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Version finale

**Answer to the
REVISED SCHEME
FOR
EVALUATING JUDICIAL SYSTEMS
2004 Data**

**Réponse à la
GRILLE REVISEE
POUR
L'ÉVALUATION DES SYSTÈMES JUDICIAIRES
Données 2004**

ICELAND/ISLANDE



COUNCIL OF EUROPE CONSEIL DE L'EUROPE

Strasbourg, 15 September 2005

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**EUROPEAN COMMISSION FOR THE EFFICIENCY OF JUSTICE
(CEPEJ)**

REVISED SCHEME FOR EVALUATING JUDICIAL SYSTEMS

**adopted by the CEPEJ at its 5th Plenary Meeting (Strasbourg, 15 – 17 June 2005) and
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(936th meeting of the Ministers' Deputies)**

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6. Within this budget, can you isolate the following budgets and specify, if appropriate, their amount:

	Yes	Amount
▪ Salaries?	X	7,5 million €
▪ IT?		
▪ Justice expenses borne by the State?		

Source *State budget 2004*

7. Annual public budget spent on legal aid 1,2 million €

Source *State budget 2004*

8. If possible, please specify:

▪ the annual public budget spent on legal aid in criminal cases	N/A
▪ the annual public budget spent on legal aid in other court cases	N/A

Source

9. Annual public budget spent on prosecution system 3,1 million* €

* estimated

Source *State budget 2004*

10. Bodies formally responsible for budgets allocated to the courts:

	Preparation of the budget (Yes/No)	Adoption of the budget (Yes/No)	Management and allocation of the budget among courts (Yes/No)	Evaluation of the use of the budget (Yes/No)
Ministry of Justice	Yes	Yes	Yes	Yes
Other ministry. Please specify	The Ministry of Finance	The Ministry of Finance		
Parliament	Yes	Yes	Yes	Yes
Supreme Court	Yes	Yes	Yes	Yes
Judicial Council	Yes	Yes	Yes	Yes
Courts	Yes	Yes	Yes	Yes
Inspection body. Please specify.	N/A	N/A	N/A	N/A
Other. Please specify				

You can indicate below:

- any useful comments for interpreting the data mentioned above
- the characteristics of your budgetary system



II. Access to Justice and to all courts

II. A. Legal aid

11. Does legal aid concern:

	Criminal cases	Other than criminal cases
Representation in court (Yes/No)	No *	Yes
Legal advice (Yes/No)	Yes	Yes
Other (Yes/No). Please specify		

* According to the Code of Criminal Procedure the state pays the cost of an appointed defence lawyer if the accused is acquitted. In case of conviction the convicted has to bare the legal cost, however according to Supreme Court Judgement nr. 248/2005, that stated that the Icelandic government was obliged, in accordance with the interpretation of the European Court of Human Rights of paragraph 3 in article 6 of the Human Rights Convention, to ensure that their citizens are able to proof their inability to pay the cost of appointed defence lawyers at the time of retrieval of that cost. So in relation to this question the answer has to be no, since the person without financial means to pay for the appointed lawyer has the right to have the state pay for this service, independant from legal aid.

12. Number of legal aid cases:

- total 392
- criminal cases N/A
- other than criminal cases N/A

Source Ministry of Justice

13. In a criminal case, can any individual who does not have sufficient financial means be assisted by a free of charge (or financed by public budget) lawyer?

Yes X * No

* See explanation for question no. 11.

14. Does your country have an income and asset test for granting legal aid:

- | | No | Yes/Amount |
|----------------------------------|-------------------------------------|-------------------------------------|
| ▪ for criminal cases? | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| ▪ for other than criminal cases? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

Source Code of Civil Procedure no. 91/1991, chapter no. 20 is on legal aid, and Regulation on the procedure of the legal aid committee no. 69/2000.

15. In other than criminal cases, is it possible to refuse legal aid for lack of merit of the case (for example for frivolous action)?

Yes No

16. If yes, is the decision taken by:

- | | Yes |
|--|-------------------------------------|
| ▪ the court? | <input type="checkbox"/> |
| ▪ a body external to the court? | <input checked="" type="checkbox"/> |
| ▪ a mixed decision-making body (court and external)? | <input type="checkbox"/> |

17. In general are litigants required to pay a court tax or fee to start a proceeding at a court of general jurisdiction:

- | | Yes | No |
|----------------------------------|-------------------------------------|-------------------------------------|
| ▪ for criminal cases? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| ▪ for other than criminal cases? | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

If yes, are there exceptions? Please specify:

No.

18. Is there a private system of legal expense insurance for individuals in order to finance legal proceedings to court?

No
Yes Please specify:

Various insurance companies sell these types of insurances.

