



ROYAL NORWEGIAN
MINISTRY OF FOREIGN AFFAIRS

The Royal Norwegian Ministry of Foreign Affairs presents its compliments to the Office of Legal Affairs of the United Nations and has the honour to refer to its note LA/COD/50/2 requesting Member States to submit “*excerpts of national provisions regarding the establishment of jurisdiction over their nationals, whenever they serve as United Nations officials or experts on mission in relation to crimes as known in their existing national criminal laws, particularly those of a serious nature*”.

This question is regulated in the Norwegian General Civil Penal Code of 20 May 2005 No. 28 (hereafter the Penal Code), part I (General provisions), chapter 1 (Scope and extent of the criminal legislation), section 5 (Applicability of the criminal legislation to acts committed abroad).

According to the Norwegian Penal Code section 5, Norwegian criminal law is applicable to acts committed abroad by a Norwegian national or a person resident in Norway when the acts

- 1) are also punishable under the law of the country in which they are committed;
- 2) are regarded as a war crime, genocide or crime against humanity;
- 3) are a breach of the international law of war;
- 4) are regarded as a child marriage or a forced marriage;
- 5) are regarded as genital mutilation;
- 6) are directed against the Norwegian State or a Norwegian state authority;
- 7) were committed outside the area of sovereignty of any State and are punishable by imprisonment;
- 8) are regarded as depriving a minor of the care of parents or other authorised persons;
- 9) are punishable pursuant to the Penal Code sections 257, 291-296, 299-306 or 309-316;
- 10) are regarded as terrorist acts or terrorist activities pursuant to the Penal Code chapter 18; or
- 11) are regarded as incitement to carry out a criminal act pursuant to the Penal Code section 183 or as hate speech pursuant to the Penal Code section 185.

The Penal Code section 5, paragraph 6, states that the penalty when an act is prosecuted under the section, may not exceed the highest statutory penalty for a corresponding act in the country in which the act was committed.

Insofar as Norway has jurisdiction over a crime committed by one of its nationals pursuant to section 5 of the Penal Code, Norway will have jurisdiction over criminal acts committed abroad by Norwegian nationals serving as United Nations officials or experts on mission.

The Royal Norwegian Ministry of Foreign Affairs avails itself of this opportunity to renew to the Office of Legal Affairs of the United Nations the assurances of its highest consideration.

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Office of Legal Affairs of the United Nations
New York