

# Law on the Implementation of the Rome Statute of the International Criminal Court

2001 no. 43 19 May

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*[The course of the case in Althingi.](#) [Bill to the law.](#)*

**Entered into force on 1 July 2002.** Amended by: [Act No. 88/2008](#) (entered into force on 1 January 2009, except for [Act VII](#), which entered into force on 21 June 2008). [Act 162/2010](#) (entered into force on 1 January 2011). [Act 126/2011](#) (entered into force on 30 September 2011).

If this Act refers to a minister or ministry without specifying a subject area specifically or referring to it, it means the **Minister of Justice** or the **Ministry of Justice** that administers this Act. Information on the subject areas of ministries according to The presidential decree can be found [here](#).

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## ■ Article 1 *Scope.*

If the International Criminal Court requests, in accordance with the Court's Convention of 17 July 1998 (Rome Convention), that actions be taken in Iceland for the investigation or handling of a case, such requests shall be dealt with in accordance with the provisions of this Act. The same applies to requests from the Court for the enforcement of judgments.

Request for actions according to Paragraph 1 shall be sent [Minister] <sup>1)</sup> which otherwise communicates with the court on behalf of the Icelandic state.

<sup>1)</sup>[L. 126/2011, Article 323.](#)

## ■ Article 2 *Delivery of a person to the court.*

At the request of the court, a person residing in this country who is suspected of a crime that falls under the jurisdiction of the court or has been charged or convicted of such a crime shall be extradited.

□ On the handling of a case according to Paragraph 1 the provisions of II. Chapter of the Act on the Extradition of Criminals and Other Assistance in Criminal Matters insofar as they apply.

□ [Minister] <sup>1)</sup> may authorize the transfer of a person transferred by another State to the Court of Justice through the territory of the Icelandic State.

<sup>1)</sup>[L. 162/2010, Article 167](#)

### ■ **Article 3** *Other assistance.*

□ The Icelandic courts and authorities may, at the request of the Court, grant the assistance specified in Article 93. Of the Treaty of Rome, provided that such request is in accordance with the other provisions of the Convention.

□ At the request of the Court, the [Minister] <sup>1)</sup> may grant the staff of the court permission to question witnesses and carry out other investigative actions in this country. The handling of such requests and the implementation of actions are subject to the Act on [Criminal Procedure]. <sup>2)</sup>

<sup>1)</sup>[L. 162/2010, Article 167](#) <sup>2)</sup>[L. 88/2008, 234. gr.](#)

### ■ **Article 4** *Application of coercive measures.*

□ At the request of the court, a person may be arrested and other coercive measures applied. The processing of such requests is governed by the Code of Criminal Procedure. <sup>1)</sup>

□ If the law makes it a condition for the application of coercive measures that there is a reasonable suspicion of a criminal offense, the decision of the court on that point shall be used as a basis.

□ A person who has been remanded in custody according to Art. Paragraph 1 may demand that he be released from custody pending delivery to the Court. A claim to that effect shall be submitted to the district court.

□ When assessing a claim for release from custody according to Art. Paragraph 3 until delivery is made, the judge shall take into account the points set out in the fourth paragraph. Article 59 Of the Treaty of Rome. Before the district court takes such a claim for a ruling, a notification of the handling of the claim before the district court shall be sent to the court and it shall be given an opportunity to comment on the matter.

<sup>1)</sup>[L. 88/2008, 234. gr.](#)

### ■ **Article 5** *Defendant's defense counsel.*

□ A person suspected of or accused of conduct falling within the jurisdiction of the court shall be entitled to the assistance of a defense counsel of his choice for the handling of the case in this country. He shall be notified of this right.

Defendant's fee is paid from the state treasury and shall be determined in accordance with the Act on [Criminal Procedure]. <sup>1)</sup>

<sup>1)</sup>[L. 88/2008, 234. gr.](#)

■ **Article 6** *Lawyer for victims of crime.*

A victim in a case falling within the jurisdiction of the court may request the appointment of a legal guardian if there is reason to believe that he has suffered significant bodily or health damage as a result of the accused's conduct and it is considered necessary that he be assisted by a legal guardian.

Provisions [V. Chapter of the Code of Criminal Procedure] <sup>1)</sup> shall apply as appropriate.

<sup>1)</sup>[L. 88/2008, 234. gr.](#)

■ **Article 7** *Ne bis in idem.*

A person will not be charged or convicted in this country for an act for which a judgment has been handed down by the court.

■ **Article 8** *Enforcement of judgments of the International Criminal Court in Iceland.*

At the request of the court, its judgments in this country may be complied with. Judgments can be complied with even if the convicted person is not an Icelandic citizen or resident in this country.

Judgments in this country shall be enforced in accordance with the provisions of Chapter 10 of the Treaty of Rome.

■ **Article 9** *Penalties for violating the court or its staff.*

Provisions XII., XV. and XVII. Chapter I of the General Penal Code applies to conduct directed at the court or its staff.

■ **Article 10** *Regulatory authority.*

[Minister] <sup>1)</sup> may issue a regulation on the further implementation of this Act and on communication with the Court.

<sup>1)</sup>[L. 162/2010, Article 167](#)

■ **Article 11** *Entry into force.*

The provisions of this Act shall enter into force as soon as the Rome Statute of the International Criminal Court enters into force for Iceland.