

Translated from Icelandic:

Act on the Court of Impeachment

1963, no. 3, 19 February

Article 1

The Court of Impeachment takes for procedure and renders judgment in cases which parliament (Althingi) decides to file against ministers over their conduct in office.

Article 2

The Court of Impeachment has 15 judges who are as follows:

- A [The five judges of the Supreme Court who have held seats on the court the longest, the judge presiding]¹ in Reykjavík and the professor of constitutional law at the University of Iceland. The Supreme Court appoints alternate judges for the Supreme Court judges from amongst the group of [other² Supreme Court judges and then] teachers of law at the university, Supreme Court attorneys or District Court attorneys who meet the conditions for being appointed as judges of the Supreme Court. [The alternate judge for the judge presiding at the District Court of Reykjavík is the District Court judge in Reykjavík who has held his office the longest]. The Law Faculty of the university elects the alternate for the professor of constitutional law.
- B 8 persons as elected by the Joint Houses of Althingi in proportional voting for a term of 6 years.

□ Parallel and by the same token an equal number of alternate members shall be elected.

[Judges who hold a seat on the Court of Impeachment when Althingi has decided to impeach a minister and their alternates shall complete the case procedure although their term has ended].

Article 3

No one is eligible to hold a seat on the Court of Impeachment, cf. Article 2, Item B, unless he meets the following conditions:

- 1 Is not younger than 30 years and not older than 70 years.
- 2 Is legally competent and in control of his finances.
- 3 Has an unblemished record.

¹ Act no. 92/1991, Article 40

² The amendment provision as published in the Governmental Gazette states that following the words "alternate judges" shall be the words "other Supreme Court judges and then". Judging by the context obviously the text was to be as stated herein.

- 4 Has Icelandic citizenship.
- 5 Has his home in Iceland.
- 6 Is not a member of parliament or an employee of the Government Offices.

- Eligible men and women are obligated to take seats on the Court of Impeachment.
- No person, who does not meet the aforementioned conditions, may hold a seat on the Court of Impeachment.
- Paternally related persons or persons related through marriage or descendants or married couples, adoptive parents and adoptive children, foster parent and foster child, or related or connected through marriage in the first and second line horizontally may not hold seats on the Court of Impeachment simultaneously.

Article 4

If any of the elected judges passes away, moves from Iceland or becomes illegible, his alternate shall take his seat for the remainder of his term.

Article 5

As soon as the election of members on the Court of Impeachment, cf. Article 2, Item B, has taken place the speaker of the Joint Houses of Althingi shall inform the president of the Supreme Court who has been elected as judges and their alternates, and he shall inform each of them separately.

Article 6

The president of the Supreme Court is automatically the president of the Court of Impeachment. The vice-president of the Supreme Court is the vice-president of the Court of Impeachment. If both, the president and the vice-president, are unable to attend the Court elects its president who shall be one of the judges who has legal training.

Article 7

Prior to taking a seat on the Court of Impeachment for the first time, a judge shall sign an oath to the effect that he will execute his duties conscientiously and impartially in every respect and to the best of his ability as provided for by law. The president of the Court shall see to it that such an oath is made according to law.

Article 8

A Court of Impeachment may never be declared in session with fewer judges than 10, provided they include at least four judges who are legally trained, cf. Article 2, Item A.

Article 9

The National Treasury provides the Court of Impeachment with a Court Register, which shall be in numeric order, bound and sealed. It shall be stamped as certified by the speaker of the Joint Houses of Althingi.

Article 10

The [office manager of the Supreme Court]³ shall be the court secretary to the Court of Impeachment. If he is indisposed the president of the Court appoints a person from outside of the Court to hold the secretarial position. The president of the Court furthermore recruits an assistant to the court secretary if deemed necessary.

Article 11

The Court of Impeachment shall generally convene in Reykjavík. The Court of Impeachment may decide, however, to convene and hold its sessions elsewhere if deemed necessary.

Article 12

The sessions of the Court of Impeachment shall be open. The Court may decide to have closed sessions, however, if it deems that special circumstances exist for doing so, for example, certain case circumstances in respect of foreign states or the State's interests. If the Court of Impeachment decides to hold a closed session, it shall state so in a special ruling thereon.

