

No 342/2001

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Act

on

the International Criminal Court

§ 1. The Statute for the International Criminal Court referred to in the enclosure to this law is applicable in this country.

Paragraph 2. The Minister for Foreign Affairs may decide whether the following provisions shall be applicable in this country:

- 1) The Rules of Procedure and Evidence and its amendments as referred to in Article 51 of the Statute.
- 2) The Elements of Crimes and its amendments as referred to in Article 9 of the Statute.
- 3) Amendments of the Statute adopted in accordance with Articles 121 to 123 of this Statute.

§ 2. Upon request from the International Criminal Court, the Minister for Justice decides whether persons, against whom the Court has instituted criminal prosecution, should be extradited.

Paragraph 2. Furthermore, upon request, the Minister for Justice decides on extradition in order to enforce the sentences of the Court.

Paragraph 3. Chapter 3 and 4 in Act on Extradition of Offenders is applicable with the necessary mitigations.

Paragraph 4. Upon request from a person being remanded in custody in order to be extradited to the International Criminal Court, the Court decides whether the conditions for temporary release under Article 59, paragraph 3 to 5, are fulfilled.

§ 3. The Minister for Justice may decide whether penalties imposed by the International Criminal Court should be enforced in this country in accordance with the provisions of Part 10 in the Statute.

Paragraph 2. The enforcement shall, if at all possible, take place under Danish law and should not aggravate the penal situation of the convicted.

Paragraph 3. The decision of the Minister for Justice is presented to a court for its approval. The decision of the court is taken by judgement. The provisions of the Danish Administration of Justice Act on extra-judicial settlement of a fine or confiscation is likewise applicable.

Paragraph 4. In this country, penalty of a fine, which has been determined by the International Criminal Court, cannot be replaced by penalty of imprisonment.

Paragraph 5. The Minister for Justice may recover a compensation for reparations, on behalf of victims, as determined by the International Criminal Court under Article 75 of the Statute by statutory debt collection and by withholding part of the person's

income according to the provisions on collecting personal taxes under the Tax of Source Act and the provisions of the Act on the Central Register for Retention of Salaries and Wages. Furthermore, the rules on recovery of fines are likewise applicable.

Paragraph 6. The Minister for Justice may lay down more detailed rules on enforcement in this country of penalties imposed by the International Criminal Court; including entering into an agreement with the Court.

§ 4. A person being convicted or acquitted by the International Criminal Court cannot be prosecuted for the same act in this country.

§ 5. The provisions in Chapter 14 of the Criminal Code with respect to crimes committed against official authorities and in chapter 17 in case of perjury or false accusation is likewise applicable in cases related to the International Criminal Court.

§ 6. Upon request from the International Criminal Court, expenses for the assigned counsel for the defendant in connection with interrogations in this country should be borne by public funds, unless, under special circumstances, the court decides to charge the interrogated person.

§ 7. The Minister for Justice may lay down more detailed rules on the implementation of the Statute of the International Criminal Court; including entering into an agreement with the Court.

§ 8. The Minister for Foreign Affairs fixes the date of entry into force.

§ 9. This act shall not extend to the Faroe Islands and Greenland, however, by Royal Decree it may become partly or fully operative for these territories with any variations dictated by the special conditions prevailing in the Faroe Islands and Greenland.

Given at Christiansborg Palace

on 16 May 2001

Under Our Royal Hand and Seal
MARGRETHE R.

/Mogens Lykketoft