



**AGREEMENT BETWEEN THE KINGDOM OF NORWAY AND
THE INTERNATIONAL CRIMINAL COURT ON THE
ENFORCEMENT OF SENTENCES OF THE INTERNATIONAL
CRIMINAL COURT**

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**AGREEMENT BETWEEN THE KINGDOM OF NORWAY AND THE INTERNATIONAL
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CRIMINAL COURT**

The International Criminal Court (hereinafter referred to as "the Court") and
The Kingdom of Norway (hereinafter referred to as "Norway"),

PREAMBLE

RECALLING Article 103 of the Rome Statute of the International Criminal Court adopted on 17 July 1998 by the United Nations Diplomatic Conference of Plenipotentiaries (hereinafter referred to as "the Rome Statute"), according to which sentences of imprisonment pronounced by the Court shall be served in a State designated by the Court from a list of States which have indicated their willingness to accept sentenced persons;

RECALLING Rule 200 of the Rules of Procedure and Evidence of the Court (hereinafter referred to as the "Rule(s)"), according to which the Court may enter into bilateral arrangements with States with a view to establishing a framework for the acceptance of persons sentenced by the Court, consistent with the Rome Statute;

RECALLING the widely accepted international standards governing the treatment of prisoners including the Standard Minimum Rules for the Treatment of Prisoners approved by ECOSOC resolutions 663 C (XXIV) of 31 July 1957 and 2067 (LXII) of 13 May 1977, the Body of Principles for the Protection of all Persons under any Form of Detention or Imprisonment adopted by General Assembly resolution 43/173 of 9 December 1988, and the Basic Principles for the Treatment of Prisoners adopted by General Assembly resolution 45/111 of 14 December 1990;

NOTING the willingness of Norway to accept persons sentenced by the Court;

IN ORDER to establish a framework for the acceptance of persons sentenced by the Court and to provide for conditions under which the sentences will be enforced in Norway;

HAVE AGREED as follows:

Article 1

Purpose and scope of the Agreement

The Agreement shall regulate matters relating to or arising from the enforcement of sentences imposed by the Court in prison facilities made available by Norway.

Article 2

Procedure and information relating to designation

1. The Presidency of the Court (hereinafter referred to as "the Presidency"), when requesting Norway to enforce a sentence in a particular case, shall transmit to Norway the following information and documents:

- a) the name, nationality, date and place of birth of the sentenced person;
- b) a copy of the final judgment of conviction and of the sentence imposed;

c) the length and commencement date of the sentence, the amount of time in pre-trial detention, and the time remaining to be served;

d) after having heard the views of the sentenced person, any necessary information concerning the state of his or her health, including any medical treatment that he or she is receiving;

e) any known family or other ties with Norway;

f) and any other information relevant to the enforcement of the sentence.

2. Norway shall promptly decide whether to accept the Court's request and inform the Presidency accordingly.

3. Upon Norway's acceptance of the Court's request, the Presidency shall inform the sentenced person of the designation of Norway as the State of enforcement and the contents of this agreement.

Article 3

Delivery

1. The sentenced person shall be delivered to Norway as soon as possible after Norway has accepted the designation.

2. The Registrar of the Court (hereinafter "the Registrar") shall make appropriate arrangements for the proper conduct of the delivery of the person in consultation with Norway and the host State.

Article 4

Conditions of imprisonment

1. Subject to the conditions contained in the Agreement, the sentence of imprisonment shall be binding on Norway, which shall in no case modify it.

2. The conditions of imprisonment shall be governed by the law of Norway and shall be consistent with widely accepted international standards governing treatment of prisoners; in no case shall such conditions be more or less favourable than those available to prisoners convicted of similar offences in Norway.

3. Norway shall notify the Court of any circumstances, including the exercise of any conditions agreed under Article 103(1) of the Rome Statute, which could materially affect the terms or extent of the imprisonment. The Court shall be given at least 45 days' notice of any such known or foreseeable circumstances. During this period, Norway shall take no action that might prejudice its obligations under Article 110 of the Rome Statute.

Article 5

Supervision of enforcement

The enforcement of a sentence of imprisonment shall be subject to the supervision of the Court and shall be consistent with widely accepted international treaty standards governing treatment of prisoners. In order to supervise the enforcement of sentences of imprisonment, the Presidency may:

a) when necessary, request any information, report or expert opinion from Norway;

b) where appropriate, delegate a judge of the Court or a member of the staff of the Court who will be responsible, after notifying Norway, for meeting the sentenced person and hearing his or her views, without the presence of national authorities;

c) where appropriate, give Norway an opportunity to comment on the views expressed by the sentenced person under paragraph 1(b) of this article.