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 14

The speaker of the Joint Houses of Althingi immediately sends a notification to the president of the Supreme Court stating Althingi's decision on impeachment. He then notifies, as soon as possible, the person to be indicted and sends a copy to him of Althingi's parliamentary resolution.

Article 15

The president of the Court of Impeachment appoints defense counsel for the accused person as soon as possible from amongst the group of Supreme Court attorneys and when choosing defense counsel the wishes of the accused person shall be met provided nothing opposes it. Appropriately, the accused person shall maintain his defense together with the defense counsel. The prosecutor of Althingi shall immediately be notified of the appointment of a defense counsel.

Article 16

The prosecutor of Althingi is obliged to seek all available proof for the charges. He shall prepare the collection of evidence and the investigation of the case, and presents proposals to the Court of Impeachment regarding appropriate measures for revealing the truth. He shall collaborate with the investigation committee of Althingi.

³ Act no. 15/1998, Article 36.

□ The role of the defense counsel is to bring to light anything that may acquit the accused person or be in his interests, and shall safeguard the interests of the accused in every respect.

Article 17

The defense counsel shall be in a position to monitor everything that materializes in the case and has the right to be present at all sessions of the Court of Impeachment, irrespective of location and whether a session of the Court is open or closed, however, in which instance, the Court may prohibit the defense counsel from disclosing publicly that which has materialized at a session of the Court.

Article 18

When the president of the Court of Impeachment has received a notification, cf. Article 14, he shall convene the judges appropriately in advance.

Article 19

The president of the Court of Impeachment shall issue a summons against the accused person and determine the deadline for service, which shall never be less than 3 weeks. The summons shall be issued in the name of the Court of Impeachment. The prosecutor of Althingi then sees to the service of the summons in the regular fashion. The accused, or the person served on his behalf, shall always be provided with a copy of the summons. A copy of the resolution by Althingi shall also be submitted at the same time, unless it is quoted in the summons.

Article 20

If the whereabouts of the accused person are unknown, the summons, together with the resolution by Althingi, shall be published in the Official Gazette on appropriate notice as determined by the president of the Court of Impeachment.

Article 21

The president of the Court of Impeachment decides in collaboration with the prosecutor and the defense counsel the venue and the date of the first session of the Court.

Article 22

According to recommendations by the prosecutor, the defense counsel or the accused, the president of the Court of Impeachment - or the Court after convening - may decide, if deemed practical or necessary, that the investigation of certain factors or the accumulation of certain data shall take place before the District Court. In such instance the parties to the case shall approach the relevant District Court judge requesting an investigation or accumulation of documents, and shall submit the decision by the president of the Court of Impeachment or the court. The ruling by the District Court judge, in respect of such investigation, may be appealed to the Court of Impeachment.

Article 23

According to recommendations by the prosecutor of Althingi and subject to the conditions of the Act on Criminal Procedure⁴...⁵ the Court of Impeachment may rule on the seizure of items that may be assumed as having evidential value in the case, that house search shall take place and that the accused person shall be placed under remand.

□ If the prosecutor deems that there exists a pressing need for such measures, prior to the Court of Impeachment convening, the president of the Court may enter into a temporary decision thereon, however, his ruling shall be brought before the Court of Impeachment as soon as possible.

Article 24

Upon the expiry of the deadline, as provided for according to Articles 18 and 19, the Court of Impeachment convenes at a stated location and date, and shall be declared in session by the president of the Court. The prosecutor shall then formally file the case, present the summons together with the signed certificate of service, Althingi's resolution on impeachment, the indictment, copies of the testimonies that may already have been given, and other such evidence that exists and may be submitted at a session of the Court. He furthermore submits a list of the names of persons who will be requested to give statements before the Court of Impeachment. The indictment shall, as appropriate, satisfy the provisions of ...⁶ the Act...⁷ on Criminal Procedure.

Article 25

The defense counsel shall be provided with a copy of the documents stated in Article 24 and has the right to sufficient time to examine them and to submit his own documents and statement.

The Court of Impeachment decides at this session of the Court when the next session shall be held.

