

WORLD FACTBOOK OF CRIMINAL JUSTICE SYSTEMS

NORWAY

Lee Bygrave
Norwegian Research Centre for Computers and Law

This country report is one of many prepared for the World Factbook of Criminal Justice Systems under Bureau of Justice Statistics grant No. 90-BJ-CX-0002 to the State University of New York at Albany. The project director was Graeme R. Newman, but responsibility for the accuracy of the information contained in each report is that of the individual author. The contents of these reports do not necessarily reflect the views or policies of the Bureau of Justice Statistics or the U. S. Department of Justice.

GENERAL OVERVIEW

1. Political system.

Norway is a unified state in which governmental power is divided between the judiciary, executive and legislative branches, each of which are mutually independent. The executive branch is made up of the King and members of the Cabinet.

Legislative power is vested in the national parliament (Stortinget), which is composed of 157 members who are democratically elected on a geographical basis. Although the parliament is unicameral, it divides into two chambers (the Lagting and Odelsting) for the purpose of passing legislation. Both chambers must approve a bill before it can be passed. The bill must also be approved by the King sitting in council with the Cabinet, although this is a mere formality. In theory, the judiciary can exercise some influence upon the legislative process since it has an unwritten power to set aside any legislation it finds to be unconstitutional. However, this power is rarely exercised. (Administration of Justice in Norway, 1980: 88).

For administrative and political purposes, the country is divided into 19 counties (fylker) and approximately 450 municipalities (kommuner). While the various counties and municipalities are

responsible for running a large number of vital welfare services, responsibility for organizing and financing the criminal justice system lies primarily with central government agencies, most notably the Ministry of Justice and Police.

2. Legal system.

It is difficult to classify the Norwegian legal system solely by reference to the various ideal categories of legal systems which are commonly cited. This is because the Norwegian legal system has largely been set up on a national level. The Norwegian system is most similar to the legal systems of the other Nordic countries, particularly those of Denmark and Sweden.

Norway does not have a general codification of private or public law corresponding to the Code Civil or Bürgerliches Gesetzbuch in civil law countries. It instead has comprehensive statutes codifying, among other things, central aspects of the criminal law and the administration of justice.

Norwegian courts do not attach the same weight to judicial precedents as members of the judiciary in common law countries traditionally have done. Neither are Norwegian courts bound by intricate rules concerning the admissibility of evidence; the basic rule is that all evidence is admissible. Court procedure is relatively informal and simple, and there is a strong lay influence in the judicial assessment of criminal matters and, to a lesser extent, civil matters. This lay influence is created through the use of both a jury system and a system whereby lay judges (without formal legal qualifications) sit with professional judges in the hearing of cases.

3. History of the criminal justice system.

The roots of the Norwegian legal system can be traced back more than 1,000 years to the institution of the Allting. This was a public gathering of yeomen, who convened to settle disputes and make laws for the local district. These types of meetings were in existence well before the country was united as one kingdom under King Harald Haarfagre in the late 9th century. During the 10th century, there arose the institution of the Lagting, which was a more formal and less localized body exercising legislative, judicial, and executive powers in relation to a particular area. These bodies were composed of appointed representatives of local communities, officials of the King, and members of the clergy.

In the late 13th century, under the direction

of King Magnus Lagabote (Magnus the Lawmender), the regional laws created by the Lagting were gathered together and codified under one national law called the Landslov. The second major codification of Norwegian law took place in 1687, during the period when Norway was in union with, and ruled by, Denmark. This codification was initiated by the Danish King, Christian V. Upon dissolution of the union with Denmark at the end of the Napoleonic Wars, Norway adopted a Constitution on May 17, 1814. Amongst other things, the Constitution provided for the establishment of a parliamentary democracy and a constitutional monarchy.

Of particular relevance for the administration of criminal justice are Articles 20, 96, 99, and 102 of the Constitution. Article 20 empowers the King to pardon criminals, while Article 96 bans interrogation by torture and holds that no one may be convicted "except according to law", or be punished "except after a court judgement". Article 99 states that no one "may be taken into custody except in the cases determined by law and in the manner prescribed by law", and Article 102 bans the searching of private homes "except in criminal cases." Another relevant constitutional provision is Article 94, which provides for the publication of "a new general civil and criminal code."

The first comprehensive penal code was enacted in 1842. This was replaced by the General Civil Penal Code of May 22, 1902. While this Code is still in force, it is important to note that a Criminal Law Commission was appointed in 1980 to draft a new code. So far, work by the Commission has resulted in several amendments to the existing Code, plus a draft set of general provisions for the proposed new code. The draft set of new general provisions have not yet been sent out for a general hearing. (Almindelig borgerlig Straffelov 22. mai 1902 nr. 10; Ny straffelov - alminnelig bestemmelser, 1992; Oie, 1993).

Special rules on judicial procedure for criminal cases were first codified in statute form in 1887. This statute was replaced by the Act on Rules of Judicial Procedure in Penal Cases, which entered into force on January 1, 1986. Several important changes to this Act have been proposed recently. The bulk of these amendments were approved by Parliament on June 11, 1993 and entered into force in 1994. They were not expected to enter into force until 1994. (Lov om rettergangsmåten i straffesaker 22. mai 1981 nr. 25, the "Criminal Procedure Act"; To-instansbehandling, anke og juryordning i straffesaker, 1992; Oie, 1993).

The Penal Code and Criminal Procedure Act are

the two main laws governing the civil administration of criminal justice in Norway. The military administration of criminal justice is governed by two corresponding laws: the Military Penal Code of 1902 (Militoer Straffelov 22. mai 1902 nr. 13) and Military Criminal Procedures Act of 1900 (Lov om Rettergangsmaaden i militoere Straffesager 29. mars 1900 nr. 2).

CRIME

1. Classification of Crime.

*Legal classification. The Penal Code groups criminal offenses into felonies (forbrytelser) and misdemeanors (forseelser). The Criminal Law Commission, set up to draft a new Penal Code, has proposed the distinction between felonies and misdemeanors be eventually dropped from criminal law. (It is important to note that, unless otherwise specified, all legal references in this report are to laws as they existed on September 1, 1993. [Ny straffelov - alminnelige bestemmelser, 1992: 21]).

Felonies are, with some exceptions, offenses with a maximum penalty exceeding 3 months' imprisonment. The majority of felonies are defined and listed in Part 2 of the Penal Code, such as perjury, arson, racial discrimination, rape, defaulting on obligation to support dependents, slander and libel, larceny, embezzlement, damaging information and communication systems, murder, blackmail and robbery, fraud and breach of trust. (Penal Code Sect. 2, 163- 165, 167, 148, 135a, 192, 219, 246-248, 257-260, 255-256, 151b, 233, 266-269, 270-278).

Misdemeanors are generally minor offenses carrying a maximum penalty of 3 months' imprisonment. Examples of these types of offenses are found in Part 3 of the Penal Code. All breaches of the Road Traffic Act are defined as misdemeanors irrespective of whether or not they carry a maximum penalty of more than 3 months' imprisonment. (Vegtrafikklov 18. juni 1965 nr. 4; Penal Code, Sect. 31).

*Age of criminal responsibility. The minimum age at which one can be held criminally liable is 15. (Penal Code, Sect.46; Proposed new Penal Code, Sect. 37).