Article 6 *Inspection*

1. Norway shall allow the inspection of the conditions of imprisonment and treatment of the sentenced person(s) by the International Committee of the Red Cross (hereinafter referred to as "the ICRC") at any time and on a periodic basis, the frequency of visits to be determined by the ICRC.

2. The ICRC will submit a confidential report based on the findings of these inspections to Norway and to the Presidency. Norway and the Presidency shall consult each other on the findings of the report. The Presidency may thereafter request Norway to report to it any changes in the conditions of imprisonment suggested by the ICRC.

Article 7 *Communication*

1. Communications between a sentenced person and the Court shall be unimpeded and confidential.

2. The Presidency and Norway shall establish appropriate arrangements for the exercise by the sentenced person of his or her right of communication with the Court.

3. When a sentenced person is eligible for a prison programme or benefit available under the domestic law of Norway which may entail some activity outside the prison facility, Norway shall communicate that fact to the Presidency, together with any relevant information or observation, to enable the Court to exercise its supervisory function.

Article 8 *Ne bis in idem*

The sentenced person shall not be tried before a court of Norway with respect to conduct which formed the basis of crimes for which the person has already been convicted or acquitted by the Court.

Article 9 *Rule of speciality*

1. The sentenced person in the custody of Norway shall not be subject to prosecution or punishment or to extradition to a third State for any conduct engaged in prior to that person's transfer to Norway, unless such prosecution, punishment or extradition has been approved by the Presidency at the request of Norway.

2. When Norway intends to prosecute or enforce a sentence against the sentenced person, it shall notify its intention to the Presidency and transmit to it the following documents:

- a) A statement of the facts of the case and their legal characterization;
- b) A copy of any applicable legal provisions, including those concerning the statute of limitation and the applicable penalties;
- c) A copy of any sentence, warrant of arrest or other document having the same force, or of any other legal writ which the State intends to enforce;
- d) A protocol containing views of the sentenced person obtained after the person has been informed sufficiently about the proceedings.

3. When Norway intends to comply with a request for extradition made by a third State, Norway shall transmit the entire request to the Presidency with a protocol containing the views of the sentenced person obtained after informing the person sufficiently about the extradition request.

4. In relation to paragraphs 2 and 3 of this article, the Presidency may in all cases request any document or additional information from Norway or the third State requesting the extradition.

5. The Presidency shall as soon as possible make a determination regarding Norway's request of approval for prosecution, punishment or extradition pursuant to paragraph 1. This determination shall be notified to all those who have participated in the proceedings. If the request concerns the enforcement of a sentence, the sentenced person may serve that sentence in Norway or be extradited to a third State only after having served the full sentence pronounced by the Court.

6. The Presidency may authorize the temporary extradition of the sentenced person to a third State for prosecution only if it has obtained assurances which it deems to be sufficient that the sentenced person will be kept in custody in the third State and transferred back to Norway, after the prosecution.

7. Paragraph 1 of this article shall cease to apply if the sentenced person remains voluntarily for more than 30 days in the territory of Norway after having served the full sentence imposed by the Court, or returns to the territory of that State after having left it.

Article 10

Appeal, revision, reduction, and extension of sentence

1. The Court alone shall have the right to decide on any reduction of sentence or application for appeal and revision. The Court shall rule on a reduction of sentence after having heard the person.

2. Norway shall not impede the making of application for appeal and revision by the sentenced person.

3. For purposes of extension of the term of imprisonment, the Presidency may ask for observations from Norway.

4. Norway shall not release the person before expiry of the sentence pronounced by the Court.

Article 11

Escape

1. If the sentenced person escapes, Norway shall, as soon as possible, advise the Registrar by any medium capable of delivering a written record.
2. If the sentenced person escapes from custody and flees the territory of Norway, Norway may, after consultation with the Presidency, request the person's extradition or surrender from the State in which the person is located pursuant to any existing bilateral or multilateral arrangements, or may request that the Presidency seek the person's surrender, in accordance with Part 9 of the Rome Statute. It may direct that the person be delivered to Norway or to another State designated by the Court.
3. If the State in which the sentenced person is located agrees to surrender him or her to Norway, pursuant to either international agreements or its national legislation, Norway shall so advise the Registrar in writing. The person shall be surrendered to Norway as soon as possible, if necessary in consultation with the Registrar. The Registrar, shall provide all necessary assistance, including, if necessary, the presentation of requests for transit to the States concerned, in accordance with Rule 207.
4. If the sentenced person is surrendered to the Court, then the Court shall transfer him or her to Norway. Nevertheless, the Presidency may, acting on its own motion or at the request of the Prosecutor or of Norway, designate another State, including the State to the territory of which the sentenced person has fled.

