

Proceedings leading up to the impeachment of the former prime minister, Mr. Geir H. Haarde, by Althingi and the issuing of indictment by the prosecutor of Althingi.

Subject to an amendment to Act no. 142/2008 on investigation into the events leading to and causing the collapse of the Icelandic banks in 2008 and the related events, cf. Act no. 146/2009, a parliamentary review committee was established. The committee is addressed in the Act's Article 15, paragraph 2, which stipulates that parliament, Althingi, shall elect 9 parliamentarians on a committee to address the report by Althingi's Special Investigation Committee (SIC) and to prepare proposals on Althingi's reaction to its conclusions.

The bill, which was passed as Act no. 146/2009, contains explanatory notes stating, among other things, the following about the bill's Article 1:

"The tasks of the parliamentary committee and Althingi as a whole will be determined by the report of the Special Investigation Committee and its conclusions. This report is based on the tasks of SIC as defined in the Act's Article 1. Among the views constituting the grounds of the establishment of the committee was that professional analysis of the causes of the collapse of the banks should be the grounds of the general political settlement of this matter. There are expectations that lessons may be drawn from the economic crisis on grounds of the report. The parliamentary committee will probably address that issue. As appropriate, the committee will also enter into a position on accountability in this matter to the extent this is the role of Althingi. ... After detailed and extensive accumulation of data by SIC, there should be no need for independent accumulation of information by the parliamentary committee as it is first and foremost expected to use SIC's report as a basis for its work."

The parliamentary committee addressing SIC's report states on page 2 of its report:

"The explanatory notes by the General Committee of Althingi regarding the bill amending the Act on the Special Investigation Committee states that the tasks of the parliamentary committee will be determined by SIC's report and conclusions. The parliamentary committee will follow up the recommendations by SIC regarding amendments to laws and regulations. Additionally, it will presumably discuss what lessons may be drawn from the economic crisis and, as appropriate, form a position regarding accountability in the matter to the extent this falls under the umbrella of Althingi. Ministerial accountability will, in this respect, be considered, as Althingi holds the power to impeach ministers for their conduct in office, cf. Article 14 of the Constitution of the Republic of Iceland, the Act on Ministerial Accountability and the Act on the Court of Impeachment."

Referring to the aforementioned it should be clear that the decision of Althingi to commence impeachment proceedings against former Prime Minister Geir H Haarde for breaches of Act no. 4/1963 on Ministerial Accountability, cf. Althingi's resolution of 28

September 2010, is based on the report by the Special Investigation Committee of Althingi. The prosecutor of Althingi, upon the office's investigation, was first and foremost to obtain the data constituting the grounds of the report by SIC that could pertain to the breaches of law of which the said parliamentary resolution accuses the former prime minister.

The prosecutor of Althingi has obtained this data, among other things on grounds of the ruling by the Court of Impeachment dated 22 March 2011 and the ruling by the District Court of Reykjavík dated 24 March 2011. After reviewing the data with regard to Article 145 of the act on Criminal procedure, the prosecutor of Althingi issued an indictment on 10 May 2011, containing the same impeachment items as the parliamentary resolution, which is in accordance with article 13 and article 40 of Act no. 3/1963 on the court of Impeachment.

Article 13

A decision by Althingi to impeach a minister shall be initiated by means of a parliamentary resolution in the Joint Houses of Althingi, and the parliamentary resolution shall precisely state the impeachment items as the prosecution of the case shall be based upon them. Althingi furthermore elects a person to represent the prosecution on its behalf, as well as an alternate if the first-mentioned is unable to attend. The Joint Houses of Althingi also elects in proportional voting a parliamentary committee comprising five persons to monitor the case and to assist Althingi's prosecutor.

Article 40

The indicted person will only be sentenced for the charges as stated in the resolution by Althingi. The Court, however, is not bound by the prosecutor's demand for penalty.

The indictment along with the said investigative data was submitted at a session of the Court of Impeachment upon the formal filing of the case by Althingi against the accused on 7 June last.