*Drug offenses. Drug offenses are set out in Sections 162 and 162a of the Penal Code and Section 22 and 43 of the Medicinal Goods Act.

The drugs covered by these laws are listed in the Narcotics Regulations issued by the Ministry of Social Affairs (Forskrift om narkotika m.v. 30. juni 1978 nr. 8). There are some 250 substances listed; salts and derivatives of the listed substances are also categorized as narcotics.

An ordinary drug offense pursuant to the Penal Code involves the illegal manufacture, introduction, acquisition, storage (as opposed to possession/besittelse), or transfer of narcotics, and is punished by a fine or imprisonment of up to 2 years. Imprisonment for a serious drug offense (grov narkotikaforbrytelse) can be imposed for a maximum of 10 years. (Lov om legemidler m.v. 20. juni 1964 nr. 5; Penal Code, Sect. 162).

Whether or not a drug offense is judged as serious (grov) depends on the type of drug involved, its quantity and the nature of the offense. If the quantity is "very significant", imprisonment will be imposed for a period of 3 to 15 years. In "particularly aggravating circumstances" (soerdeles skjerpene omstendigheter), an offender can be imprisoned for up to 21 years. (Andenaes and Bratholm, 1991: 289-291; Penal Code, Sect. 162).

A similar hierarchy of sanctions is provided for those who receive or make a profit from a drug offense or who assist other persons in receiving or making such a profit. A drug offense under the Medicinal Goods Act is defined as the illegal possession or use of narcotics, and the purchasing of narcotics under false pretenses. (Penal Code, Sect. 22, 43, 162a).

Note that, prima facie, the laws make no distinction between different kinds of narcotics; marihuana is treated the same as heroin or cocaine. The use of drugs in sport is not encompassed by the above laws. (Andenaes and Bratholm, 1991: 288-289).

2. Crime statistics.

The following crime statistics cover offenses reported to the police in 1991. The statistics are based on information entered into the country's central crime registration system, STRASAK, and on the results of questionnaires completed by police districts which in 1991 were not yet connected to STRASAK. Most of the statistics are taken from Kriminalstatistikk 1991/Criminal Statistics 1991, published in 1993 by the Central Bureau of Statistics. The definitions of the offenses upon which the statistics are based are taken from provisions of the Penal Code. The total number of reported felonies for 1991 was 252,311. The total number of

reported misdemeanors was 99,066. (Criminal Statistics 1991, 1993: 19).

*Murder. In 1991, there were 50 incidents of murder reported to police. (Criminal Statistics 1991, 1993: 19).

A person is guilty of murder (drap) if he or she intentionally "brings about" (forvolder) or "assists in bringing about" (medvirker) the death of another person. (Penal Code, Sect. 233).

*Rape. In 1991, 387 incidents of rape were reported to the police. (Criminal Statistics 1991, 1993: 19).

A person is guilty of rape (voldtekt) if he or she, either by using violence or making someone fear for their life or health, forces someone, or assists in forcing someone, to have "indecent intercourse." The concept of indecent intercourse (utuktig omgang) includes but is not limited to sexual intercourse involving penetration. (Andenaes and Bratholm, 1991: 103; Penal Code, Sect. 192).

*Larceny. In 1991, there were 177,071 incidents of larceny reported to police, accounting for 70.2% of all reported felonies. Of the total number of larcenies, 68,408 were cases of simple/minor larceny (simpelt tyveri), 85,976 were cases of serious/aggravated larceny (grovt tyveri) and 22,697 were cases of motor-vehicle theft. Motor-vehicle theft is defined in a self-explanatory manner in Section 260 of the Penal Code. (Criminal Statistics 1991, 1993: 19).

A person is guilty of larceny if he or she takes, or assists in taking, an object which, in whole or in part, belongs to another person, with the intention of making an unjustified gain (vinning) for himself or herself or for others. Whether the larceny is simple/minor or serious/aggravated depends on a variety of factors, including the value of the stolen goods, whether or not the larceny took place on public premises, and whether or not it involved burglary, use of weapons, explosives or the like. (Penal Code, Sect. 257-258).

*Serious drug offense. In 1991, there were 13,063 drug-related crimes reported to police, accounting for 5.2% of all reported felonies. Of these, there were 6,780 ordinary drug offenses and 588 serious drug offenses in relation to the Penal Code, while 5,695 incidents constituted drug offenses in relation to the Medicinal Goods Act. The number of reported drug offenses has increased five-fold during the last decade, and twenty-fold since 1970. (Criminal Statistics 1991, 1993: 19;

Kriminalitet og rettsvesen, 1992: 25.

*Crime regions. Crime statistics for Norway show that the rate of investigated felonies increases with the rate of population density. This would also appear to be the case with reported felonies. (Kriminalitet og rettsvesen, 1992: 27).

In 1991, Oslo county had the highest rate of investigated felonies, at 124 per 1,000 inhabitants. The counties of Vestfold, Aust-Agder, Buskerud, Vest-Agder and Ostfold had the next highest rates, with figures between 67 and 56 per 1,000 inhabitants. All of these counties have approximately 75% of their inhabitants living in developed (tettbygde) areas. The counties with the lowest rates of investigated felonies, Sogn-Fjordane (15 felonies per 1,000 inhabitants) and More-Romsdal (18 felonies per 1,000 inhabitants) have only approximately 50% of their population living in developed areas. The average rate of investigated felonies for the country as a whole was 52 per 1,000 inhabitants. (Criminal Statistics 1991, 1993: 24; Kriminalitet og rettsvesen, 1992: 27).

VICTIMS

1. Groups most victimized by crime.

Information on victims of crime has been gathered as part of general surveys on living conditions in Norway (Levekårsundersøkelser). This information is presented in summary form by the Central Bureau of Statistics in its publication, Kriminalitet og rettsvesen (2nd ed, 1992) at pages 15-20. All of the data cited below are derived from this publication.

In surveys on living conditions carried out in 1983, 1987 and 1991, a representative sample of the Norwegian population between 16 and 79 years old were asked whether or not they had been subjected to some form of violence or threat of violence during the previous year. Of those asked in 1991, 5%, or approximately 170,000 persons, answered in the affirmative. (The survey figures for 1987 and 1983 were 5% and 4%, respectively.) Approximately a third of those persons answering yes had suffered manifest bodily injury as a result of the violence.

In 1991, approximately 11% of surveyed males between 16 and 24 years old had been subjected to violence or the threat of violence. The equivalent figures for females between 16 and 24 years old, for males over 45 years of age, and for

females over 45 years of age were approximately 9%, 3% and 2%, respectively. The figure for those living in urban areas was approximately 7%; it was 2% for those living in rural areas.

Approximately half of those persons who had been subjected to violence or the threat of violence had been subjected to it several times during the year. Women, more than men, were subject to violence in their own home; men, more than women, were subject to violence while out in restaurants, bars, cafes, or other public places.

Murder victims are usually males. In 1990, for example, 35 of the 46 reported murder victims were men; 3 of the victims were under 15 years old. In the age groups of 15-20, 21-30 and 31-40, 8, 12 and 12 persons had become murder victims, respectively. In a third of the cases, the victim and offender were members of the same family or living together. In two-thirds of the cases, both were under the influence of drugs or alcohol. In almost half of the cases, the murder was the result of an argument.

