

Norway¹ - national procedures for extradition

Updated 8 February 2021

States Parties are requested to fill in this table with the necessary information and return it to the Secretariat of the PC-OC. The information contained in this table should be updated on a yearly basis.

The Central Authority (Name of the institution, address, telephone, fax and e-mail where available) responsible for extradition:	Ministry of Justice and Public Security Department of Civil Affairs Postboks 8005 Dep 0030 Oslo Norway If sent by courier: Gullhaug Torg 4A 0484 Oslo Norway Tel: +47 22 24 54 51 Fax +47 22 24 27 22
If different from the Central Authority, the authority to which the request should be sent (Name of the institution, address, telephone, fax and e-mail where available):	NA
Channels of communication for the request for extradition (directly, through diplomatic channels or other):	Through diplomatic channels. For Parties to the Schengen Convention: directly from the relevant Ministry to the Norwegian Ministry of Justice. For Parties to the Agreement between the European Union and the Republic of Iceland and the Kingdom of Norway on the surrender procedure between the Member States of the European Union and Iceland and Norway: directly between judicial authorities.
Means of communication (eg. by post, fax, e-mail ²):	By post. A copy of the original request should simultaneously be communicated by fax. For Parties to the Agreement between the European Union and the Republic of Iceland and the Kingdom of Norway on the surrender procedure between parties : The issuing judicial authority may forward the arrest warrant by any secure means capable of producing written records under conditions allowing the executing State to establish its authenticity, cf. Article 13 no 3.

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² Please indicate if encryption or electronic signature is required.

Language requirements:	Norwegian or English
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Documentation required:	<p>The documents and information mentioned in article 12 of the European Convention on Extradition are required.</p> <p>Norway has also made a reservation in relation to article 12: "The Norwegian authorities reserve the right to require the requesting state to produce prima face evidence to the effect that the person claimed has committed the offence for which extradition is requested. The request may be refused if the evidence is found to be insufficient".</p>
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Provisional arrest:	<p>Time limit for presentation of formal extradition request if the person is in provisional arrest: Provisional arrest, due to a request for provisional arrest in accordance with article 16 of the European Convention on Extradition, will be terminated if a formal request for extradition is not received within four weeks. In special circumstances the Court may extend this time limit.</p> <p>If there a need for an explicit request for prolongation of the provisional arrest beyond the 18 days mentioned in Article 16, paragraph 4 of the European Convention on Extradition (ETS No. 24)? See answer above.</p>
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<p>Extradition procedures: Please describe shortly the different types of procedure (e.g. normal, simplified, other) indicating the main differences:</p>	<p><u>Normal procedure:</u></p> <p>A formal request for extradition should be submitted through diplomatic channels to the Norwegian Ministry of Foreign Affairs, who forwards the request to the Ministry of Justice and Public Security. Requests under the Schengen Convention article 65 may be forwarded directly from the relevant Ministry to the Ministry of Justice and Public Security. The Ministry of Justice and Public Security may deny the request for extradition if it is clear already at this stage that the criteria for extradition are not fulfilled.</p> <p>Provided that the request is not immediately denied, it will be sent to the prosecuting authorities, which shall initiate the necessary investigations. A defence counsel will be appointed. The prosecuting authorities will have to obtain a decision from the court that the legal requirements in the Extradition Act are fulfilled. The decision may be appealed to the Court of Appeal, and further appealed to the Supreme Court. The time limit for lodging an appeal is three days.</p> <p>Provided that it is decided by a final court ruling that the criteria of the Extradition Act are fulfilled, the Ministry of Justice and Public Security will decide whether the person should be extradited or not. Before the decision is taken, the defence counsel is given an opportunity to give comments. The decision of the Ministry of Justice and Public Security may be appealed to the King in Council.</p>
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	<p>The Ministry informs the public prosecutor of its decision, and provided that the request is complied with, it shall be implemented as soon as possible. If the person concerned is not already in custody, coercive measures may be applied, but not for a longer period than four weeks.</p> <p>However, provided the court has found that the criteria for extradition are not fulfilled, extradition is excluded, and the Ministry of Justice and Public Security will have to deny the request.</p> <p><u>Simplified procedure:</u></p> <p>The simplified procedure may only be applied under the Schengen-Convention. A formal request for extradition is also required for the simplified procedure.</p> <p>After receipt of the formal request for extradition, the person sought will be asked by the Court whether he / she consent to the extradition. Provided that the person sought has formally consented to extradition, the request may be processed and decided by the local public prosecutor.</p>
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<p>Detention before and after the receipt of the extradition request, (deadlines, conditional release, etc):</p>	<p>The wanted person may be kept in detention, normally for four weeks, awaiting the formal request for extradition, see answer above.</p> <p>After the receipt of a formal request, the court may decide that the person sought should be detained until a final decision in the extradition case has been made and the person has been extradited. The person sought may however ask the Court for a new assessment of whether the criteria for detention are fulfilled, if more than three weeks have elapsed since the last Court decision on this matter.</p>
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<p>Statutes of limitation for the purpose of prosecution and for the execution of sentences (general principles):</p>	<p>The period of limitation for the purpose of <u>prosecution</u> is:</p> <ol style="list-style-type: none"> 1. Two years when the maximum penalty prescribed is fines or imprisonment for a term not exceeding one year, 2. Five years when the maximum penalty prescribed is imprisonment for a term not exceeding three years, 3. 10 years when the maximum penalty prescribed is imprisonment for a term not exceeding 10 years, 4. 15 years when a penalty for a period not exceeding 15 years, 5. 25 years when imprisonment for a term not exceeding 21 years may be imposed. <p>If a person has by the same act committed two or more offences, which pursuant to the rules mentioned above should become time barred at different times, the longest period of limitation shall apply to all the offences.</p> <p>The period of limitation for the <u>execution of a sentence</u> is:</p> <ol style="list-style-type: none"> 1. Five years for imprisonment for a term not exceeding one year, 2. 10 years for imprisonment for a term exceeding one year but not exceeding four years,
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	<ol style="list-style-type: none"> 3. 15 years for imprisonment for a term exceeding four years but not exceeding eight years, 4. 20 years for imprisonment for a specified period exceeding eight years but not exceeding 20 years, 5. 30 years for imprisonment for a term exceeding 20 years.
Provisions concerning extradition of nationals:	<p>Norwegian nationals cannot be extradited, unless to the Nordic states in accordance with the Nordic Arrest Warrant, , or to the EU member states pursuant to the provisions of the Agreement between the European Union and the Republic of Iceland and the Kingdom of Norway on the surrender procedure between parties.</p>
Surrender (eg. deadlines):	<p>After the final decision on extradition is made, the extradition should take place as soon as possible. The person sought may not be detained for a period longer than four weeks from the final decision on extradition.</p>
Other particularity relevant information (such as, specific requirements concerning double criminality):	
Links to national legislation, national guides on procedure:	<p>Extradition is regulated by Act N°.39 of 13 June 1975 pertaining to Extradition of Offenders etc. the Norwegian Extradition Act can be found under “Information on national systems” on the EJM website:</p> <p>European Judicial Network (EJM)</p>