



# Iceland

## Ratified the European Convention on Human Rights in 1953

### National Judge: Robert Spano

[Judges' CVs](#) are available on the ECHR Internet site

Previous judges: Einar Arnalds (1959-1967), Sigurgeir Sigurjonsson (1967-1971), Thór Vilhalmsson (1971-1998), Gaukur Jörundsson (1998-2004), David Thór Björgvinsson (2004-2013)

[List of judges of the Court since 1959](#)

The Court dealt with 18 applications concerning Iceland in 2018, of which 15 were declared inadmissible or struck out. It delivered 2 judgments (concerning 3 applications), which did not find any violations of the European Convention on Human Rights.

Applications processed in	2017	2018	2019*
Applications allocated to a judicial formation	28	24	28
Communicated to the Government	3	9	0
Applications decided:	13	18	9
- Declared inadmissible or struck out (Single Judge)	6	12	5
- Declared inadmissible or struck out (Committee)	0	1	0
- Declared inadmissible or struck out (Chamber)	0	2	0
- Decided by judgment	7	3	4

\* January to July 2019

For information about the Court's judicial formations and procedure, see the [ECHR internet site](#).

Statistics on interim measures can be found [here](#).

Applications pending before the court on 01/07/2019	
Total pending applications*	71
Applications pending before a judicial formation:	70
Single Judge	6
Committee (3 Judges)	2
Chamber (7 Judges)	60
Grand Chamber (17 Judges)	2

\* including applications for which completed application forms have not been received

## Iceland and ...

### The Registry

The task of the Registry is to provide legal and administrative support to the Court in the exercise of its judicial functions. It is composed of lawyers, administrative and technical staff and translators. There are currently **643** Registry staff members.

## Noteworthy cases, judgments and decisions delivered

### Chamber

#### Cases on Article 5 (right to liberty and security)

##### [Hilda Hafsteinsdóttir v. Iceland](#)

08.06.2004

The applicant alleged that her detention in police custody on several occasions for drunkenness and disorderly conduct had not been justified. The Court noted that at the relevant time there had been no regulatory framework governing either the police's discretion over the duration of the relevant type of detention or the decision to place the applicant in detention.

[Violation of Article 5](#)

#### Cases dealing with Article 6

##### [Right to a fair trial](#)

##### [Sigurður Einarsson and Others v. Iceland](#)

04.06.2019

The case concerned criminal proceedings against four business executives linked to a share transaction in Kaupping Bank before its collapse in 2008.

[Violation of Article 6 § 1 on account of a judge's lack of impartiality](#)

[No violation of Article 6 §§ 1 and 3 \(b\) in respect of the alleged denial of access to data](#)

[No violation of Article 6 §§ 1 and 3 \(d\) in respect of the alleged failure to summon witnesses](#)

##### [Haarde v. Iceland](#)

23.11.2017

The applicant is a former Prime Minister of Iceland who was impeached for negligence on account of his handling of the country's 2008 banking crisis and found criminally liable. He complained that his trial, which was initiated after a Parliament vote, had not been fair and that the legal provisions used for his criminal conviction had been vague and unclear.

[No violation of Article 6](#)

[No violation of Article 7 \(no punishment without law\)](#)

##### [Sara Lind Eggertsdóttir v. Iceland](#)

05.07.2007

Concerned parents' complaint that proceedings against the State alleging medical negligence in respect of their daughter, born with severe physical and mental handicaps, were unfair (notably because the Supreme Court had based its findings on the opinion of employees working at the hospital where their daughter was born).

[Violation of Article 6 § 1](#)

##### [Right to an independent and impartial tribunal](#)

##### [Guðmundur Andri Ástráðsson v. Iceland](#)

12.03.2019

The case concerned the applicant's allegation that the new Icelandic Court of Appeal (*Landsréttur*) was not established by law.

[Violation of Article 6 § 1 \(right to a tribunal established by law\)](#)

[It further held that there was no need to examine the remaining complaints under Article 6 § 1 \(right to an independent and impartial tribunal\) of the Convention.](#)

##### [Sigurdsson v. Iceland](#)

10.04.2003

The applicant lost a court case against the National Bank of Iceland in 1997. He complained that, on account of the close financial relationship between the judge and her husband on the one hand and the National Bank of Iceland on the other, his case had not been heard by an independent and impartial tribunal.

[Violation of Article 6 § 1](#)

#### Cases dealing with private of family life (Article 8)

##### [Egill Einarsson v. Iceland](#)

07.11.2017

The case concerned the complaint by a well-known blogger about a Supreme Court ruling, which found that he had not been defamed by the words "Fuck you rapist bastard" used in an Instagram post about him.

[Violation of Article 8](#)

### Inadmissible applications

#### [Benediktssdóttir v. Iceland](#)

16.06.2009

Concerned the applicant's complaint under Article 10 (freedom of expression) and 8 (right to respect for private and family life) that her private e-mails had been unlawfully published in the media – in the context of a criminal investigation against members of a multinational company (the Baugur Group).

[Application declared inadmissible as manifestly ill-founded](#)

#### [Gunnarsson v. Iceland](#)

20.10.2005

Complaint by the Secretary General of the Independence Party – under Article 8 (right to respect for private life), Article 6 (right to a fair trial), and Article 14 (prohibition of discrimination), taken in conjunction with Article 6 and 8, – about defamation proceedings he had brought against a journalist who had published an article strongly criticising leaders of the Independence Party concerning the acquisition of a large part of the shares of the Icelandic Investment Bank by a group in Luxembourg.

[Application declared inadmissible](#)

### Freedom of expression cases (Article 10)

#### [Olafsson v. Iceland](#)

16.03.2017

The applicant, Mr Ólafsson, was an editor of the web-based media site *Pressan*. He published articles insinuating that a political candidate had committed sexual abuse against children. The Supreme Court of Iceland held Mr Ólafsson liable for defamation. He complained to the European Court of Human Rights that this liability had violated his right to freedom of expression.

[Violation of Article 10](#)

#### [Erla Hlynsdóttir v. Iceland \(no. 3\)](#) (no. 54145/10)

02.06.2015

The case concerned the complaint by a journalist of having been found liable for defamation of a Mr A because of an article she published at the time Mr A was being tried for importing drugs.

[Violation of Article 10](#)

#### [Erla Hlynsdóttir v. Iceland \(no. 2\)](#) (no. 54125/10)

21.10.2014

The case concerned the complaint by a journalist of having been found liable for defamation following the publication in 2007 of an article about a high-profile criminal case involving the director of a rehabilitation centre and his wife, who were suspected of sexual abuse.

[Violation of Article 10](#)

#### [Björk Eidsdóttir v. Iceland](#) (no. 46443/09) and [Erla Hlynsdóttir v. Iceland](#) (no. 43380/10)

10.07.2012

The cases concerned defamation proceedings against two Icelandic journalists for their articles about the working conditions in a strip club and an alleged assault at another strip club, respectively.

[Violation of Article 10](#)

#### [Thorgeir Thorgeirson v. Iceland](#)

25.06.1992

The applicant, a journalist, was convicted of defamation of civil servants following the publication in 1983 of two articles on police brutality.

[Violation of Article 10](#)

### Cases concerning freedom of assembly and association (Article 11)

#### [Vörður Ólafsson v. Iceland](#)

27.04.2010

Complaint by an employer in the building sector who was a member of the Master Builders' Association ("MBA") about a statutory obligation under Icelandic law to pay an industrial charge to the Federation of Icelandic Industries ("FII"). He was not a member of the FII, nor was the MBA affiliated to it.

[Violation of Article 11](#)

#### [Sigurdur A. Sigurjónsson v. Iceland](#)

30.06.1993

Concerned the request by an Automobile Association to revoke the applicant's taxi licence after he had stopped paying his membership fees to the association.

[Violation of Article 11](#)

### **Inadmissible application**

#### **Association of Academics v. Iceland**

07.06.2018

The case concerned restrictions on the right to strike and the introduction of compulsory arbitration.

Relying on Article 11 of the European Convention on Human Rights, the applicant association, which represented 18 of its member unions, many in the health-care sector, complained that the Icelandic State had violated its members' right to freedom of assembly and association by passing an Act in June 2015 which prohibited strikes that had been going on for several months during a period of collective bargaining. The law also provided for a binding decision on employment terms by an arbitration tribunal.

[Application declared inadmissible.](#)

[Among other findings, the Court held that taking account in particular of the assessment made by the domestic courts of the effects of the strike on the health-care sector, the measures could be regarded as "necessary in a democratic society".](#)

### **Protection of property case (Article 1 of Protocol No. 1)**

#### **Kjartan Ásmundsson v. Iceland**

12.10.2004

The case concerned the applicant's complaint that he had lost his pension rights – which he had been receiving for 20 years – after his disability had been re-assessed.

[Violation of Article 1 of Protocol No. 1](#)

### **Inadmissible applications**

#### **Guðjonsson v. Iceland**

02.12.2008

Concerned the applicant's complaint – under Article 1 of Protocol No. 1 (protection of property) and Article 14 (prohibition of discrimination) – that he had been deprived of his exclusive right within a farm's net zone to fish lumpfish and other species.

[Application declared inadmissible as manifestly ill-founded.](#)

#### **Bergsson and Others v. Iceland**

23.09.2008

Complaint by ten land owners – under Article 6 (right to a fair trial), Article 1 of

Protocol No. 1 (protection of property) and Article 14 (prohibition of discrimination) – about a dispute over boundaries between public and private land.

[Application declared inadmissible](#)

### **Cases concerning the right not to be tried twice (Article 4 of Protocol No. 7)**

#### **Bjarni Ármannsson v. Iceland**

16.04.2019

The case concerned the applicant's conviction for aggravated tax offences which had allegedly violated the principle of *ne bis in idem*.

[Violation of Article 4 of Protocol No. 7](#)

#### **Johannesson and Others v. Iceland**

18.05.2017

The application had been lodged by two individuals and one company, who complained that they had been tried twice for the same conduct of failing to make accurate declarations for tax assessments: first through the imposition of tax surcharges, and second through a subsequent criminal trial and conviction for aggravated tax offences.

[Violation of Article 4 of Protocol No.7](#)

## **Noteworthy pending cases**

### **Guðmundur Andri Ástráðsson v. Iceland (no. 26374/18)**

The case concerns the applicant's allegation that the new Icelandic Court of Appeal (*Landsréttur*) was not established by law.

Relying on Article 6 § 1 (right to an independent and impartial tribunal established by law) of the European Convention, the applicant complains that the appointment of a judge (A.E.) was not in accordance with domestic law. His criminal charge was therefore not determined by a tribunal established by law. The applicant also complains that a Supreme Court judgment of 24 May 2018 against him violated his right to be heard by an independent and impartial tribunal as provided for in Article 6 § 1 of the Convention.

In its Chamber [judgment](#) of 12 March 2019, the European Court, held, by five votes to two, that there had been a violation of Article 6 § 1 (right to a tribunal established by law) of the Convention. The Chamber

found in particular that the process by which a judge was appointed to the Court of Appeal had amounted to a flagrant breach of the applicable rules at the relevant time. It had been to the detriment of the confidence that the judiciary in a democratic society must inspire in the public and had contravened the very essence of the principle that a tribunal must be established by law. The Chamber further held, unanimously, that there was no need to examine the remaining complaints under Article 6 § 1 (right to an independent and impartial tribunal).

On 9 September 2019 the case was [referred to the Grand Chamber](#).

[Grand Chamber hearing on 5 February 2020](#)

**Gestur Jónsson and Ragnar Halldór Hall v. Iceland (nos. 68273/14 and 68271/14)**

The case concerns the applicants being fined after resigning as defence counsel in a criminal case.

Relying on Article 6 §§ 1, 2, and 3 (right to a fair trial / presumption of innocence) and Article 7 § 1 (no punishment without law) of the Convention, the applicants complain in particular that the District Court tried and sentenced them *in absentia*. Furthermore, they argue that they were found guilty of an offence which was not a criminal offence

under national law and that the amount of their fines was not foreseeable according to domestic law or practice.

In its Chamber [judgment](#) of 30 October 2018, the Court held, unanimously, that there had been no violation of Article 6 §§ 1, 2, and 3 (right to a fair trial / presumption of innocence) of the Convention. It found in particular that the applicants had been fined *in absentia*, but that they had had a sufficient remedy in the form of appeal proceedings before the Supreme Court that had provided them with the opportunity to obtain a fresh factual and legal determination of the charges against them. The Chamber also held, unanimously, that there had been no violation of Article 7 § 1 (no punishment without law) as the application of the domestic provisions and the fines in question could have been reasonably foreseen by Mr Jónsson and Mr Hall. The Chamber rejected their complaint under Article 2 of Protocol No. 7 (right of appeal in criminal matters) for non-exhaustion of domestic remedies.

[Case referred to the Grand Chamber in May 2019](#)

[A Grand Chamber hearing took place on 9 October 2019](#)

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