In 1991, 14% of the population, or approximately 480,000 persons, reported that they had possessions stolen or damaged during that year. Half of these cases concerned theft: 20%, both theft and damage; 30%, damage only. Of those persons living in large towns, 21% reported having had possessions stolen. The corresponding figure for those living in rural areas was 8%.

There are several weaknesses with these victim surveys. For example, they do not include persons under 16 years old or provide detailed information on the socio-economic status of crime victims. It is worth noting that in 1992, a special committee appointed by the Ministry of Justice and Police to investigate the legal position of crime victims criticized the paucity of detailed crime victim data in Norway. The committee recommended, among other things, that the system whereby statistics are collated on criminal offenses reported to and investigated by the police should be extended to include essential data on the victims of those offenses. (Sterkere vern og pkt stppte for kriminalitetsofre, 1992: 8, 13).

2. Victims' assistance agencies.

As of 1990, there were 46 crisis centers spread throughout Norway offering assistance to women and children who had been subject to rape or other physical or psychological abuse. There were also 41 crisis telephone services for women, along with several telephone services for men who have been the victims of incest. Children who are victims of incest are offered assistance by a support center in Oslo (Stottesenter mot incest),

which has been operating since 1986. (Sterkere vern og okt støtte for kriminalitetsofre, 1992: 70).

A national association for victims of violence (Landsforening for voldsofre og motarbeiding av vold) was established in 1989, with the aim of assisting victims and campaigning for measures to reduce the extent of violence in Norwegian society. Very few programs are in place that specialize in providing support for elderly victims of violence. One such program has been initiated in the town of Skien and another in Manglerud, Oslo. (Sterkere vern og okt støtte for kriminalitetsofre, 1992: 70-71).

Most of the above programs are run on a private, voluntary basis. Some funding is provided by the State, such as for the crisis centers for women.

3. Role of victim in prosecution and sentencing.

In Norwegian law, the crime victim plays a peripheral role in the prosecution and sentencing process. It is the State which is accorded the responsibility of prosecuting and sentencing criminal offenders. The victim's role in this process is limited generally to providing, as a witness, evidence on the matter in question. It should be noted that there is presently no system whereby a "Victim Impact Statement" is made out and submitted to the court as a supplement to the pre-sentence report, although the introduction of such a system has recently been recommended. (Sterkere vern og okt støtte for kriminalitetsofre, 1992: 36).

In certain situations, the victim will have extended rights in the prosecution process, such as in cases where the victim institutes a private prosecution or becomes a party to the prosecution. The victim will then have a right, for instance, to examine witnesses. The victim will also have a right to be acquainted with case documents during the main court hearing. Generally, this right is not expressly accorded to victims, even though they do have a right to be acquainted with case documents during the pre-trial investigation. (Criminal Procedures Act, Sect. 242,404,402).

Since 1991, it has been possible for the prosecuting authority to decide that certain criminal matters may be settled out of court through negotiations between the offender and victim, with an extra-judicial body called the Conflict Board (konfliktråd) present as an arbitrator. Several conditions must be fulfilled before this can occur. The offense must not be so serious as to incur imprisonment, the offender must be proved guilty of the alleged offense, and

both the offender and victim must consent to the matter being settled out of court in the way described. (Criminal Procedures Act, Sect. 71a).4. Victims' rights legislation.

There is no victims' rights legislation as such. Rather, provisions giving victims certain rights have been incorporated into more general laws, such as the Criminal Procedures Act (CPA), the Injury Compensation Act (Lov om skadeserstatning 13. juni 1969 nr. 26) and the Legal Aid Act (Lov om fri rettshjelp 13. juni 1980 nr. 35).

An example of such a provision is Section 456 of the Criminal Procedures Act, which states that a compensation claim ordered to be paid to a victim takes priority over a claim by the State that the offender pay a fine. In addition, Section 107a provides that in cases involving a contravention of Sections 192 to 196 of the Penal Code (sexual offenses), the victim is entitled to the assistance of a lawyer, who is paid by the State. The lawyer is permitted to be present during the main hearing of the case, is given limited rights to assist the victim when he or she is questioned in court, and must be given access to the case documents. In most other cases, it is the victim who must bear the costs of engaging a lawyer to assist him or her during the prosecution process. (Criminal Procedures Act, Sect. 107c, 264a).

Women who have been mistreated or abused are entitled to free legal advice, irrespective of their assets or income. They are also entitled to the free assistance of a lawyer during the prosecution process, although this lawyer does not have the same rights as those lawyers appointed pursuant to Section 107a of the Criminal Procedures Act. Victims of violence are also allowed free legal advice irrespective of their assets or income (Ministry of Justice, Circulars G-38/89, G-62/87, G-101/83).

A victim has the right to demand compensation for losses suffered as a result of being physically or mentally injured by an offender. The type of loss for which compensation can be claimed is usually economic only, although there are certain exceptions noted in the Injury Compensation Act. Compensation can be demanded from the offender, by mounting a civil legal claim, for example, or from the State. (Injury Compensation Act, Sect. 3-2, 3-3, 3-5; State Regulations of January 23, 1981).

POLICE

1. Administration.

There are 5 police regions, among which are

54 police districts. The districts are led by police commissioners (Politimestre), who have as their immediate subordinates, deputy police commissioners (Politiinspektorer), assistant commissioners (Politiadjutanter) and superintendents (Politifullmektiger). Police commissioners and deputy police commissioners are appointed by the King in Council. The other two classes of officials are appointed by the Ministry of Justice and Police. (Kriminalitet og rettsvesen, 1992: 40; Public Prosecution Authorities and Police in Norway, 1992: 4).

The police force is administered directly by the Ministry of Justice and Police. It is also subordinate to the Public Prosecution Authority (den offentlige pttalemyndighet) with regard to the investigation and prosecution of crimes. The police commissioners and their immediate subordinates form the first instance of the Public Prosecution Authority, which is headed by the Director General of Public Prosecutions (Riksadvokaten). (Administration of Justice in Norway, 1980: 51; Criminal Procedures Act, Sect. 55).

The Director General is appointed by, and directly accountable to, the King, independent of the Ministry of Justice. He or she is assisted by 40 Public Prosecutors or State Attorneys (Statsadvokater), 37 of whom are assigned to particular geographical jurisdictions. There are 9 such jurisdictions. In addition, there are 8 Public Prosecutors attached to the recently established Central Unit for the Investigation and Prosecution of Economic and Environmental Crime. All Public Prosecutors or State Attorneys are lawyers and appointed by the King. (Norges Statskalender 1993, 1993: 194-195; Politi og pttalemyndighet, 1988: 12-13).

In rural areas, police duties are carried out by sheriffs (Lensmenn), each of whom has general administrative authority in relation to a defined district. There are 370 such districts. (Politi og pttalemyndighet, 1988: 28). As a police officer, a sheriff is accountable to the local police commissioner. (Police Act, Sect. 6).