19. Do judicial decisions have an impact on who bears the legal costs which are paid by the parties during the procedure in:

- | | Yes | No |
|------------------------------|-------------------------------------|--------------------------|
| ▪ criminal cases? | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| ▪ other than criminal cases? | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

You can indicate below:

- any useful comments for interpreting the data mentioned above
- the characteristics of your legal aid system

II. B. Users of the courts and victims

II. B. 1. Rights of the users and victims

20. Are there official internet sites/portals (e.g. Ministry of Justice, etc.) for the following, which the general public may have free of charge access to:

▪ legal texts (e.g. codes, laws, regulations, etc.)? Yes No

Internet address(es): www.athingi.is www.stjr.is

▪ case-law of the higher court/s?

Internet address(es): www.haestirettur.is

▪ other documents (for examples legal forms)?

Internet address(es): www.rettarheimild.is

www.domstolar.is

www.logbirtingablad.is

www.stjornartidindi.is

21. Is there an obligation to provide information to the parties concerning the foreseeable timeframe of the proceeding?

Yes No

If yes, please specify:

22. Is there a public and free-of-charge specific information system to inform and to help victims of crimes?

Yes * No

* A information brochure on victims rights has been distributed to all police commissioners and a victim has the right to an appointed advocate cf. para. 34. of the Code of Criminal Procedure. There is also an emergency reception set up especially for rape victims at Landsspitali University Hospital.

23. Are there special arrangements to be applied, during judicial proceedings, to the following categories of vulnerable persons:

	Information mechanism (Yes/No)	Hearing modalities (Yes/No)	Procedural rights (Yes/No)	Other (Yes/No). Please specify
Victims of rape	YES	YES	YES	Emergency reception for victims of rape at Landsspítali University Hospital
Victims of terrorism	YES	YES	YES	
Child/Witness/Victim	YES	YES	YES	Childrens house
Victims of domestic violence	YES	YES	YES	
Ethnic minorities	YES	YES	YES	
Disabled persons	YES	YES	YES	
Juvenile offenders	YES	YES	YES	The Ring in the community of Grafarvogur – a restorative justice pilot project.
Other				

24. Does your country have compensation procedure for victims of crimes?

Yes No

25. If yes, does this compensation procedure consist in:

- a public fund?
- a court order?
- private fund?

26. If yes, which kind of cases does this procedure concern?

Compensation for victims of violence according to the General Penal Code no. 19/1940, with subsequent amendments.

27. For victims, are there studies to evaluate the recovery rate of the compensation awarded by courts?

No
 Yes

Please specify:

II. B.2. Confidence of citizens in their justice system

28. Is there a system for compensating users in the following circumstances:

- | | | |
|------------------------------------|-------------------------------------|--------------------------|
| | Yes | No |
| ▪ excessive length of proceedings? | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| ▪ wrongful arrest? | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| ▪ wrongful condemnation? | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

If yes, please specify (fund, daily tariff):

According to article 176 and article 177 in the Code of Criminal Procedure no. 19 from 1991 a court can decide that a person will be compensated for wrongful arrest and for wrongful condemnation. Daily tariffs are not defined in the Code.

29. Does your country have surveys on users or legal professionals (judges, lawyers, officials, etc.) to measure public trust and satisfaction with the services delivered by the judiciary system?

Yes No

If possible, please specify their titles, how to find these surveys, etc:

www.gallup.is

30. If yes, please specify:

	Trough systematic surveys (Yes/No)	Through ad hoc surveys (Yes/No)
Surveys at national level	YES	NO
Surveys at court level	NO	NO

31. Is there a national or local procedure for making complaints about the performance of the judicial system?

Yes No

32. If yes, please specify:

	Time limit to respond (Yes/No)	Time limit for dealing with the complaint (Yes/No)

Court concerned	YES	YES
Higher court	YES	YES
Ministry of Justice	YES	YES
High Council of Justice	YES	YES
Other external organisations (e.g. Ombudsman)	YES	YES

Can you give information elements concerning the efficiency of this complaint procedure?

III. Organisation of the court system

III. A. Functioning

33. Total number of courts (administrative structure):

- **first instance courts of general jurisdiction** **8**

Source *Act on the Judiciary no 15, 25 March 1998*

- **specialised first instance courts** **2**

Source *Act on the Judiciary no. 15, 25 March 1998*

Please specify the different areas of specialisation (and, if possible, the number of courts concerned):

Specialised first instance courts: Labour court and Land court, cf. art. 9., Act on the Judiciary no. 15/1998. Act on Land court no. 3/1963. The Land court is a specialised court that has the role of handling cases brought against Ministers from the Law making body, Althingi. This court has never been brought together.

The role of the Labour court is defined in article 44 of the Act on Trade Unions and Industrial disputes no. 80/1938, and reads as follows:

„The function of the Labour Court is a follows:

- 1. to pass judgment in cases arising on account of charges concerning violation of the present Act and loss sustained due to unlawful stoppage of work.**
- 2. to pass judgments in cases arising on account of charges concerning violation of a work agreement or due to disagreement relating to the interpretation of a work agreement or its validity.**
- 3. to pass judgments in other cases between workers and employers which the parties concerned have agreed to refer to the Court, provided that at the least 3 of the judges be agreed upon such a procedure.**

Trade unions, associations of masters and manufacturers and individual employers are authorized to seek a decision by the Labour Courts as to whether an activity come under section I and II of the Act respecting craft and trade as well as to which authorized branch of trade it cover.”