Article 12

Time spent outside of Norway

1. If, after delivery of the sentenced person to Norway, the Court orders that the sentenced person appear before the Court, the sentenced person shall be transferred temporarily to the Court, conditional on his or her return to Norway within the period decided by the Court. The time spent in the custody of the Court shall be deducted from the term of the overall sentence remaining to be served in Norway.
2. In all cases, the entire period of detention in the territory of the State in which the sentenced person was in custody after his or her escape and, where Article 7(4) is applicable, the period of detention at the seat of the Court following the surrender of the sentenced person from the State in which he or she was located shall be deducted from the sentence remaining to be served.

Article 13

Change in designation of Norway as the State of enforcement

The Presidency, acting on its own motion or at the request of Norway or the sentenced person or the Prosecutor, may, at any time, decide to transfer a sentenced person to a prison of another State.

- a) Before deciding to change the designation of Norway as the State of enforcement, the Presidency shall, *inter alia*, request views from Norway.
- b) If the Presidency decides not to change Norway as the State of enforcement, it shall notify the sentenced person, the Prosecutor, the Registrar and Norway.

Article 14

Notification prior to the transfer of the sentenced person upon completion of the sentence

Norway shall notify the Presidency:

- a) 60 days before the scheduled completion of the sentence, that the sentence will be completed;
- b) 30 days before the scheduled completion of the sentence, of the relevant information concerning the intention of Norway to authorize the person to remain in its territory or the location where it intends to transfer the person.

Article 15

Termination of enforcement

1. Norway shall terminate the enforcement of the sentence as soon as it is informed by the Court of any decision or measure as a result of which the sentence ceases to be enforceable.
2. Upon the death of the sentenced person, the Court shall, in consultation with Norway, make the appropriate arrangements for his or her repatriation.

Article 16

Transfer of the sentenced person upon completion of the sentence

1. Following completion of the sentence, the sentenced person who is not a national of Norway may, in accordance with the law of Norway, be transferred to a State which is obliged to receive him or her, or to another State which agrees to receive him or her, taking into account any wishes of the person to be transferred to that State, unless Norway authorizes the person to remain in its territory.
2. Subject to the provisions of Article 9, Norway may also, in accordance with its national law, extradite or otherwise surrender the person to a State which has requested the extradition or surrender of the person for purposes of trial or enforcement of a sentence.

Article 17

Costs

1. The ordinary costs for the enforcement of the sentence in the territory of Norway shall be borne by Norway.
2. Other costs, including those for the transport of the sentenced person to and from the seat of the Court and to and from Norway, shall be borne by the Court.
3. In case of escape, the costs associated with the surrender of the sentenced person shall be borne by the Court if no State assumes responsibility for them.

Article 18
Designation of focal points

Norway and the Court shall each designate a focal point to facilitate the implementation of the Agreement.

Article 19
Entry into force

The Agreement shall enter into force on the thirtieth day following receipt by the Court of the notification by Norway that the procedures required by its law have been complied with.

Article 20
Amendments to the Agreement

1. The Agreement may be amended, after consultation, by mutual consent of the parties.
2. Norway may at any time withdraw its conditions of acceptance for the inclusion in the List of States of enforcement. Any amendments or additions to such conditions shall be subject to confirmation by the Presidency.

Article 21
Termination of the Agreement

Upon consultation, either party may terminate the Agreement, with two months prior written notice. Such termination shall not affect sentences in force at the time of the termination, and the provisions of the Agreement shall continue to apply until such sentences have been completed, terminated or, if applicable, the sentenced person has been transferred in accordance with Article 13 of the Agreement.

IN WITNESS WHEREOF, the undersigned, duly authorized thereto, have signed the Agreement.

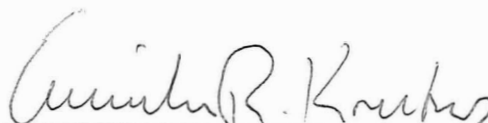
Done at The Hague, this seventh day of July, 2016, in duplicate, in the English language.

FOR THE COURT

FOR NORWAY



Judge Silvia Fernández de Gurmendi
President of the International Criminal Court



H.E. Anniken Ramberg Krutnes
Ambassador Extraordinary and Plenipotentiary