

Parliamentary Resolution

on commencing legal proceedings against a minister

Althingi resolves, under Article 14 of the Constitution of the Republic of Iceland, no. 33 of 17 June 1944, cf. Article 13 of the Act on a High Court of Impeachment, no. 3/1963, to commence a criminal proceeding before a High Court of Impeachment against the following minister in Geir H. Haarde's second Government because of his culpable conduct in carrying out his official duties in 2008:

Former Prime Minister in the Government and Chairman of the Independence Party, Geir Hilmar Haarde, National ID 080451-4749, residing at Granaskjól 20, Reykjavík.

Counts of Indictment

The proceedings are brought against Geir H. Haarde, former Prime Minister, for offences committed, purposely or with gross negligence, during the period from February 2008 through the beginning of October the same year, mainly for violations of the Act on Ministerial Responsibility, no. 4/1963, or, alternatively, violations of Article 141 of the General Penal Code, no. 19/1940.

I.

For having shown serious nonfeasance of his duties as Prime Minister in the face of major danger looming over Icelandic financial institutions and the State Treasury, a danger that he knew of or should have known of and would have been able to respond to by initiating measures, legislation, general governmental instructions or governmental decisions on the basis of current law, for the purpose of avoiding foreseeable danger to the fortunes of the State.

For having failed to take initiative on either his own measures or proposals regarding them to other ministers, so that within the administrative system there would be a comprehensive and professional analysis of the financial risk faced by the State because of the risk of financial crisis.

For having neglected to take initiative on active measures on behalf of the State to reduce the size of the Icelandic banking system by, for example, promoting that the banks would decrease their balance sheets, or that some of them would move their headquarters out of Iceland.

For not having followed up on and assured himself that Landsbanki's Icesave accounts in Britain were being actively transferred to a subsidiary, and then that ways were being looked for to promote progress toward this with the State's active involvement.

For having neglected to ensure that the work and emphases of a consultative group of the Government on financial stability and preparedness, which was established in 2006, were more purposeful and produced the desired results.

The above-specified conduct is deemed subject to Article 10 (b), cf. Article 11, of Act no. 4/1963, and, alternatively, Article 141 of the General Penal Code, no. 19/1940.

II.

For having, during the above-specified period, failed to implement what is directed in Article 17 of the Constitution of the Republic on the duty to hold ministerial meetings on important governmental affairs. During this period there was little discussion at ministerial meetings of the imminent danger; there was no formal discussion of it at ministerial meetings, and nothing was recorded about these matters at the meetings. There was nevertheless specific reason to do so, especially after the meeting on 7 February 2008 between him, Ingibjörg Sólrún Gísladóttur, Árni M. Mathiesen and the Chairman of the Board of Governors of the Central Bank of Iceland, and after his and Ingibjörg Sólrún Gísladóttir's meeting on 1 April 2008 with the Board of Governors of the Central Bank of Iceland and following this a declaration to the Swedish, Danish and Norwegian Central Banks, which was signed on 15 May 2008. The Prime Minister did not initiate a formal ministerial meeting on the situation, nor did he provide the Government with a separate report on the problem of the banks or its possible effect on the Icelandic State.

This is deemed to fall under Article 8 (c), cf. Article 11, of Act no. 4/1963, and, alternatively, Article 141 of the General Penal Code, no. 19/1940.

Althingi demands that the aforementioned Minister shall be sentenced to punishment and payment of legal costs, as assessed by the High Court of Impeachment, cf. Article 46 of Act no. 3/1963.

An exposition accompanied this proposal for a parliamentary resolution, and reference is made to it and the 7th volume of Althingi's Special Investigation Commission regarding further explanation and argument for this parliamentary resolution.

Approved in Althingi on 28 September 2010.