34. Total number of courts (geographic locations) 9

Source *Act on the Judiciary no. 15, 25 March 1998*

35. Number of first instance courts competent for a case concerning:

- a debt collection for small claims 8

Please specify what is meant by small claims in your country:

There is no distinction

- a dismissal 8

- a robbery 8

36. Number of professional judges sitting in courts 47

(present the information in full time equivalent and for permanent posts)

Source *Act on Judiciary no. 15, 25 March 1998*

37. Number of professional judges sitting in courts on an occasional basis and who are paid as such:

- gross figure N/A
- if possible, in full time equivalent 1 months job

Source *The Supreme Court of Iceland*

Please specify:

Substitute judges are only used in the absence of regular Supreme Court judges and in all their work for the year 2004 adds up to 1 months worth of work of a regular judge.

38. Number of non-professional judges (including lay judges) who are not remunerated but who can possibly receive a simple defrayal of costs N/A

Source *The Supreme Court of Iceland and The Administrative Council of District Courts*

Please specify:

39. Does your judicial system include trial by jury with the participation of citizens?

No

Yes For which type of case(s)?

If possible, number of citizens who were involved in such juries for the year 2004?

40. Number of non-judge staff who are working in courts 56,7
(present the information in full time equivalent and for permanent posts)

Source *The Supreme Court of Iceland and The Administrative Council of District Courts*

41. If possible, could you distribute this staff according to the 3 following categories:

- **non-judge staff whose task is to assist the judges (case file preparation, assistance during the hearing, keeping the minutes of the meetings, helping to prepare the decisions) such as registrars:** 29
- **staff in charge of different administrative tasks as well as of the management of the courts (human resources management, material and equipment management, including computer systems, financial and budgetary management, training management):** 27,7
- **technical staff:** 0

42. In courts, do you have non-judge staff entrusted with judicial or quasi-judicial tasks having autonomous competence and whose decisions could be subject to appeal (such as German and Austrian Rechtspfleger):

No Number of staff

43. Number of public prosecutors 7
(present the information in full time equivalent and for permanent posts)

Source *Ministry of Justice*

44. Do you have persons who have similar duties as public prosecutors?

No
Yes **Please specify:**

26 Police Commissioners hold prosecution power.

45. Is the status of prosecutors:

- **independent within the judiciary?** Yes
- **independent from the judiciary ?**
- **under the authority of the Ministry of Justice?**

46. Number of staff (non prosecutors) attached to the public prosecution service 57 *
(present the information in full time equivalent and for permanent posts)
**estimated*

Source Ministry of Justice

47. Who is entrusted with the individual court budget?

	Preparation of the budget (Yes/No)	Arbitration and allocation (Yes/No)	Day to day management of the budget (Yes/No)	Evaluation and control of the use of the budget (Yes/No)
Management Board	N/A	N/A	N/A	N/A
Court President	YES	YES	YES	YES
Court administrative director	YES	YES	YES	YES
Head of the court clerk office	N/A	N/A	N/A	N/A
Other. Please specify				

48. In general, do the courts in your country have computer facilities?

Yes No

49. What are the computer facilities used within the courts?

Functions	Facilities	100% of courts	+50% of courts	-50% of courts	- 10 % of courts
Direct assistance to the judge/court clerk	Word processing	X			
	Electronic data base of jurisprudence	X*			
	Electronic files	X			
	E-mail	X			
	Internet connection	X			
Administration and management	Case registration system	X			
	Court management information system	N/A			
	Financial information system	X			
Communication between the court and the parties	Electronic forms	N/A			
	Special Website	X			
	Other electronic	X			

communication
facilities

* This is the case with the Supreme Court but the answer for the District Courts is N/A.

Source *The Supreme Court of Iceland and The Administrative Council of District Courts*

50. Is there a centralised institution which is responsible for collecting statistical data regarding the functioning of the courts and judiciary?

No

Yes

Please specify the name and the address of this institution:

The Administrative Council of District Courts and the Supreme Court.

You can indicate below:

- any useful comments for interpreting the data mentioned above
- the characteristics of your judicial system

The ordinary judicial court may be divided into two groups, District Courts and the Supreme Court. The district courts are independent and can be found in each of their eight districts. Before 1992 both the police and the courts in each district were governed by the sheriff (judge and revenue officer of the district).

The District Courts have jurisdiction in private and criminal cases, and the issue remand orders and other orders necessary in the context of criminal investigation. They also render bankruptcy orders and resolve disputes arising in enforcement of judgments by the magistrates. Judges are furthermore competent to resolve any disputes relating to the limits of administrative authority. Thus, any decisions of administrative authorities can be referred to the courts for invalidation. The general principle is that the courts are competent to resolve any dispute if its subject matter is governed by law, unless exempted from their jurisdiction by law, custom, or the nature of the matter.