Article 26

The president of the Court of Impeachment sees to it that the session of the Court takes place according to the correct rules. He should reprimand persons attending the session of the Court if their conduct is inappropriate. He may order persons out of the courtroom if their presence is deemed as disrupting the peace of the Court or if they conduct themselves inappropriately towards the judges or others.

Article 27

During the first session of the Court the president of the Court calls upon the parties to the case to state whether they deem any of the judges to be incompetent to address the case. If a demand is made for any judge to recuse himself the Court of Impeachment will

⁴ Act no. 88/2008, Article 234.

⁵ Act no. 19/1991, Article 194.

⁶ Act no. 19/1991, Article 194.

⁷ Act no. 88/2008, Article 234.

enter into a ruling over such a demand. The duty of judges of the Court of Impeachment to step aside is subject to the same rules as those applying to Supreme Court justices.

□ If a judge steps aside, an alternate member takes his place, if available. The Court of Impeachment is not competent to address cases and rule in them unless at least 10 judges, the same, hear the prosecution and the defense in the case, and participate in rendering judgment in the case, and shall include at least 4 of the judges appointed without election.

Article 28

Upon the expiry of the deadline as stated by the Court of Impeachment, the defense counsel shall submit a statement on behalf of the accused person and the documents he intends to use in his deliberation and defense of his client, as well as a list of names of the persons he wishes to be questioned, although they are not in the prosecutor's list.

□ If the parties to the case, one or both, request an extended deadline for obtaining data in preparation of the case, suitable additional time shall be allowed which the parties shall jointly use.

Article 29...⁸

Article 30

If either party to the case so demands, the president of the Court shall subpoena the witnesses who are to appear before the Court of Impeachment. The general rules shall prevail regarding the deadline for service and the service.

Article 31

The general rules on witnesses in [criminal cases]⁹ ...¹⁰ prevail, as appropriate, regarding witnesses and witness duty before the Court of Impeachment.

Article 32

Upon the completion of arguments, cf. Article 28, the prosecution and the defense will be heard by the Court of Impeachment. First the prosecutor submits a brief summary of the circumstances of the case and the evidence upon which he intends to base the charges. He will then ask the indicted person about the impeachment items. The defense counsel, the president of the Court and other judges may then question the indicted party.

□ If court proceedings are launched against two persons or more the president of the Court determines in what order they shall be questioned, whether they should hear each other's testimony and whether they shall be cross examined.

□ Whenever testimony, submitted data or other circumstances recommend it, the indicted person shall be questioned again.

⁸ Act no. 88/2008, Article 234.

⁹ Act no. 88/2008, Article 234.

¹⁰ Act no. 19/1991, Article 194.

□ Coercive measures may not be used against the indicted for obtaining answers from him...¹¹

Article 33

If a clear confession has been obtained from the indicted person, the Court of Impeachment shall determine to what extent further evidence will be required.

Article 34

When questioning the indicted person, the prosecutor discusses his evidence and questions witnesses. He himself asks them and the defense counsel and the indicted person may cross examine them. Additionally, the president of the Court and individual judges may direct questions to a witness. The prosecutor will then state his case orally. He will discuss the conclusions that may be drawn from the documents of the case, legal factors and will state the final demands. The defense counsel will then discuss his evidence and question witnesses. The hearing of these witnesses will take place in the same manner as that applying to witnesses subpoenaed by the prosecutor. The defense counsel will then make his oral deliberations, as well as the indicted person if he so wishes. The defense shall clarify the conclusions that are drawn from the documents in evidence, legal factors and the arguments for the demands. The Court of Impeachment decides whether the attorneys may speak more often, however, the indicted person and his defense counsel shall always have opportunity to speak as often as the prosecutor and to have the last word before the Court takes the matter for judgment.

□ The Court of Impeachment decides in any matters of doubt or disagreement that may arise in connection with testimony by witnesses.

Article 35

If a witness refuses to answer without any legitimate cause the Court of Impeachment may fine the witness or sentence the witness to [imprisonment]¹² up to 6 months.

Article 36

The rules on witnesses shall be applied to assessors and evaluators as appropriate.

Article 37

If it proves necessary to postpone the procedure of the case after the prosecution and defense before the Court of Impeachment has begun, the Court decides whether and to what extent repetition will be required of the procedures that have already taken place when the case is heard again.