There are several special units to the police force, all of which are administered centrally. These include the National Bureau of Crime Investigation (Kriminalpolitisen - "Kripos"), the Police Security Service (Politiets Overvåkingstjeneste), the Police Computing Service (Politiets Datatjeneste), the Police Equipment Service (Politiets Materielltjeneste) and the Mobile Police (Utrykningspolitiet). There is also a small specialist anti-terror squad based in Oslo. (Public Prosecution Authorities and Police in Norway, 1992: 6-7).

The functions and tasks of the police are many and varied, ranging from the usual maintenance of law and order, the investigation and prevention of crime, to more specialized administrative tasks, such as immigration control and control of lotteries and gambling. The main rules governing the functions and tasks of the police force are found in the Police Act of 1936 (Lov om politiet 13. mars 1936 nr. 3), the Police Instruction of 1990 (Alminnelig tjenesteinstruks for politiet 22. juni 1990), the Surveillance Instruction of 1977 (Overvåkingsinstruks 25. november 1977), the Weapon Instruction of 1989 (Våpeninstruks for politiet 1. august 1989), the Criminal Procedures Act of 1981 and the Prosecution Instruction of 1985. (Forskrift om ordningen av pttalemyndigheten 28. juni 1985 nr. 1679).

It should be noted that the fundamental right of police to maintain public order is based on customary law and not set down in statute. However, this right was included in a proposal for a new Police Act, drafted in 1991 and submitted to Parliament in 1994. (Odelstingsproposisjon nr. 83, 1992-1993).

The police are completely independent of the military forces. In certain emergency situations, such as rescue operations and natural catastrophes, the police can seek the assistance of the military when there are insufficient civilian resources to cope with the situation. In such cases, the military forces are under command of the police and must follow the laws which regulate police actions. (Police Instruction, Chapt. 14).

2. Resources.

*Expenditures. In 1993, the police force was allocated NOK 2,857,267,000. The sheriff force was allocated NOK 875,548,000. These sums do not include money allocated to the Norwegian Police Academy or the Police Equipment Service. (Driscoll, 1993).

*Number of police. In 1993, there were 6,827 police officers, including officers serving in the sheriff force.

As of 1991, there were 374 female police/sheriff officers. While there are no figures available on the number of female officers for 1992 and 1993, it is estimated that in 1993 women comprised about 8%-9% of police officers and 4% of sheriff officers. As of 1993, there were 2 female police commissioners.

All police officers in 1993 had a Norwegian background, except for one woman from Pakistan.

There were also several other officers who were born in other countries but adopted and raised by Norwegian families. (Driscoll, 1993).

3. Technology.

*Availability of police automobiles. As of August 1993, there were approximately 1,620 police automobiles. Approximately 1,000 of these were State-owned; the rest were rented. In addition, there were 86 motorcycles, all of which were State-owned. (Hagen, 1993).

*Electronic equipment. Computer technology is used by the police force for a variety of purposes, including reporting crimes, gathering and processing crime statistics, budgeting, accreditation of officials and fingerprinting. (An Automated Fingerprint Identification System [AFIS] has been in use with the National Bureau of Crime Investigation since the beginning of 1985. [Politiets Datatjeneste, 1993: 25]).

All police and sheriff stations have on-line links to a central computer network maintained by the Police Computing Service. At present, police cars are not mounted with mini-computer terminals, but there are plans to mount a fleet of police cars with such equipment later this year. Mobile telephones, radio equipment and radar guns are also widely used. (Haukaas, 1993; Politiets trbok 1991, 1991: 18-21; Politiets Datatjeneste, 1993).

*Weapons. The most common type of weapon with which police arm themselves is a wooden baton. There are 2 main types of guns available for use by ordinary police officers: US carabiners (30 caliber) and Smith & Wesson revolvers (model 10). Machine guns are available to specially selected police units, such as the anti-terror squad. There are light bullet-proof vests for approximately half of the operative police force. They are distributed unequally between the various police districts depending on need. Almost all police officers on patrol in Oslo have bullet-proof vests. There are also approximately 2,000 heavy bullet-proof vests and helmets distributed between the police districts. (Hagen, 1993).

4. Training and qualifications.

Persons seeking to be recruited into the police force as ordinary service personnel must be between 21 and 30 years old, have Norwegian citizenship, and be of good health, character and standing. (Police Act, Sect. 13). They must also have completed a 3-year training course run by the

National Police Academy (Politihogskolen) in Oslo. This training course involves 1 year of studies at the academy, followed by 1 year of practical training at police stations, and then a year of further study back at the academy.

(Politihogskolen, 1993: 8). At present, there are no compulsory postgraduate courses for service personnel, although such courses have existed in the past. Those seeking to be recruited to the upper echelons of the police force, such as the rank of superintendent, must have completed a university degree in law. (Police Act, Sect. 4).

5. Discretion.

*Use of force. Section 67 of the Criminal Procedures Act provides the police with general authority to investigate and prosecute cases of crime. It also provides the police with authority to seek court permission to apply certain coercive measures, such as arrest and seizure of property, during the investigation and prosecution process. These coercive measures are described in Chapters 14-17 of the Criminal Procedures Act and amplified in Chapters 8-11 of the Prosecution Instruction of 1985.

Rules governing the use of weapons by police are contained in the Weapon Instruction (WI) of 1989 (Våpeninstruks for politiet 1. august 1989). The instruction covers the use of guns, explosives, gas and batons. Batons and gas can only be used in "especially dangerous situations" or when police cannot carry through a task without being subject to a risk of injury. (Weapon Instruction, Sect. 17).

Guns shall only be used as a "last option", when: (a) police or others are threatened by weapons or violence and the use of guns seems necessary to prevent the loss of human life or serious injury; or (b) it is necessary to immediately apprehend a person who is suspected of, or charged with, a serious violent offense, including attempts at such offenses, or a person who is otherwise seen as being of special danger to national security, to life or health; or (c) it is necessary to prevent serious damage to foreign property, or when especially important interests of society are threatened. (Weapon Instruction, Sect. 19).

Before using weapons, police must consider the danger or risk of injury to which outsiders will be subjected. If circumstances allow, they must initially warn a person that weapons will be used against him or her if he or she does not obey police orders. They must also fire a warning shot. Explosives can only be used in order to gain access to locked or barricaded premises, when

the conditions in Section 19 of Weapon Instruction are fulfilled, and upon an order from a police commissioner. (Weapon Instruction, Sect. 20,22).

Police on routine patrol do not carry guns. Police commissioners can authorize that handguns be taken by police when patrolling by car. In such cases, the weapons and ammunition must be kept in locked cabinets in the patrol cars. Special police units can carry other types of weapons, if permitted by the Ministry of Justice. Police are allowed, on a case by case basis, to carry guns in certain dangerous situations. (Weapon Instruction, Sect. 5, Sect. 10-11).

*Stop/apprehend a suspect. Information not available.

*Decision to arrest. The major legal requirements that must be met before a person can be arrested by the police are provided in Chapter 14 of the Criminal Procedures Act. Generally, the decision to arrest a person must be made by an official of the Public Prosecuting Authority, which includes the higher-ranking police officials, or a court. An ordinary police officer or private citizen may make an arrest on his or her own initiative if delay "entails any risk." However, these sorts of arrests must subsequently be ratified as soon as possible by the Public Prosecuting Authority. (Criminal Procedures Act, Sect.175,176,179). There are no statistics available on the number of arrests made without a warrant.