The Supreme Court, the highest court in Iceland, was established by law in 1919. The court acts as a Court of Appeal. The Supreme Court consists of nine judges of which three to five are assigned to each case (seven in very serious or significant cases).

III. B. Monitoring and evaluation

51. Are the courts required to prepare an annual activity report?

Yes

No

52. Do you have a regular monitoring system of court activities concerning the:

- | | Yes | No |
|------------------------------|-------------------------------------|-------------------------------------|
| ▪ number of incoming cases? | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| ▪ number of decisions? | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| ▪ number of postponed cases? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| ▪ length of proceedings? | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| ▪ other? | <input type="checkbox"/> | <input type="checkbox"/> |

Please specify:

The Supreme Court and the Administrative Council of District Courts in collaboration with the Ministry of Justice review this yearly.

53. Do you have a regular evaluation system of the performance of the court?

No *
Yes Please specify:

*The exception are the larger district courts, where the unfinished case load of each individual judge is reviewed regularly, and a report demanded if necessary.

54. Concerning court activities, have you defined:

▪ performance indicators? Yes No

Please specify the 4 main indicators for a proper functioning of justice:

▪ targets? Yes * No

Please specify who is responsible for setting the targets:

- executive power? Yes
- legislative power?
- judicial power?
- other? Please specify:

Please specify the main objectives applied:

* Efficiency in the court system, e.g. the aim of the District Court of Reykjavík (the largest district court) is that civil cases shall not take longer than six months and criminal cases not longer than two months.

Source *The Supreme Court of Iceland and The Administrative Council of District Courts*

55. Which authority is responsible for the evaluation of the performances of the courts:

Yes
▪ the High Council of judiciary?
▪ the Ministry of justice?
▪ an Inspection body?
▪ the Supreme Court?

- an external audit body?
- other? Please specify:

56. Does the evaluation system include quality standards concerning judicial decisions?

- No
 Yes Please specify:

Source *The Supreme Court of Iceland and The Administrative Council of District Courts*

57. Is there a system enabling to measure the backlogs and to detect the cases which are not processed within an acceptable timeframe for:

- | | Yes | No |
|-------------------------|---------------------------------------|--------------------------|
| ▪ civil cases? | <input checked="" type="checkbox"/> * | <input type="checkbox"/> |
| ▪ criminal cases? | <input checked="" type="checkbox"/> * | <input type="checkbox"/> |
| ▪ administrative cases? | <input checked="" type="checkbox"/> * | <input type="checkbox"/> |

* There is not a formal system for measuring this, but it is possible to measure this by collecting information from the case registration system.

58. Do you have a way of analysing queuing time during court procedures?

- No
 Yes Please specify:

59. Do you monitor and evaluate the performance of the prosecution services?

- No
 Yes Please specify:

The General Prosecutor monitors the performance of the prosecution services. The Ministry of Justice, in addition to this, performs an inspection of various police commissioners after demand.

You can indicate below:

- any useful comments for interpreting the data mentioned above
- the characteristics of your court monitoring and evaluation system



IV. Fair trial
IV. A. Fundamental principles

60. Is there in your judicial system:
- a right for an interpreter for all those within your jurisdiction who cannot understand or speak the language used in court?
 Yes No
 - the right to have reasons given for all prisons sentences?
 Yes No
 - for all cases, an effective remedy to a superior jurisdiction?
 Yes No

61. Which is the percentage of judgements in first instance criminal cases in which the suspect is not actually present or represented? 10%

Source *The Administrative Council of District Courts*

62. Is there a procedure to effectively challenge a judge if a party consider he/she is not impartial?

No
 Yes If possible, number of successful challenges (in a year):

63. Please give the following data 2003 and 2004 concerning the number of cases regarding the violation of Article 6 of the European Convention of Human Rights:

		Cases communicated by the Court		Cases declared inadmissible by the Court		Friendly settlements		Judgements establishing a violation		Judgements establishing a non violation	
		2003	2004	2003	2004	2003	2004	2003	2004	2003	2004
Criminal proceedings	Article 6§1 (equity)							1			
	Article 6§1 (duration)										
	Article 6§2										
	Article 6§3a										
	Article 6§3b										
	Article 6§3c										
	Article 6§3d										
	Article 6§3e										
Civil proceedings	Article 6§1 (equity)							1			
	Article 6§1 (duration)										
	Article 6§1 (non execution)										

	only)									
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Source **The Ministry of Justice**

IV.B. Timeframes of proceedings
IV. B. 1. General

64. Are there specific procedures for urgent matters in:
- | | | |
|-------------------------|-----|--------------------------|
| | Yes | No |
| ▪ civil cases? | X | <input type="checkbox"/> |
| ▪ criminal cases? | X | <input type="checkbox"/> |
| ▪ administrative cases? | X | <input type="checkbox"/> |

65. Are there simplified procedures for:
- | | | |
|------------------------------------|--------------------------|----|
| | Yes | No |
| ▪ civil cases (small claims)? | <input type="checkbox"/> | X |
| ▪ criminal cases (petty offences)? | <input type="checkbox"/> | X |
| ▪ administrative cases? | <input type="checkbox"/> | X |

66. Is it possible for a second instance court to send back a case to a first instance court for a new examination?
- Yes No

67. Do courts and lawyers have the possibility to conclude agreements on modalities for processing cases (presentation of files, binding timeframes for lawyers to submit their conclusions and dates of hearings)?
- No
Yes **Please specify:**

Courts and lawyers have the possibility to conclude agreements on modalities for processing cases to some extent. The exception is when timeframes are bound by law. Supreme Court judges decide dates of hearings.

