

Iceland / Islande

MAIN QUESTION

Do you know about any judgments or decisions of the European Court of Human Rights or of the Court of Justice of the European Union, or of any other international court which refer to or in any way touch upon the independence (and preferably went on to highlight its elements):

- a) of prosecutors; No
- b) of the judiciary or the justice system as a whole; NO
- c) of judges.

[https://hudoc.echr.coe.int/eng#{\"fulltext\":\[\"guðmundur\"\],\"documentcollectionid2\":\[\"GRANDCHAMBER\", \"CHAMBER\"\], \"itemid\":\[\"001-191701\"\]}](https://hudoc.echr.coe.int/eng#{\) (Application no. 26374/18) Guðmundur Andri Ástráðsson v. Iceland

Paragraphs no. 104-122.

Waiting for judgement in Grand Chamber later this year.

If you know about any such judgments or decisions, the CCPE Bureau and the Working Group will be very grateful to you if you indicate their titles and also, if possible, the numbers of paragraphs or sections in these judgments and decisions where such references or indications are made. These judgments and decisions may concern any country, not only your country.

Questions

IN YOUR COUNTRY:

1. What are the general official measures taken for reacting to and implementing the decisions of international courts and treaty monitoring bodies?
 - a. Iceland honors any such finding according to the decisions.
2. Based on your answer to the 1st question, what are the measures taken particularly for the practical independence of the prosecution services and individual prosecutors? Can you give examples?
 - a. No measures in place. No examples.
3. Are these measures reflected in the law or in the prosecution policy or debate?
 - a. No
4. If yes, then were there any changes in the prosecution system as a consequence of such measures?
5. Are there also national decisions of the Supreme or Constitutional Courts, or any other highest judicial body at national level, dealing with the question of independence of prosecutors?
 - a. No
6. Does the prosecution system in your country belong to the judiciary?
 - a. No

6bis Are there any parallels between the independence of judges and independence of prosecutors, or the latter is considered separately, if considered at all?

a. Yes there is, but the independence of judges is manifested in the constitution but not that of prosecutors. The independence of prosecutors is regarded as a legal fact but not as well protected.

7. Are prosecutors and prosecution services independent or autonomous from the executive and legislative branches of state power?

a. Yes

7bis Is the interaction of prosecutor offices with courts, police, investigation authorities and other actors in criminal procedure based on the principle of prosecutorial independence and how?

a. Yes. Stated in Act on Criminal Procedure.

8. Is there a Council of Prosecutors or a similar equivalent body which can be considered as a mechanism to monitor and ensure prosecutorial independence, including in the way in which the prosecution services operate?

a. No

9. How many of its members are elected by their peers, and does the prosecution policy or the debate within the judiciary produce any impact on the election of the members of the Council of Prosecutors?

a. There is no Council of Prosecutors in Iceland.

10. Who has the initiative of disciplinary proceedings?

a. Superior prosecutor, head of unit.

11. Are prosecutors appointed for life or do they have to fulfil successive terms? Of how many years?

a. The DPP, deputy DPP, district prosecutor and the deputy district prosecutor are appointed for life the rest for 5 year in a row.

12. Are the rules regarding appointment, transfer, promotion and discipline of prosecutors similar to those of judges?

a. No

13. May the government instruct the prosecution services, for instance, to prosecute or not to prosecute? Are instructions general or specific in nature? Are they given in writing? Can the prosecution challenge them?

a. No the government can't.

14. Are the instructions of superior prosecutors given in writing to those under their supervision? Can these instructions be challenged or refused?

a. If there are instructions from the DPP to the district prosecutor's office or the chiefs of police, it is in writing. Instruction from superior prosecutors to those under their supervision in the same agency it is not in writing.

14bis What is the system of allocation, re-allocation and management of cases and is it based on objective and transparent criteria respecting the independence of prosecutors?

a. Allocation of cases is bound by law. Within a prosecutorial offices it's up to the head of office or the superior prosecutor. If it is re-allocated it is done by the DPP on case to case bases. The criteria is always stated in the decision of the DPP.

15. Which are, if any, the main initiatives in terms of training to strengthen the awareness about the de facto dimension of the prosecutorial independence?

a. That is part of tutorial system that the DPP runs.

15bis Is the concept of prosecutorial independence reflected in the code of ethics and professional conduct of prosecutors? If such code exists in your country, could you please inform how it was prepared and adopted, and provide its copy in English or French if available.

a. The independence of the prosecutors are repeatedly stated in the codes of ethics of the prosecution. The code of ethics was written by a group of prosecutors and signed by the DPP in 2017. We have no translation available.

16. To what extent the media cover the decisions of international courts and treaty bodies as regards the practical independence of prosecutors?

a. As much as relevant. The independence of the prosecution has been in the spotlight of the media in recent cases.

17. To what extent the prosecutor offices interact with the broad public as regards the decisions of international courts and treaty bodies related to the practical independence of prosecutors?

There has not been any such decisions.