Whether a person is arrested depends primarily on the type of penalty for the offense he or she is suspected of having committed, along with the risk that he or she will try to evade prosecution and/or commit another crime. Section 171 of the Criminal Procedures Act states that any person who is suspected "with just cause" of committing a felony punishable by more than 6 months' imprisonment may be arrested when: (1) "there is reason to fear that he will evade prosecution or the execution of a sentence or other precautions"; (2) "there is an immediate risk that he will interfere with any evidence in the case..."; (3) "it is deemed necessary in order to prevent him from again committing a criminal act punishable by imprisonment for a term exceeding 6 months"; or (4) "he himself requests it for reasons that are found to be satisfactory.[...]" None of these four conditions need to be met in order to arrest a person suspected of a felony punishable by imprisonment of 10 years or more. Such a person may be arrested if he or she confesses to the felony or there are circumstances "that strengthen the suspicion to a marked degree." (Criminal

Procedures Act, Sect.171,172).

Persons "caught in the act" of committing a crime may be arrested irrespective of the penalty the crime incurs. This is also the case when there is "reason to fear" that a suspect will evade prosecution by fleeing abroad. After being arrested, a person must be brought before a court "as soon as possible and as far as possible on the day following the arrest", so that an order can be issued that the person be remanded in custody. (Criminal Procedures Act, Sect. 173,183-184).

It is possible for police to detain a person for up to 4 hours without arresting him or her. This temporary detention can be imposed on persons who "disturb the public peace and order", or who do not comply with a police request to give their name, age and place of residence, or who are found in the vicinity of a place where a felony is "deemed" to have occurred immediately beforehand. Further guidelines on when and how police may detain persons who disturb the public peace and order are provided in Chapt 9 of the Police Instruction. (Criminal Procedures Act, Sect.191).

*Search and seizure. The police may search a person's premises if that person "is with just cause suspected of any act punishable by law with imprisonment." The police may also conduct a bodily search of such a person "if there is reason to assume that it may lead to the discovery of evidence or of objects that may be seized." Pursuant to Sect. 157 of the Criminal Procedures Act, it is also possible to conduct a physical examination of a suspect during a court inquiry. (Criminal Procedures Act, Sect. 192,195)

In certain circumstances, police can search the premises of persons other than the suspect and to conduct bodily searches of these persons. All searches must be made pursuant to a court order, unless the person concerned consents to the search, is "caught in the act" or there is "strong suspicion" of an act punishable by more than 6 months' imprisonment and there is an "immediate risk that the purpose of the search will otherwise be thwarted." Searches should be conducted "as far as possible" in the presence of an independent witness. Upon being arrested, a person may also be searched in order to find and dispossess him or her of anything that may be used for the purpose of violence or escape. (Criminal Procedures Act, Sect. 178,192-195,197,198,199).

Any objects "deemed to be significant as evidence" may be seized. Seizure will normally be the result of a written decision of the Public Prosecution Authority or a court, but a police officer can effect a seizure on his or her own initiative "when carrying out a decision to make

an arrest or search, and otherwise when delay entails a risk." Any seizure may be challenged in a court. (Criminal Procedures Act, generally Chapter 17, Sect. 203,205,206,208).

*Confessions. Police have no authority to order any person, including suspects, to make a statement. However, they can record any statements that are made by the suspect. Suspects must be informed that they are not obliged to make any statement, before they are examined. In addition, persons conducting an examination of a suspect, such as the police, prosecuting authority, and court, must not use "promises, false information, threats or coercion", or "any means that reduce the level of consciousness or ability of the person charged to make up his own mind freely." (Criminal Procedures Act, Sect. 92,230,232).

If the suspect admits to having committed a crime, he or she must then be asked whether s/he admits being guilty and liable to a penalty. If an unreserved confession is made, the suspect must be asked whether he or she consents to the case being adjudicated in a court of summary jurisdiction. (Criminal Procedures Act, Sect. 233).

6. Accountability.

Complaints alleging that police have breached criminal law in carrying out their duties are handled by special investigatory bodies, independent of the Ministry of Justice and Police and subordinate to the Director General of Public Prosecutions (Riksadvokaten). All cases in which police actions have resulted in a person's death and/or serious bodily injury must be investigated by such bodies, irrespective of whether or not a complaint has been made. It is up to the Riksadvokat to decide whether or not to prosecute the police. (Prosecution Instruction; Sect.7-2, 34-6; cf Chapt 34; cf s 34-8).

Allegations of police acting in breach of discipline are handled by special committees (ansettelsesråd) attached to each police department. Decisions reached by these committees can be appealed to the Ministry of Justice and Police. The Ministry also handles general complaints about police behavior. (Aukrust, 1993).

PROSECUTORIAL AND JUDICIAL PROCESS

1. Rights of the accused.

*Rights of the accused. The rights of the accused are described in the Criminal Procedures Act. The accused must be informed of the nature of the charge(s) brought against him or her upon being arrested and attending court for the first time. The accused must also be given the chance to refute the grounds on which the charge is based. (Criminal Procedures Act, Sect.90,92,171).

Although the accused has a general right to attend court proceedings and to summon and examine witnesses, the court can order him or her to leave the courtroom while a witness is being examined "if there is special reason to fear that an unreserved statement will not otherwise be made." The accused must be informed subsequently of the proceedings that occurred in his or her absence. In special circumstances, such as if national security interests are at stake, the accused may be entirely excluded from the proceedings. (Criminal Procedures Act, Sect. 135,245).

The court's verdict must be communicated to the accused as soon as possible, along with information on rights of appeal. Court judgements and orders are to be accompanied by reasons. (Criminal Procedures Act, Sect.39-41,43,52).

The accused has the right to bring appeals against court verdicts, both on questions of fact and questions of law. There are, however, several limitations on the exercise of this right. For example, appeals to the Supreme Court, which is the highest judicial body, can only take place if permitted by the Court's Appeals Selection Committee (Kjoeremflsutvalget). Moreover, the general rule is that such appeals can only be based on alleged errors of law. In other words, the Supreme Court is unable to try questions of evidence related to the issue of guilt. (Administration of Justice in Norway, 1980: 65-66; Criminal Procedures Act, as amended new Chapt 23, Sect. 323, 1993).

The accused do not have the right to have their cases tried by jury. As a basic rule, however, appeals from verdicts reached by the court of first instance on cases concerning felonies punishable by more than 6 years' imprisonment are dealt with by the High Court (Lagmannsrett). In these cases, there is a jury (lagrett) present to decide the question of guilt. (Criminal Procedures Act, new Chapt 24, as amended, 1993).

*Assistance to the accused. As a general rule, the accused is entitled to the assistance of defense counsel of his or her choice during all stages of the judicial process. The accused is also provided with the free assistance of defense counsel, chosen by the court, during the main

court hearing. There are several exceptions to the latter rule, such as if the case involves a certain minor offense, like driving under the influence of alcohol, or when the accused has made an unreserved confession. However, these exceptions apply only in cases tried by the City or District Court. (Criminal Procedures Act, Sect. 94,96,100,107,262).