IV. B. 2. Civil and administrative cases

68. Total number of civil cases in courts (litigious and not litigious): **25.904 ***

Please specify the main types of cases:

N/A

Source **The Supreme Court of Iceland and The Administrative Council of District Courts**

* There were 240 cases appealed to the Supreme Court in the year 2004.

69. Litigious administrative and civil cases in courts – please complete this table concerning the number of cases/length of proceedings/pending cases and specify definitions of incoming cases, starting and ending point of length and pending cases:

	Civil cases	Administrative cases	Divorce	Employment dismissal
--	-------------	----------------------	---------	----------------------

Total number (1st instance)	Incoming cases	1.296	N/A	N/A	N/A
	Decisions on the merits				
	Percentage of decisions subject to appeal in a higher court	240			
	Pending cases by 1 January 2005	728	N/A	N/A	N/A
	Percentage of pending cases of more than 3 years	0	N/A	N/A	N/A
Average length (from date of lodging of court proceedings*)	1st instance decisions	269 days			
	2nd instance decisions	140-168 days **			
	Total procedure				

* If you cannot calculate the average length from the date of lodging of court proceedings, how do you calculate length of proceedings?

** This is the time from the appeal to the hearing of the case.

Where appropriate, please specify the specific procedure as regards divorce:

Source *The Supreme Court of Iceland and The Administrative Council of District Courts*

IV. B. 3. Criminal cases

70. Please describe the role and powers of the prosecutor in the criminal procedure:

	Yes	No
▪ to conduct or supervise police investigation?	X	
▪ to conduct investigation?		X
▪ when necessary, to demand investigation measures from the judge?	X	
▪ to charge?	X	
▪ to present the case in the court?	X	
▪ to propose a sentence to the judge?	X	
▪ to appeal?	X	
▪ to supervise enforcement procedure?		X
▪ to end the case by dropping it without the need for a judicial decision?	X	
▪ to end the case by imposing or negotiating a penalty without a judicial decision?		X
▪ other significant powers?		

Please specify:

--

71. Does the prosecutor also have a role in civil and/or administrative cases?

No
 Yes

Please specify:

--

72. Functions of the public prosecutor in relation to criminal cases– please complete this table:

		Total number of 1st instance criminal cases
Received by the public prosecutor		8782 *
Discontinued by the public prosecutor	In general	2794
	Because the offender could not be identified	N/A
	Due to the lack of an established offence or a specific legal situation	455
Concluded by a penalty, imposed or negotiated by the public prosecutor		N/A
Charged by the public prosecutor before the courts		5944

* Traffic cases are included in this number. The number of traffic cases is 3223 and 2239 when drunk driving cases are not included.

Source **The yearly report for 2004 from the General Prosecutor**

73. Criminal cases in courts – please complete this table concerning the number of cases/length of proceedings/pending cases and specify definitions of incoming cases, starting and ending point of length and pending cases:

		Criminal cases	Robbery cases	Intentional homicides
Total number (1st instance)	Incoming cases	8563	23	5
	Judicial decisions	8105	22	1
	Convicted persons	2612	33	0
	Acquitted persons	81	2	1
	Percentage of decisions subject to appeal in a higher court	170 cases	N/A	N/A
	Pending cases by 1 January 2005	761	4	0
	Percentage of pending cases of more than 3 years	0	0	0

Average length*(from the date of official charging)	1st instance decision	892 days**	107 days	63 days
	2nd instance decision	126-140 days***		
	Total procedure			

* If you cannot calculate the average length from the date of official charging, how do you calculate length of proceedings?

** The starting point for first instance cases is calculated from the day that the first papers in the case are received by the court.

*** This is the time from the appeal to the hearing of the case.

Source *The Supreme Court of Iceland and The Administrative Council of District Courts*

You can indicate below:

- **any useful comments for interpreting the data mentioned above**
- **the characteristics of your system concerning timeframes of proceedings**

V. Career of judges and prosecutors

V. A. Appointment and training

74. Are judges initially/at the beginning of their carrier recruited and nominated by:

- a body composed of members of the judiciary?
- a body composed of members external to the judiciary?
- a body composed of members of the judiciary and external to the judiciary?

Yes

X

75. Are prosecutors initially/at the beginning of their carrier recruited and nominated by:

- a body composed of members of the prosecution system?
- a body composed of members external to the prosecution system?
- a body composed of members of the prosecution system and external to the prosecution system?

