

NORWAY
Last update: 30/6/2017

| RULES/GENERAL LAWS | |
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| General | <p>1. The Norwegian Penal Act (Chapters 16 and 26)</p> <p>2. The Criminal Procedure Act and its supplementary regulations.</p> <p>3. The Military Penal Act and its supplementary regulations.</p> <p>4. The Military Disciplinary Act and its supplementary regulations.</p> <p>5. The Act on Police Authority within the Armed Forces and its supplementary regulations.</p> <p>6. The Act on compulsory conscription and service in the Armed Forces and its supplementary regulations.</p> <p>7. Human Rights Act</p> <p>8. The Norwegian Constitution (Chapter E)</p> <p>All applicable Acts are available at: www.lovdato.no</p> <p>Norwegian military personnel are considered to be on duty 24/7 when deployed to missions.</p> <p>All Norwegian military personnel serving in UN peacekeeping operations are subjected to the UN pre-deployment training on preventing SEA.</p> |
| SEA: Military Offence? | The general provisions on sexual crimes in the Norwegian Penal Act are applicable in cases of SEA committed by military personnel. Sexual exploitation and abuse not constituting a criminal offence according to the Penal Act may nevertheless be prosecuted pursuant to the Military Penal Act and its provisions regarding behaviour in the performance of a military personnels' duties. |
| Powers of the Commanding Officer (CO) | <p>Commanding Officers have the power to promulgate rules and policies.</p> <p>Commanding Officers have disciplinary and administrative powers over military personnel.</p> <p>The CO has the authority to request a subordinate military personnel to be repatriated if he/she is not considered suitable for further service due to <i>inter alia</i> disciplinary violations or violations of the Norwegian authorities/operated international organizations' provisions.</p> <p>The CO has the authority to request the military police or military officers to initiate investigations when suspicions of disciplinary or criminal offenses are aroused.</p> |
| INVESTIGATION | |
| Who Can Investigate? | The military police and military officers are authorized to investigate alleged violations of the Military Penal Act and the Military Disciplinary Act according to the nature of the offence (criminal and/or disciplinary, respectively). In operations they are also expected to investigate alleged violations of the Penal Act, including incidences of SEA. In certain cases, civilian police will be involved in the investigation process. |
| National Investigation Officer (NIO) | <p>National investigation officers will be deployed to the area of operation when deemed appropriate.</p> <p>Prior to NIOs' arrival, the Senior National Representatives are responsible for ensuring that evidence is efficiently collected, recorded and secured.</p> |
| PROSECUTION | |
| Referral | <p>The NIOs/Senior National Representatives acting on behalf of the Norwegian military authorities, refer the results of the investigation to the Norwegian Prosecuting Authority.</p> <p>In cases of violation of the Military Penal Act, the results of the investigation will be referred to the Military Prosecuting Authority which is a specialised branch of the Norwegian Prosecuting Authority.</p> |
| Who Can Charge? | The Norwegian Prosecuting Authority. |
| JUSTICE | |
| Military Justice | Norway does not have a Military Court System and cases related to military personnel are prosecuted before Civilian Courts. |
| Deployable Court Martial? | Norway does not have a peacetime deployable Court Martial. |
| DISCLAIMER | |
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