2. Procedures.

*Preparatory procedures for bringing a suspect to trial. Once a person has been arrested, he or she is brought before the court of examination and summary jurisdiction (forhørsretten). This court decides whether or not the person shall be remanded in custody. The prosecuting authority then prepares a formal indictment (tiltalebeslutning), which it serves on the accused. The indictment contains information on the time, place and object of the coming trial and legal details on the nature of the charge. (Criminal Procedures Act, Sect. 184,184a).

When the relevant 1993 amendments to the CPA enter into force, all criminal matters will initially be brought to the District and City Courts. Appeals will be brought before the High Court, though in special circumstances they will be able to go directly to the Supreme Court. Previously, the most serious criminal cases were tried by the High Court at first instance. It was also much easier to bring appeals from decisions reached by the District and City Courts directly before the Supreme Court, bypassing the High Court in the process. (Criminal Procedures Act, new as amended, Sect.5,6,8, 1993).

*Official who conducts prosecution. The Public Prosecution Authority is responsible for deciding whether to prosecute and for conducting the prosecution. For very serious felonies, such as murder, the decision to prosecute lies with the Director General of Public Prosecutions. Responsibility for prosecuting most other types of felonies lies with the State attorneys/Public Prosecutors. Police Commissioners and their immediate subordinates are also part of the Public Prosecution Authority and have the power to prosecute more minor cases, which are typically misdemeanors. (Administration of Justice in Norway, 1980: 51-52).

On August 27, 1993, a Royal Resolution was issued, extending police prosecution powers to encompass different types of felonies, such as breaking and entering, falsification of documents, larceny, fraud and vandalism. (Criminal Procedures Act, new as amended, cf newly amended, Sect.67,

1993).

*Alternatives to trial. Minor offenses can be settled by the police serving a writ prescribing payment of an optional fine (forelegg) upon the accused. This type of writ is usually served in minor traffic and customs offenses. If the fine is paid, there are no further judicial proceedings. If the fine is not paid, the matter can be prosecuted in court using simplified proceedings. For instance, a District Court judge could decide the matter summarily. This simplified court procedure is also employed when an accused person makes an unreserved confession for a crime not punishable by more than 10 years' imprisonment, and the confession is corroborated by evidence. (Criminal Procedures Act, new as amended, Sect. 248, 1993; Kriminalitet og rettsvesen, 1992: 42).

An ordinary court trial can also be avoided: (a) in cases where the prosecuting authority decides not to prosecute, often with the condition that the offender undertakes not to engage in further criminal behavior; (b) in cases involving persons under the age of 18, which are left to be decided by municipal child welfare boards; and (c) in cases which can be settled by arbitration through the Conflict Board. (Criminal Procedures Act, Sect. 69; Kriminalitet og rettsvesen, 1992: 42).

*Proportion of prosecuted cases going to trial. Investigations of felonies completed by the police in 1991 resulted in 58,600 charges being brought against 22,400 persons; 70% of the charges, and approximately half of the persons charged, ended up in trial. (Criminal Statistics 1991, 1993: 29,144).

Of cases involving felonies which were investigated in 1991, 77% were not cleared up by the end of the year. Only 11% to 14% of cases involving larceny were successfully investigated, while figures for cases involving murder and serious drug offenses were 84% and 89%, respectively. Of those cases which were cleared up in 1991, 19.5% resulted in charges being laid, of which 69.5% went to trial. (Criminal Statistics 1991, 1993: 27,28,51).

Just as the proportion of cases successfully investigated varies by type of offense, so does the proportion of cases going to trial, though often to a smaller extent and not in the same pattern. Approximately 75% to 80% of charges involving larceny went to trial in 1991. The figures for ordinary drug crimes, serious drug crimes and murder were approximately 78%, 97% and 80%, respectively. These percentages were

calculated using numerical data from Criminal Statistics 1991. (1993: 53-55).

Pre-trial incarceration conditions. A court of examination and summary jurisdiction (forhørsretten) can decide that an arrested person be remanded in custody if any of the conditions set out in Sections 171, 172 or 173 of the Criminal Procedures Act are fulfilled. Pre-trial incarceration shall be "as short as possible and must not exceed 4 weeks", but it can be extended by up to 4 weeks at a time. (Criminal Procedures Acts, Sect. 184, 185).

There is a provision for a person to forgo arrest or be released from custody subsequent to arrest if he or she gives certain guarantees. However, this practice is rarely applied. (Andenaes, 1993: 126; Criminal Procedures Act, Sect. 181,188).

*Bail procedure. Information not available.

*Proportion of pre-trial offenders incarcerated. In 1991, just over 20% (533 persons) of the total average number of prisoners were in custody awaiting trial. (Criminal Statistics 1991, 1993: 124,128).

JUDICIAL SYSTEM

1. Administration.

At the top of the judicial hierarchy is the Supreme Court (Høyesterett), located in Oslo. Directly below the Supreme Court is the High Court (Lagmannsrett). There are 5 High Courts, each covering a separate but parallel territorial jurisdiction in Eidsivating, Agder, Gulating, Frostating and Hålogaland. Below the High Court are the District and City Courts (Herredsrett and Byrett), which function ordinarily as the courts of first instance. There are 98 District and City Courts. (Kriminalitet og rettsvesen, 1992: 72-73).

The majority of criminal matters are settled summarily in the forhørsrett. In 1990, for example, 35,200 criminal matters went to the District and City Courts, of which two-thirds, or 23,800, were settled in the forhørsrett. Also in 1990, less than 2% of all criminal matters were handled by the High Court at first instance. (Kriminalitet og rettsvesen, 1992: 74).

2. Special courts.

The majority of special courts which have been established hear only particular kinds of civil matters. For instance, there is a Court of Impeachment (Riksretten) to hear criminal charges brought against government ministers, members of parliament and Supreme Court judges, although it is rarely used. (Administration of Justice in Norway, 1980: 88).

There is also the Court Martial which hears criminal charges on members of the military (Krigsretten). This court is made up of one professional judge and 2 military lay judges. (Administration of Justice in Norway, 1980: 83).

3. Judges.

*Number of judges. The Supreme Court is served by a Chief Justice (Justitiarius) and 17 judges. Attached to the High Court are 84 judges (lagdommere), while 238 judges (embetsdommere) and 156 deputy judges (dommerfullmektiger) are employed at the District and City Courts. (Kriminalitet og rettsvesen, 1992: 72-73).

*Appointment and qualifications. All judges are appointed by the King in Council upon the recommendation of the Ministry of Justice. To be appointed, judges must be Norwegian citizens, financially solvent, and have achieved high university grades when studying for their law degree. Jurists from all professional backgrounds can be appointed as judges. There is no formal system of promotion through the court hierarchy. Deputy judges tend to be relatively young and often have just graduated law school. (Administration of Justice in Norway, 1980: 89).

Lay judges can participate in the hearing of cases. Usually one professional judge and two lay judges hear criminal cases at the District and City Courts. Amendments to the CPA in 1993 have made it possible for more serious cases to be heard at first instance by two professional and three lay judges. Previously, these cases went straight to the High Court for a first instance hearing. (Criminal Procedures Act, new as amended, Sect. 276, 1993).

PENALTIES AND SENTENCING

1. Sentencing process.

*Who determines the sentence? Sentences issued by the courts of first instance (District and City

Courts) are determined by a collegium of two lay judges and one professional judge. However, 1993 amendments to the Criminal Procedures Act make it possible for this collegium to be expanded to three lay judges and two professional judges for more serious cases. The 1993 amendments also provide that sentences issued by the High Court are to be determined by three professional and four lay judges. (Lov om domstolene 13. august 1915 nr. 5). (Courts Act, cf Sect. 12,14; Criminal Procedures Act, new as amended, Sect. 276, 332, 1993).

In cases tried by jury, sentences will be determined by the professional judges, the jury foreman and three jury members. Sentences issued by the Supreme Court are always determined by professional judges. If application of the law is upheld, an appeal court cannot alter the sentence, "unless it finds that the penalty is obviously disproportionate to the criminal act committed." (Criminal Procedures Act, new as amended, Sect. 344,376e, 1993).

*Is there a special sentencing hearing?
Information not available.

*Which persons have input into the sentencing process? Courts and the prosecuting authority can order that a social inquiry on the charged person be conducted in order to assist them in determining an appropriate penalty. (Criminal Procedures Act, Chapter 13). There is also provision for the appointment of various experts to serve either in the capacity of witnesses or in the capacity of lay judges. (Criminal Procedures Act, Chapter 11; Criminal Procedures Act, new as amended, Sect. 277,332, 1993).

2. Types of penalties.

*Range of penalties. The main types of penalties for criminal actions are imprisonment, social service, and fines. The maximum prison sentence is 21 years, of which approximately one such sentence is imposed each year. Crimes that are punished by imprisonment of up to 21 years include murder, rape and serious drug offenses. (Kriminalitet og rettsvesen, 1992: 58; Penal Code, Sect. 15; Penal Code, proposed new, Sect. 40).

Offenders can also receive a suspended prison sentence (betinget dom). Suspended prison sentences are usually given to young and/or first-time offenders for lesser crimes. In 1990, 1 in 3 felonies was punished with a suspended prison sentences, either alone or in addition to payment of fines. (Kriminalitet og rettsvesen,

1992: 58).

Community service involves an offender doing unpaid community work for a set time period, with a maximum of 360 hours. It is usually imposed for crimes which can be punished by up to 1 year in prison. It can be combined with payment of fines and, in special circumstances, with a short period of imprisonment. A subsidiary term of imprisonment (subsidiær fængselsstraff) is usually fixed at the same time that a penalty involving community service and/or payment of a fine is imposed. The subsidiary term of imprisonment takes effect if the community service is not carried out satisfactorily or the fine is not paid. (Penal Code, Sect. 28,28a-28c; Penal Code, proposed new, Sect. 40,53,57,61).

Another type of penalty is detention (hefte), a form of custodia honesta rarely applied and dropped in the proposed new Penal Code. However, the proposed Code retains the penalty of preventive detention (forvaring). Persons who have repeatedly committed felonies of a serious nature and whom a court suspects will commit such crimes once released from prison can be held back in preventive detention. Other penalties which are retained in the proposed new Code include: forfeiture of public and/or private office; loss of the right to vote and to engage in certain enterprises; and prohibition from entering or staying in certain areas. (Penal Code, Sect. 29-33; Penal Code, proposed new, Chapter 9,10).

*Death penalty. There is no death penalty.

PRISON

1. Description.

*Number of prisons and type. On July 2, 1993, there were 48 prisons, of which 5 were central prisons (landsfængsler) and 43 were regional prisons (kretsfængsler, hjælpefængsler and arbejdskolonier). One of the central prisons (Bredtvedt) was for females only. Most other prisons contained prisoners of both sexes. Larger prisons had special sections just for women. There were no prisons solely used for juveniles. (Fridhov, 1993).

*Number of prison beds. On July 2, 1993, there were 1,831 places for prisoners in closed prison institutions (lukkede anstalter) and 941 places in open institutions (åbne anstalter) (Fridhov, 1993). In open institutions there are no special security

measures taken to prevent prisoners escaping, unlike those taken in closed institutions.

*Number of annual admissions. In 1991, there were 11,497 new admissions and 550 re-admissions to penal institutions, indicating a 6% increase from the previous year. (Criminal Statistics 1991, 1993: 123, 129).

*Average daily population/number of prisoners. In 1991, the average daily number of prisoners was 2,548, of which 124, or approximately 5%, were women. A total of 4% of those admitted to prison in 1991 were foreign citizens residing in Norway, of which over half had originally come from Europe (mainly from northern Europe), 9% from America, 14% from Africa and 28% from Asia. A total of 5% of those admitted to prison were of unknown citizenship. (Criminal Statistics 1991, 1993: 125).

*Actual or estimated proportions of inmates incarcerated. The following is the percentage of convicted offenders admitted into prison in 1991 by crime type. (Criminal Statistics 1991, 1993: 126).

Drug Crimes	9%
Violent Crimes (includes sexual offenses, various forms of bodily violence, murder)	12%
Property Crimes (includes theft)	15%
Other Crimes (includes fraud, drunken driving, traffic offenses)	40%
Unknown	24%

2. Administration.

*Administration. All prisons in Norway are financed and administered by the State.

*Number of prison guards. On July 2, 1993, there were 1,534 prison guards. (Fridhov, 1993).

*Training and qualifications. Those seeking recruitment as prison officers must be Norwegian citizens, between 21 and 35 years old, and be of good health and character. They must also have successfully completed secondary schooling. (Lov om fengselsvesenet 12. desember 1958 nr. 7; Prison Act, Sect. 6).

All recruits must then complete a 2 year course of study at the Norwegian Prison College (Fengselsskolen) in Oslo, followed by one year's compulsory service in the prison system. (Fridhov, 1993).

*Expenditure on prison system. In 1992, approximately NOK 1,200,000,000 was spent on prisons. This sum includes money spent on building and maintaining prison facilities but does not include money spent on education, health and culture programs for prisoners. (Fridhov, 1993).

3. Prison Conditions.

*Remissions. As a general rule, prisoners are released on parole before the period for which they have been sentenced has expired. Normally, they are released once they have served at least two-thirds of their sentence, which must at least be 2 months, including time spent in custody. In special circumstances, a prisoner can be released on parole after half of the sentence has expired, but this rarely occurs. (Andenaes, 1991: 357; Prison Act, Sect. 35,36).

*Work/education. There are compulsory work schemes for prisoners. However, those serving short prison sentences may avoid having to participate in these schemes if it is difficult to find appropriate work activities for them. Prisoners are paid for their work. (Prison Act, Sect. 17,18).

Prisoners can participate in programs run by the Ministry of Education. These programs are offered at all educational levels (primary, secondary and tertiary). (Andenaes, 1991: 351).

*Amenities/privileges. Prisoners have visitation rights, postal correspondence rights, the right to lodge written complaints, and the right to be allowed outdoors for at least an hour each day. (Prison Act, Sect. 22-25).

Most prisons have a priest who holds regular church services for prisoners and helps organize social events. At the larger prisons, there are also social workers and sports and recreation advisors whom prisoners can consult. Prisoners are normally allowed to have televisions, radios and magazines in their cells. In special circumstances, they are also allowed to leave prison for short periods, such as to visit a sick relative. (Andenaes, 1991: 352; Prison Act, Sect. 34).