Yes

X *

* The Minister of Justice nominates prosecutors for 5 years at a time, cf. art. 25 in the Criminal Code.

76. Is the mandate given for an undetermined period for:

- | | | |
|----------------|--------------------------|--------------------------|
| | Yes | No |
| ▪ judges? | X | <input type="checkbox"/> |
| ▪ prosecutors? | <input type="checkbox"/> | X * |

Are there exceptions ? Please specify:

* The General Prosecutor is given a mandate for an undetermined period, but other prosecutors are given a 5 year renewable mandate.

If no, what is the length of the mandate:

Is it renewable?

- | | | | |
|-------------------|--------------------------|--------------------------|--------------------------|
| | | Yes | No |
| ▪ of judges? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| ▪ of prosecutors? | 5 years | X | <input type="checkbox"/> |

You can indicate below:

- any useful comments for interpreting the data mentioned above
- the characteristics of the selection and nomination procedure of judges and prosecutors

77. Nature of the training of judges:

	Compulsion (Yes/No)		Frequency (Yes/No)	
Initial training	Compulsory	YES		
	Highly recommended			
	Optional			
General in-service training	Compulsory	YES	Annual	
	Highly recommended		Regular	
	Optional		Occasional	
In-service training for specialised functions (e.g. judge for economic or administrative issues)	Compulsory	YES	Annual	
	Highly recommended		Regular	
	Optional		Occasional	
In-service training for specific	Compulsory		Annual	
	Highly		Regular	

functions (e.g. head of court)	recommended			
	Optional	YES	Occasional	

78. Nature of the training of prosecutors:

	Compulsion (Yes/No)		Frequency (Yes/No)	
	Initial training	Compulsory		
Highly recommended				
Optional		YES		
General in-service training	Compulsory		Annual	
	Highly recommended	YES	Regular	
	Optional		Occasional	
Specialised in-service training	Compulsory		Annual	
	Highly recommended		Regular	
	Optional	YES	Occasional	

You can indicate below:

- any useful comments for interpreting the data mentioned above
- the characteristics of of your training system for judges and prosecutors

V. B. Practice of the profession

79. Gross annual salary of a first instance professional judge at the beginning of his/her career

100.500 €

Source *The Administrative Council of District Courts*

80. Gross annual salary of a judge of the Supreme Court or of the highest appellate court

125.000 €

Source *The Supreme Court*

81. Gross annual salary of a public prosecutor at the beginning of his/her career

97.000 * €

Source *Ministry of Justice*

* estimated

82. Gross annual salary of a public prosecutor of the Supreme Court or of the highest

appellate court

130.000 * €

Source *Ministry of Justice*

* estimated

83. Do judges and public prosecutors have additional benefits?

	Judges (Yes/No)	Public prosecutors (Yes/No)
Reduced taxation	No	No
Special pension	Yes, Supreme Court judges	Yes, the General Prosecutor
Housing	No	No
Other financial benefit (If yes, please specify)		

84. Can judges or prosecutors combine their work with any of the following other professions?

	Judges			Prosecutors		
	Yes with remuneration	Yes without remuneration	No	Yes with remuneration	Yes without remuneration	No
Teaching	YES					
Research and publication	YES					
Arbitrator	YES					
Consultant	NO					
Cultural function	YES					
Other function to specify						

85. Do judges receive bonus based on the fulfilment of quantitative objectives relating to the delivering of judgments?

No
 Yes

Please specify:

V. C. Disciplinary procedures

86. Types of disciplinary proceedings and sanctions against judges and prosecutors:

		Judges	Prosecutors
Reasons for disciplinary	Total number	0	0
	Breach of professional ethics (Yes/No) If yes, please specify the number		
	Professional inadequacy		

procedures	(Yes/No) If yes, please specify the number		
	Criminal offence (Yes/No) If yes, please specify the number		
	Other (Yes/No) If yes, please specify		
Types of sanctions	Total number		
	Reprimand (Yes/No) If yes, please specify the number		
	Suspension (Yes/No) If yes, please specify the number		
	Dismissal (Yes/No) If yes, please specify the number		
	Fine (Yes/No) If yes, please specify the number		
	Other (Yes/No) If yes, please specify		

You can indicate below:

- **any useful comments for interpreting the data mentioned above**
- **the characteristics of your system concerning disciplinary procedures for judges and prosecutors**

VI. Lawyers

87. Number of lawyers practising in your country

695

Source *The Icelandic Bar Association*

88. Does this figure include legal advisors (solicitors or in-house counsellor) who cannot represent their clients in court?

Yes

No

89. Do lawyers have a monopoly of representation:

	Monopoly (Yes/No)		If no, possible representation by (Yes/No)	
Civil cases*	Yes		Member of family	
			Trade Union	
			NGO	
			Other	
Criminal cases*	Defendant	No	Member of family	
			Trade Union	
			NGO	
			Other	Yes - self
	Victim	No	Member of family	
			Trade Union	
			NGO	
			Other	Yes - self
Administrative cases*	No		Member of family	Yes
			Trade Union	Yes
			NGO	Yes
			Other	Yes

* If appropriate, please specify if it concerns first instance and appeal.