Article 38

A summary of the testimonies of witnesses shall be entered in the Court Register. When questioning is over the entry shall be read out and its correctness confirmed. The president of the Court may decide that the testimonies of witnesses and experts shall be recorded in shorthand or sound recorded. Claims and objections shall be entered in detail.

¹¹ Act no. 88/2008, Article 234.

¹² Act no. 82/1998, Article 156.

The addresses by the prosecutor and the defense counsel need not be entered unless the president of the Court decides that individual factors therein shall be entered in the Court Register. The president of the Court may decide that the addresses by the attorneys are sound recorded.

Article 39

When deliberations are completed the case shall be taken for judgment. The judges shall withdraw to confer. Voting shall take place after the judges' discussions. The president of the Court chairs the discussions and voting, he decides in which order the judges cast their vote and decides in matters of disagreement that may arise during the voting.

□ The weight of votes determines the outcome. If the votes fall even the determining vote is the president's vote. The discussions and voting take place behind closed doors.

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.

Article 41

The judgment by the Court of Impeachment shall be in writing. It shall be based on the prerequisites stating, among other things, the demands by the parties to the case, the case circumstances and arguments of significance, the evidence and assessment of the evidence, insofar it is significant, the relevant provisions of law, the Court's considerations and conclusion. The Court's principal conclusion shall be, as prevails, summarized in a Summary Judgment.

Article 42

The judgment shall be entered in the Court Register. The judgment shall be made as soon as possible.

Article 43

The president of the Court reads out the judgment at a session of the Court. If the indicted person is not present during the reading of the judgment, the prosecutor shall see to it that the judgment is made known to him by the same means as the summons. Copies of the judgment shall be sent to the speaker of the Joint Houses of Althingi and the [minister of the interior]¹³. The Court of Impeachment may decide that the judgment is printed and published.

Article 44

Special votes by judges of the Court of Impeachment shall be prepared, recorded and read out at a session of the Court in the same manner as the judgment. If the judgment is printed out the same shall apply to them.

Article 45

¹³ Act no. 162/2010, Article 98.

[The enforcement of the sentence shall be as provided for by general rules]¹⁴

Article 46

The entire litigation costs shall be payable by the National Treasury, however, the indicted person may be sentenced to pay them. The Court of Impeachment determines on grounds of the principal rules of judicial law whether and to what extent the litigation costs shall fall upon the indicted person. In instances where the indicted person is sentenced to pay the litigation costs, the degree of his guilt shall be taken into account, as well as his personal financial situation.

Article 47

The Court shall determine appropriate remuneration for the prosecutor and the defense counsel for their efforts. They shall also have the right to reimbursement of their paid necessary expenses.

Article 48

Remuneration for witnesses and assessors is according to the same rules as those prevailing in other court cases.

Article 49

Judges of the Court of Impeachment and the court secretaries have the right to the payment of travel and accommodation expenses on grounds of the same rules as prevail for parliamentarians. The Court of Impeachment determines the remuneration of the judges and the court secretaries in every single case.

All legal costs are paid by the National Treasury.

Article 50

Subject to a request by a sentenced person, the Court of Impeachment may allow a case in which judgment has been made by that court, to be reopened if new evidence comes to light which clearly indicates, or is likely to indicate, that the sentenced person was incorrectly found guilty or would have been sentenced for lesser offences had such evidence been submitted to the judges prior to judgment or, if it may be assumed that forged evidence caused a judgment of guilt in some or every respect.

A request for reopening a case shall be submitted to the president of the Court of Impeachment, who shall convene the Court for entering into a decision as to whether reopening will be allowed.

If the Court of Impeachment decides to reopen a case, the case procedure and the hearing of the case shall be according to the provisions of this Act.

¹⁴ Act no. 92/1991, Article 40.

Article 51

In other respects, if not otherwise stipulated in this Act, the provisions of the Act on [Criminal Procedure]¹⁵ ...¹⁶ shall prevail as appropriate regarding the procedure of a case by the Court of Impeachment.

¹⁵ Act no. 88/2008, Article 234.

¹⁶ Act no. 91/1991, Article 160.