There are no special treatment programs for prisoners beyond ordinary medical services, although it is possible to transfer prisoners to other institutions for special treatment if necessary. It is also possible for a prisoner addicted to drugs to enter into a special contract with the prison authorities. In this contract, the prison authorities can offer and provide more privileges on the condition that the prisoner

promises not to use drugs and agrees to undergo regular urine tests to ensure the promise is being kept. (Fridhov, 1993; Kriminalitet og rettsvesen, 1992: 62; Prison Act, Sect. 12,32).

EXTRADITION AND TREATIES

*Extradition. All of the Nordic countries have enacted national laws giving them mutual extradition rights. (For Norway, see Act of 3 March 1961 on Extradition of Offenders to Denmark, Finland, Iceland and Sweden; for Sweden, see Act of 5 June 1959 on Extradition of Criminal Offenders to Denmark, Finland, Iceland and Norway; for Denmark, see Act of 3 February 1960 on Extradition of Legal Offenders to Finland, Iceland, Norway and Sweden; for Finland, see Act of 3 June 1960 on Extradition of Criminal Offenders between Finland and the other Nordic Countries.) Norway also ratified the Council of Europe Convention of December 13, 1957, giving it mutual extradition rights in relation to Austria, Cyprus, Denmark, Finland, France, Germany, Greece, Iceland, Ireland, Israel, Italy, Liechtenstein, Luxembourg, the Netherlands, Portugal, Spain, Sweden, Switzerland and Turkey.

Bilateral extradition treaties have been concluded with Australia (September 9, 1985), Belgium (November 3, 1981), Estonia (April 3, 1930), Latvia (September 12, 1927) and the United States (June 9, 1977).

*Exchange and transfer of prisoners. Norwegian citizens or residents can serve prison sentences that were imposed by the courts in other Nordic countries in Norway, pursuant to Section 3 of the Act of 1963 on Enforcement of Penal Sentences Passed in the Nordic States. Citizens of the other Nordic countries are also allowed to serve Norwegian prison sentences in their respective home countries (Sect. 5). There are also corresponding provisions for serving suspended prison sentences (Chapt 3) and for the supervision of persons released on probation (Chapt 4). (Lov om fullbyrding av nordiske dommer pt straff m.v. 15. november 1963)

Norway ratified the European Convention of May 28, 1970 on the International Validity of Criminal Judgements, and the European Convention of March 21, 1983 on the Transfer of Sentenced Persons. The provisions of these conventions are implemented in the Act of 1991 on Transfer of Sentenced Persons, which entered into force on April 1, 1993. This Act provides a legal basis

for prisoner transfer arrangements with those European countries which are party to the above conventions. (Lov om overføring av domfelte 20. juli 1991 nr. 67)

*Specified conditions. Conditions for the extradition of foreign nationals from Norway are set out in the Act of 1975 on the Extradition of Offenders (Sect. 26 and 27). This Act does not apply to extradition matters in relation to the Nordic countries, nor does it override international agreements entered into by Norway prior to the Act's entry into force. The Act also provides a legal basis for the extradition of foreigners to countries which have not signed an extradition treaty with Norway. (Lov om utlevering av lovbrøttere m.v. 13. juni 1975 nr. 39).

SOURCES

- Administration of Justice in Norway, 2nd ed, Ministry of Justice and Police (Oslo: Universitetsforlaget, 1980).
- Andenaes, Johs, Alminnelig strafferett (General Criminal Law). 3rd ed. (Oslo: Universitetsforlaget, 1991).
- Andenaes, Johs, Norsk straffeprosess (Norwegian Criminal Procedure). 2nd ed., vol 1, (Oslo: Universitetsforlaget, 1987).
- Andenaes, Johs, Norsk straffeprosess (Norwegian Criminal Procedure). 3rd ed., vol 2 (Oslo: Universitetsforlaget, 1993).
- Andenaes, Johs and Bratholm, Anders, Spesiell strafferett (Special Criminal Law). 2nd ed. (Oslo: Universitetsforlaget, 1991).
- Aukrust, Magnar. Director of Legal Section, Police Division. Ministry of Justice and Police, Oslo. Telephone call: August 30, 1993. Telephone no: 22 345250.
- Driscoll, Hilde. Advisor, Personnel Office, Administrative Section. Police Division, Ministry of Justice and Police, Oslo. Fax received: September 1, 1993. Telephone no. 22 345244.
- Hagen, Egil N. Technical Chief for the Police Equipment Service, Jaren. Telephone call: August 31, 1993. Telephone no.: 61 329100
- Haukaas, Helmer. Director of the Police Computing Service, Oslo. Telephone call: August 30, 1993. Telephone no.: 22 068000.
- Fridhov, Inger Marie. Researcher, Criminal Care Division, Ministry of Justice and Police, Oslo. Telephone call: August 30, 1993.

Telephone no.: 22 651660.

Kriminalitet og rettsvesen (Criminality and the Legal System). 2nd ed. Central Bureau of Statistics, 1992.

Kriminalstatistikk 1991/Criminal Statistics 1991, Norges offisielle statistikk C 73, Central Bureau of Statistics, 1993.

Norges Lover 1685-1991 (Laws of Norway 1685-1991). Law Faculty, University of Oslo, 1992.

Ny straffelov - alminnelige bestemmelser (A New Criminal Code - General Provisions). NOU 1992: 23, Ministry of Justice and Police, 1992.

Odelstingsproposisjon nr 78 (1992-93): Om lov om endringer i straffeprosessloven m.v. (Proposition nr 78 on Act concerning amendments to the Criminal Procedures Act). Ministry of Justice and Police, 1992.

Odelstingsproposisjon nr 83 (1992-93): Om lov om politiet (Proposition nr 83 on the Police Act). Ministry of Justice and Police, 1992.

Oie, Toril. Legal Advisor, Legislation Division, Ministry of Justice and Police, Oslo.

Telephone call: September 1, 1993.
Telephone no.: 22 345373.

Politiets årbok 1991 (The Police Yearbook 1991). Police Division, Ministry of Justice and Police, Oslo, 1991.

Politihogskolen, Studenthåndbok 1993-94 (Student Handbook 1993-94). Oslo, 1993.

Politiets rolle i samfunnet: Delutredning I (The Role of Police in Society: Report I). NOU 1981: 35, Ministry of Justice and Police, 1981.

Politiets rolle i samfunnet: Delutredning II (The Role of Police in Society: Report II). NOU 1987: 27, Ministry of Justice and Police, 1987.

Politi og pttalemyndighet: Arbeids- og ansvarsfordeling (Police and Public Prosecution Authorities: Division of Tasks and Responsibilities). NOU 1988: 39, Ministry of Justice and Police, 1988.

Public Prosecution Authorities and Police in Norway, Information Office, Oslo Police Department, 1992.

Sterkere vern og økt støtte for kriminalitetsofre (Stronger Protection and Increased Support for Victims of Crime). NOU 1992: 16, Ministry of Justice and Police, 1992.

To-instansbehandling, anke og juryordning I straffesaker (Two-Instance Treatment, Appeals and the Jury System in Criminal Cases). NOU 1992: 28, Ministry of Justice and Police, 1992.

Norwegian Research Centre for Computers and Law
Niels Juels gt 16
0272 Oslo
Norway
Tel: 47-22-44-47-03
Fax: 47-22-44-77-48