90. Is the lawyer profession organised through?

- a national bar?
- a regional bar?
- a local bar?

Yes



Please specify:

The Icelandic Bar Association

91. Is there a specific initial training or examination to enter the profession of lawyer?

Yes

No

92. Is there a mandatory general system for lawyers requiring continuing professional development?

Yes

No

93. Is the specialisation in some legal fields tied with a specific level of training/ qualification/ specific diploma or specific authorisations?

No

Yes

Please specify:

94. Can users establish easily what the lawyers' fees will be?

Yes No

95. Are lawyers fees:

- regulated by law? Yes
- regulated by Bar association?
- freely negotiated? X *

* The Icelandic Bar Association sets forth a fee guideline.

96. Have quality standards been formulated for lawyers?

Yes No

97. If yes, who is responsible for formulating these quality standards:

- the bar association? Yes
- the legislature?
- other? Please specify:

98. Is it possible to complain about :

- the performance of lawyers? No
Yes Please specify:

To the Disciplinary board.

- the amount of fees? Yes No

99. Disciplinary proceedings and sanctions against lawyers:

	Yes /No (If yes, please specify the annual number)	
Reasons for disciplinary proceedings	Breach of professional ethics	Yes, 23 (same as in professional inadequacy)
	Professional inadequacy	Yes, 23 (same as in professional ethics)
	Criminal offence	N/A
	Other	Yes, 8 (fees)
Type of sanctions	Reprimand	8
	Suspension	N/A
	Removal	N/A
	Fine	N/A
	Other	

100. Who is the authority responsible for the disciplinary procedures:

Yes
 Please specify:
 a professional body?

Disciplinary board.

the judge?
 the Ministry of justice?
 other?

Please specify:

You can indicate below:

- any useful comments for interpreting the data mentioned above
- the characteristics of your system concerning the organisation of the Bar

VII. Alternative Dispute Resolution

101. If appropriate, please specify, by type of cases, the organisation of the judicial mediation:

	Compulsion (Yes/No)		Body providing mediation (Yes/No)	
Civil cases	Compulsory stage prior to court proceedings	No	Private mediator	
			Public or authorised by court body	
			Court	
	Compulsory stage in court proceedings	No	Judge	Yes
	Ordered by judge in certain cases	No	Prosecutor	
Family cases	Compulsory stage prior to court proceedings	No	Private mediator	
			Public or authorised by court body	
			Court	
	Compulsory stage in court proceedings	No	Judge	Yes

	Ordered by judge in certain cases	No	Prosecutor	
Administrative cases	Compulsory stage prior to court proceedings	No	Private mediator	
			Public or authorised by court body	
			Court	
	Compulsory stage in court proceedings	No	Judge	Yes
	Ordered by judge in certain cases	No	Prosecutor	
Employment dismissals	Compulsory stage prior to court proceedings	No	Private mediator	
			Public or authorised by court body	
			Court	
	Compulsory stage in court proceedings	No	Judge	Yes
	Ordered by judge in certain cases	No	Prosecutor	
Criminal cases	Compulsory stage prior to court proceedings	No	Private mediator	
			Public or authorised by court body	
			Court	
	Compulsory stage in court proceedings	No	Judge	Yes
	Ordered by judge in certain cases	No	Prosecutor	

102. Can you provide information about accredited mediators?

N/A

103. Can you provide information about the total number of mediation procedure concerning:

- civil cases? N/A
- family cases? N/A
- administrative cases? N/A
- employment dismissals? N/A
- criminal cases? N/A

Source

104. Can you give information concerning other alternative dispute resolution (e.g. Arbitration)? Please specify:

Magistrates can serve as mediators according to article 107 of the Code of Civil Procedure. A judge can, upon request of all parties, refer a case to the magistrate if he believes it will lead to a successful conclusion. The parties themselves can also in some instances bring a case before a magistrate without the instrumentality of a judge.

You can indicate below:

- **any useful comments for interpreting the data mentioned above**
- **the characteristics of your system concerning ADR**

VIII. Enforcement of court decisions

VIII. A. Execution of decisions in civil matters

105. Are enforcement agents:

- judges?
 - bailiff practising as private profession ruled by public authorities?
 - bailiff working in a public institution?
 - other enforcement agents?
- Please specify their status:

Yes

106. Number of enforcement agents

26

Source Ministry of Justice

107. Is there a specific initial training or examination to enter the profession of enforcement agent?

Yes

No

108. Is the profession of enforcement agent organised by?

Yes

- a national body?
- a regional body?
- a local body?

109. Can users establish easily what the fees of the enforcement agents will be?

Yes No

110. Are enforcement fees:

- regulated by law?
- freely negotiated?

