the territory of the former Yugoslavia (hereinafter referred to as the Tribunal) shall be dealt with in accordance with the provisions of this Act. The provisions of the Act apply correspondingly to the international tribunal for the prosecution of persons responsible for serious violations of international humanitarian law committed in Rwanda.

Section 13, first paragraph, of the Penal Code shall not apply to the criminal prosecution of acts that come under the jurisdiction of the Tribunal.

Section 2. Extradition

At the request of the Tribunal, any person who is charged, indicted or convicted of an act that comes under the jurisdiction of the Tribunal and who is staying in the realm shall be surrendered to the Tribunal.

Requests for extradition shall be dealt with pursuant to the provisions of Chapter II of Act No. 39 of 13 June 1975 relating to the extradition of criminals, etc., insofar as they are applicable. Requests for extradition shall be submitted to the (competent) ministry.

Coercive measures may be used in connection with extradition in accordance with the provisions of sections 15 and 20 of Act No. 39 of 13 June 1975 relating to the extradition of criminals, etc.

A person who is being surrendered to the Tribunal by a foreign state may be transported over Norwegian territory with the consent of the (competent) ministry.

Section 3. Other forms of legal aid

Norwegian courts and other authorities may on request provide the Tribunal with legal aid in connection with the consideration of matters that

come under the jurisdiction of the Tribunal. Such legal aid may include the identification and tracing of persons, the examination of witnesses and experts, the procurement of other evidence, the serving of documents and the arrest and detention of persons.

The provisions of Chapter V of Act No. 39 of 13 June 1975 relating to the extradition of criminals, etc., and section 46 and Chapter 9 of the Courts of Justice Act apply insofar as they are appropriate. The provisions of section 20 of Act No. 39 of 13 June 1975 relating to the extradition of criminals, etc., and Chapter 14 of the Criminal Procedure Act apply correspondingly to arrest and imprisonment.

The Tribunal may be given permission to question suspected persons, witnesses, etc., in Norway in connection with acts that come under the jurisdiction of the Tribunal, and to carry out other investigations in the realm.

Section 4. Counsel for the defence

A person suspected or indicted for an act that comes under the jurisdiction of the Tribunal shall at his or her request, or if it is deemed necessary, be entitled to a defence counsel. The provisions of Chapter 9 of the Criminal Procedure Act and section 16 of Act No. 39 of 13 June 1975 relating to the extradition of criminals, etc., apply insofar as they are appropriate.

Section 5. Litispence and force of law

Criminal proceedings cannot be brought nor sentence passed in the realm in connection with criminal acts that are being tried or that have been finally decided by the Tribunal.

Section 6. Execution of custodial sentences in Norway

Custodial sentences imposed by the Tribunal may on request be executed in Norway. The provisions of Act No. 67 of 20 July 1991 relating to the transfer of convicted persons apply insofar as they are appropriate.

Section 7. Penalty for false testimony, etc.

Any person who gives false testimony before the Tribunal may be liable to a penalty pursuant to section 163, cf. sections 167 and 165, of the Penal Code.

Section 8. Regulations

The King may issue further rules supplementing this Act and concerning its implementation.

Section 9. Entry into force

This Act enters into force on the date decided by the King.