111. Is there a body entrusted with the supervision and the control of the enforcement agents?

No

Yes Which authority is responsible for the supervision and the control of enforcement agents:

- a professional body?
 - the judge?
 - the Ministry of justice?
 - the prosecutor?
 - other?
- Please specify:

112. Have quality standards been formulated for enforcement agents?

No

Yes Who is responsible for formulating these quality standards?

Ministry of Justice

Source [Ministry of Justice](#)

113. What are the main complaints of users concerning the enforcement procedure:

- | | Yes | No |
|-----------------------------|-------------------------------------|--------------------------|
| ▪ no execution at all? | <input type="checkbox"/> | <input type="checkbox"/> |
| ▪ lack of information? | <input type="checkbox"/> | <input type="checkbox"/> |
| ▪ excessive length? | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| ▪ unlawful practices? | <input type="checkbox"/> | <input type="checkbox"/> |
| ▪ insufficient supervision? | <input type="checkbox"/> | <input type="checkbox"/> |
| ▪ excessive cost? | <input type="checkbox"/> | <input type="checkbox"/> |
| ▪ other? | <input type="checkbox"/> | <input type="checkbox"/> |

Source [Ministry of Justice](#)

114. Does your country prepared or has established concrete measures to change the situation concerning the enforcement of court decisions?

No
 Yes **Please specify:**

115. Is there a system measuring the timeframes of the enforcement of decisions :

- | | | |
|-----------------------------|-------------------------------------|--------------------------|
| | Yes | No |
| ▪ for civil cases? | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| ▪ for administrative cases? | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

116. As regards a decision on debts collection, can you estimate the average timeframe to notify the decision to the parties which live in the city where the court seats:

- | | |
|---|-------------------------------------|
| | Yes |
| ▪ between 1 and 5 days | <input checked="" type="checkbox"/> |
| ▪ between 6 and 10 days | <input type="checkbox"/> |
| ▪ between 11 and 30 days | <input type="checkbox"/> |
| ▪ more: please specify <input type="checkbox"/> | <input type="checkbox"/> |

Source **Ministry of Justice**

117. Disciplinary proceedings and sanctions against enforcement agents:

	Yes /No (If yes, please specify the total number)	
Disciplinary proceedings	Breach of professional ethics	No
	Professional inadequacy	No
	Criminal offence	No
	Other	
Sanctions	Reprimand	No
	Suspension	No
	Dismissal	No
	Fine	No
	Other	

You can indicate below:

- **any useful comments for interpreting the data mentioned above**
- **the characteristics of your enforcement system of decisions in civil matters**

The magistrates represent the administrative branch of government locally. They, and their jurisdictions, are 26 in number. They do not wield any judicial powers. Among their duties are direction of police, crime investigation, public prosecution, direction of customs, collection of state revenues, civil marriages, separation and divorces, decisions on rights of access and support payments under family law, legal competency, real estate records, various involvement sotj estates at death, enforcement of judgments, forced sales etc. Disputes concerning the functions of the magistrates can be referred to the courts in many cases, in particular those concerning enforcement proceedings and settlement of estates at death, but if not, administrative appeal can take place to the Ministry of Justice.

VIII. B. Enforcement of decisions in criminal matters

118. Is there a judge who has in charge the enforcement of judgments?

Yes Please specify his/her functions and activities (e.g. Initiative or control functions):

No Please specify which authority is entrusted with the enforcement of judgements (e.g prosecutor):

The Prison and Probation Administration

119. As regards fines decided by a criminal court, are there studies to evaluate the effective recovery rate?

No
Yes Please specify:

You can indicate below:

- any useful comments for interpreting the data mentioned above
- the characteristics of your enforcement system of decisions in criminal matters

IX. Notaries

120. Is the status of notaries:

- a private one?
- a status of private worker ruled by the public authorities?
- a public one?
- other?

Yes	Number
<input type="checkbox"/>	<input type="checkbox"/>
<input checked="" type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>

Please specify:

Source **Ministry of Justice**

121. Do notaries have duties:

- | | Yes | No |
|--|--------------------------|--------------------------|
| ▪ within the framework of civil procedure? | X | <input type="checkbox"/> |
| ▪ in the field of legal advice? | X | <input type="checkbox"/> |
| ▪ to authenticate legal deeds? | X | <input type="checkbox"/> |
| ▪ other? | <input type="checkbox"/> | <input type="checkbox"/> |

If yes, please specify:

Notarius Act no. 86/1989

122. Is there a body entrusted with the supervision and the control of the notaries?

- No
Yes

Which authority is responsible for the supervision and the control of the notaries:

- | | Yes |
|----------------------------|--------------------------|
| ▪ a professional body? | <input type="checkbox"/> |
| ▪ the judge? | <input type="checkbox"/> |
| ▪ the Ministry of justice? | X |
| ▪ the prosecutor? | <input type="checkbox"/> |
| ▪ other? | <input type="checkbox"/> |

Please specify:

You can indicate below:

- *any useful comments for interpreting the data mentioned above*
- *the characteristics of your system of notaries*

123. Please indicate main orientations for reform and concrete measures which could improve the quality and the efficiency of your judicial system:

