

Act on Extradition and Other Assistance in Criminal Matters

1984 no. 13 April 17

The course of the case in Althingi. Bill to the law.

Entered into force on 1 July 1984. Amended by: Act 19/1991 (entered into force on 1 July 1992, except for the first and third paragraphs of Article 29, which entered into force on 17 April 1991). Act 82/1998 (entered into force on 1 October 1998). L. 15/2000 (entered into force on 28 April 2000). Act 45/2001 (entered into force on 13 June 2001). Act 71/2006 (entered into force on 30 June 2006). Act 88/2008 (entered into force on 1 January 2009, except for Act VII, which entered into force on 21 June 2008). Act 12/2010 (entered into force on 16 October 2012 according to advertisement A 106/2012). Act 162/2010 (entered into force on 1 January 2011). Act 126/2011 (entered into force on 30 September 2011). Act 51/2016 (entered into force on 14 June 2016 with regard to the Nordic Arrest Warrant, but with regard to the European Arrest Warrant, the Act enters into force upon the entry into force of the Agreement between the European Union and the Republic of Iceland and the Kingdom of Norway on extradition between the EU and Iceland. Norway). Act 117/2016 (entered into force on 1 January 2018, except for Articles 52, 53, 75, 76 and 79–81, which entered into force on 28 October 2016).

If this Act refers to a minister or ministry without specifying a subject area specifically or referring to it, it means the **Minister of Justice** or the **Ministry of Justice** that administers this Act. Information on the subject areas of ministries according to The presidential decree can be found [here](#).

Chapter I. Conditions for extradition.

■ Article 1

A person who in a foreign state is suspected, charged or convicted of a criminal offense may be extradited in accordance with this Act.

[The extradition between Iceland and the member states of the European Union and between Iceland and other Nordic countries of a person for criminal acts on the basis of an

arrest warrant applies to the provisions of the Act on Arrest and Extradition of Persons to and from Iceland for criminal acts on the basis of an arrest warrant.] ¹⁾

¹⁾L. 51/2016, Article 43

■ Article 2

Icelandic citizens may not be extradited.

■ Article 3

Extradition of a person is only permitted if the act or a similar act can result in imprisonment for more than 1 year according to Icelandic law. Extradition may be negotiated with other states for an act which, according to Icelandic law, may involve [short-term imprisonment]. ¹⁾

Extradition for the processing of a case is only permitted if a decision has been made in the foreign state that the person requested to be extradited shall be arrested or imprisoned for the act in question.

Extradition to enforcement of a judgment is, unless otherwise decided by agreement with the State concerned, only permitted:

1. if the sentence according to the judgment is at least 4 months [imprisonment], ¹⁾
2. if a convicted person is sentenced by a court or a decision made in accordance with a court order, shall be kept in an institution and his stay there may last for at least 4 months.

Extradition for the processing of a case or the execution of a sentence for additional acts is permitted, although the conditions according to Art. mgr. are met only in respect of one act.

If there is reasonable reason to believe that a suspicion of criminal conduct or the outcome of a judgment for which extradition is requested, is not considered to satisfy the basic rules of Icelandic law on reasoned suspicion, criminal conduct or legal proof of criminal proceedings, extradition is not permitted.

¹⁾L. 82/1998, Article 172.

■ Article 4

Extradition for acts of martial law is not permitted.

■ Article 5

Extradition for political offenses is not permitted.

If the act is also a violation of legal provisions that are not of a political nature, then extradition is permitted if the act is considered to be a minor political offense.

[By agreement with other states, it may be decided that certain offenses shall not be considered political offenses.] ¹⁾

¹⁾L. 15/2000, Article 3.

■ Article 6

□ A person may not be extradited if there is a significant risk that he or she will be subjected to treason or persecution which is directed against his or her life or liberty or is otherwise of a serious nature after extradition due to race, nationality, religion, political views or otherwise due to political circumstances.

■ Article 7

□ In special cases, extradition may be refused if humanitarian reasons preclude it, such as age, health or other personal circumstances.

■ Article 8

□ Extradition is not permitted when the person wanted to be extradited has been convicted or acquitted in this country for the criminal offense in question.

□ If an investigation against an accused person has not led to an indictment against him, he will not be extradited for the act covered by the investigation, unless there are conditions for filing a case under the [Criminal Procedure Act].¹⁾

¹⁾L. 88/2008, 234. gr.

■ Article 9

□ Extradition is not permitted if the guilt or sentence is time-barred or otherwise canceled according to Icelandic law.

□ [If a request for extradition is received from a state participating in the Schengen co-operation, the law of that state shall apply to the breach of the limitation period.]¹⁾

¹⁾L. 15/2000, Article 4.

■ Article 10

□ [When the person requested to be extradited has been sentenced to imprisonment or by a court or with the authority of a court, or shall be kept in an institution for an act other than the extradition request, he may not be extradited until the sentence is completed or he is discharged from the institution.]¹⁾ He may also not be extradited if a case is pending in this country for an act other than the one for which he is requested to be extradited and which may involve at least 2 years [imprisonment],¹⁾ or if he is being held in custody or is available against the security measures provided for in the [Criminal Procedure Act].²⁾

□ Extradition for the processing of a case may, however, be permitted on the condition that the person in question is sent back as soon as possible after the processing of the case.

¹⁾L. 82/1998, Article 172. ²⁾L. 88/2008, 234. gr.

■ Article 11

□ The following conditions for extradition shall be set:

1. That the extradited person shall not be prosecuted or punished or extradited to a third country for another criminal act committed before extradition, except:

a. that [the ministry] ¹home it, cf. Article 20, or

b. that the extradited person has not left the country to which he was extradited, even though he had the opportunity to leave there unhindered for at least 45 days or

c. that he has returned to the country to which he was extradited after he had left the country.

2. That without permission [of the Ministry] ²the case of the extradited person may not be brought before the interim courts or a court which is only authorized to deal with the offenses in question or special exceptional cases.

3. That the death penalty against the extradited person may not be served.

Additional conditions may be set for extradition.

¹L. 126/2011, Article 99 ²L. 162/2010, Article 112.

II. chapter. Handling of extradition cases.

■ Article 12

A request for extradition shall be made through diplomatic channels, unless otherwise agreed with the State concerned.

The extradition request shall include information on the citizenship of the person wanted to be extradited, his or her place of residence in this country if he or she is known, the nature of the offense and where and when it was committed. If there is a description of the person wanted extradited, it must be included. A request for extradition shall also be accompanied by a copy of the legal provisions to which the act is deemed to apply. If there are significant difficulties in obtaining a transcript, it may be sufficient to explain the legal provisions to those who are believed to have been violated.

A request for extradition for the processing of a case shall be accompanied by an original or certified copy of an arrest warrant or other arrest decision which, in accordance with an agreement, is in accordance with the law of the state in question and which argues that there are valid reasons to suspect the person .

Upon a request for extradition by a person for enforcement in court, the court shall accompany or certify his transcript.

■ Article 13

According to [the Ministry], ¹on the basis of a request for extradition and the information that accompanies it, that the request should be rejected when it should be done.

□ If the request is not immediately rejected according to Paragraph 1 sends [Ministry] ¹⁾ the Public Prosecutor requests the request and must ensure that the necessary investigation is carried out immediately.

□ Unless otherwise stated in this Act, rules on the handling of [criminal cases] shall be applied to the conduct of investigations and other matters relating to extradition requests. ²⁾ where applicable.

¹⁾L. 162/2010, Article 112. ²⁾L. 88/2008, 234. gr.

■ Article 14

□ A person who is wanted for extradition can demand a ruling from the [district court] ¹⁾ in Reykjavík on whether the conditions of law for extradition exist. The Office of the Attorney General shall, at the same time as he notifies the man of the extradition request and the reasons for it, inform him of this authorization and that he has the option of having an appointed legal guardian in accordance with Article 16.

□ A request for a ruling shall be received by the State Prosecutor or [the Ministry] ²⁾ no later than 1 day after the person requested to be extradited is notified that [the Ministry] ²⁾ has decided to accede to the request for extradition. If special reasons suggest [the Ministry] ²⁾ allowed a decision on extradition to be submitted to a court even if the above-mentioned deadline has passed.

□ If a ruling has been demanded within the statutory deadline or an exemption has been allowed, extradition shall not take place until a final court ruling has been announced.

¹⁾L. 19/1991, 195. gr. ²⁾L. 162/2010, Article 112.

■ [14. gr. a.

□ If the person requested to be extradited to a state participating in the Schengen co-operation agrees to extradition, he or she may also declare that a case may be brought against him or her or that he or she be sentenced in the requesting state for another criminal act. but the one specified in the extradition request. Such a declaration is binding unless the person concerned waives the consent to the extradition. Consent and declaration must be recorded and approved in writing by the police, the prosecution or in court.] ¹⁾

¹⁾L. 15/2000, 5. gr.

■ Article 15

□ In the case of an extradition request, the coercive measures imposed by the [Criminal Procedure Act] may be applied. ¹⁾ allow the investigation of similar criminal cases. In deciding whether there are conditions for the application of coercive measures, the court decisions that accompany the extradition request may be used as a basis without further investigation of the

proof of the person's guilt.

□The above coercive measures may be applied until it is decided whether extradition is to take place and then until extradition is permitted. Therefore, if a detention order is issued, the period shall not be longer than 3 weeks. If it is deemed necessary to extend the detention period, this shall be done by a ruling at a court hearing where the detainee is present. The detention period may not be extended by more than 2 weeks at a time.

¹L. 88/2008, 234. gr.

■ Article 16

□A judge shall appoint a person who is to be extradited as a legal guardian if the person or the public prosecutor so requests. A judge may also voluntarily appoint a legal guardian if he or she deems it necessary.

□The salary of a legal guardian and other legal costs shall be paid from the State Treasury. The judge may, however, decide, in special circumstances, that the person in question shall pay the costs.

■ Article 17

□Upon completion of the investigation, the Attorney General sends [the Ministry] ¹all the documents in the case together with an opinion on it. The Ministry then decides whether extradition should be permitted.

¹L. 162/2010, Article 112.

■ Article 18

□When [the Ministry] ¹has decided to accede to the request for extradition, this shall be done as soon as possible. If the person requested to be extradited is not detained, he may be arrested and remanded in custody until he is extradited or otherwise restricted in accordance with the provisions of [the Code of Criminal Procedure]. ²⁾

□However, a ruling on coercive measures shall not apply for more than 30 days after the final decision on extradition has been made. At the request of [the Ministry] ¹the criminal court may, however, decide, in special circumstances, that the coercive measures shall be applied for a certain longer period.

□When a person is extradited, it may be decided that items or valuables that have been seized in connection with the case are handed over to the government authorities who requested the transfer, provided that a reservation is made upon delivery, if there is reason to do so, to protect the rights of a third party.

¹L. 162/2010, Article 112. ²⁾L. 88/2008, 234. gr.

III. chapter. Other extradition decisions.

■ Article 19

□ If a person is wanted by the authorities in a foreign state because he is suspected, charged or convicted of a criminal act that could become the basis for extradition under this Act, he can then be subjected to coercive measures [the Code of Criminal Procedure] ¹⁾ in the same way as if he were accused of a corresponding crime in this country. The same measures may be taken if the relevant authorities announce that they will require extradition for the act.

□ A decision on coercive measures shall be notified immediately to [the Ministry]. ²⁾ The Ministry may decide that coercive measures shall not be applied if it considers that there is no basis for extradition. If the Ministry does not decide that coercive measures shall be abolished, it shall ensure that the foreign state is notified of them and that they are repealed if the extradition request is not received as soon as possible. If a request for extradition has not been received within 30 days of the notification, coercive measures shall be abolished. In special circumstances, this period may be extended.

¹⁾L. 88/2008, 234. gr. ²⁾L. 162/2010, Article 112.

■ Article 20

□ [Ministry] ¹⁾ may, upon request, authorize proceedings to be instituted against a person who has been extradited in accordance with this Act, or he shall have a sentence imposed for another criminal act committed before extradition and for which he was extradited. The same applies to consent to be extradited to a third country for a criminal offense committed before being extradited from here.

□ Consent may therefore only be granted if the act could have been committed in accordance with this Act. The provisions of Articles 14 and 16 shall also apply to the granting of such consent as appropriate.

□ [Consent for the person in question to be extradited to Denmark, Finland, Norway or Sweden may, however, be granted if the conditions of the law on arrest and extradition of persons to and from Iceland for criminal offenses on the basis of an arrest warrant are in place.] ²⁾

□ In a request for approval according to para. shall be the same information as referred to in the second paragraph. Article 12 Adequate evidence must also be provided that the person in question has been notified of his rights under Articles 14 and 16. as appropriate and whether he wishes to exercise that right.

□ When a court ruling is required as to whether the conditions of law exist, approval may not be granted until a final court ruling is available. Such cases shall be decided by [district

court] ³⁾in Reykjavik.

□ Upon request, [the Ministry] may ¹⁾allowed the case of the extradited person to be heard by a temporary court or other court, cf. Paragraph 2 Article 11, but only if it is considered safe due to proceedings before that court.

¹⁾L. 162/2010, Article 112. ²⁾L. 51/2016, Article 43 ³⁾L. 19/1991, 195. gr.

■ Article 21 ... ¹⁾

¹⁾L. 51/2016, Article 43

IV. chapter. Other assistance for criminal proceedings.

■ Article 22

□ In order to obtain evidence for use in criminal proceedings in another State, a decision may be made upon request in accordance with the provisions of the [Criminal Procedure Act], ¹⁾shall be applied in a corresponding manner and in comparable cases conducted in this country.

□ [Where a request for assistance is made on the basis of the European Union Convention on Mutual Assistance in Criminal Matters of 29 May 2000 and its Protocol of 16 October 2001, it shall follow the procedure specified by the requesting State, provided that: it does not violate Icelandic law. Requests for the questioning of witnesses or experts by telephone or video conference shall be complied with as far as possible. Interrogation by telephone shall be permitted only if the witness or expert concerned agrees.] ²⁾

□ Request should be sent to [the Ministry] ³⁾unless otherwise decided by an agreement with another state, cf. [7. mgr.] ²⁾The request shall include information on the type of offense and where and when it was committed. A request may only be granted if it is proven that there is a decision on coercive measures that are in accordance with the legislation of the state in question.

□ [A request may not be granted if the act for which it is committed or a comparable act is not punishable under Icelandic law or if it is in accordance with the provisions of Articles 5-7. gr. can not be the basis of extradition. Subsequent conditions of the 1st sentence does not apply to countries participating in the Schengen cooperation. [Regarding requests from Denmark, Finland, Norway or Sweden, the previous conditions of the first sentence do not apply either] ⁴⁾ ⁵⁾

□ [Ministry] ³⁾shall immediately reject the request if the conditions [3. mgr.] ²⁾are not present or if it is clear that it can not be met. If a request is not rejected in accordance with this paragraph, the case shall be sent to the Attorney General for further assistance and he shall

arrange for the necessary investigation to take place immediately.

☐ Following the investigation, the Attorney General sends [the Ministry] ³⁾all the documents in the case together with an opinion on it. The Ministry then decides whether to grant the request.

☐ In an agreement with a foreign state, it may be decided that the matter shall be entrusted to a government authority other than the Ministry for processing.

☐ If it is probable that a person residing in Iceland who is not a suspect in the case has the item to be seized in a lawful manner, its delivery to the authorities of another state shall be subject to the condition that he shall be returned free of charge. when the case is completed.

¹⁾L. 88/2008, 234. gr. ²⁾L. 71/2006, Art. ³⁾L. 162/2010, Article 112. ⁴⁾L. 12/2010, Article 24. ⁵⁾L. 15/2000, Article 6.

■ Article 23

☐ For the purpose of dealing with a criminal case in another state, it may, upon request, be decided that a person who in this country is imprisoned or deprived of his liberty in accordance with a court for a criminal act, shall be sent to another state for questioning as a witness or for examination.

☐ Request should be sent to [the Ministry] ¹⁾unless otherwise decided by an agreement with another state, cf. Paragraph 6 The request must include detailed information about the criminal act.

☐ A request may not be granted if the act in question or a comparable act is not punishable under Icelandic law or if it is in accordance with the provisions of Articles 5-7. gr. can not be the basis of extradition. In addition, the request shall be rejected if the person's presence is necessary in this country due to a criminal case or if there are other compelling reasons against transferring him to the other state. Special consideration shall be given to whether the transfer is likely to extend the period during which he would be deprived of his liberty. [The first sentence does not apply to requests from Denmark, Finland, Norway or Sweden.] ²⁾

☐ [Ministry] ¹⁾shall immediately reject the request if it is clear that it cannot be complied with. If a request is not rejected in accordance with this paragraph, the case shall be sent to the Attorney General for further assistance and he shall arrange for the necessary investigation to take place immediately.

☐ If the person does not agree to the transfer, the [district court] shall ³⁾in Reykjavík stipulate whether the legal conditions for transport exist. Following the investigation, the Attorney General sends [the Ministry] ⁴⁾all the documents of the case together with an opinion on the case as a whole. The Ministry then decides whether to grant the request.

☐ In an agreement with a foreign state, it may be decided that the matter shall be entrusted to

a government authority other than the Ministry for processing.

The transfer of a person shall be subject to the condition that the person concerned be returned as soon as possible, perhaps within a specified period of time, and that no investigation be instituted against him during his stay in the other State, punished there or he extradited for an act he committed before the transfer took place.

¹⁾L. 162/2010, Article 112. ²⁾L. 12/2010, Article 24. ³⁾L. 19/1991, 195. gr.

■ [23. gr. a.

The government may agree that an authority in a foreign state may send a notification or case file by post to an individual in this country for the investigation or handling of a criminal case.

If there is reason to believe that the recipient does not understand the language in which the document is written, the document or its main content shall be translated into Icelandic or another language that the foreign authority is aware that the recipient understands.

Notifications or dossiers shall include information that the consignee may obtain information on his rights and obligations arising from the document from the issuing authority or from other authorities in the State concerned. The provisions of the second paragraph shall apply to such guidelines]. ¹⁾

¹⁾L. 45/2001, Art.

■ [23. gr. b.

Now a foreign public official participates in an investigation or treatment [criminal case] ¹⁾in this country and the provisions of XII. and XIV. section of the General Penal Code as applicable.] ²⁾

¹⁾L. 88/2008, 234. gr. ²⁾L. 45/2001, Art.

Chapter V. Final provisions.

■ Article 24

Rulings handed down under this Act are subject to appeal to [National Court] ¹⁾ according to general rules [of the Code of Criminal Procedure]. ²⁾

¹⁾L. 117/2016, Article 27. ²⁾L. 88/2008, 234. gr.

■ Article 25

Agreements may be entered into with other states on the obligation to extradite and on other assistance in criminal matters with certain conditions which, however, may not contravene the provisions of this Act.

Notwithstanding this Act, extradition and requests for assistance in criminal matters may

take place to the extent that Iceland is obliged to do according to agreements concluded before the entry into force of this Act with other states.

Extradition and other assistance in criminal matters is permitted under this Act, although it is not obligatory according to an agreement that Iceland has made in this regard with the state in question.

■ Article 26

The provisions of I. and II. Chapter III on extradition and the provisions in III. chapters on extradition do not apply to Denmark, Finland, Norway and Sweden.

■ Article 27

[Minister] ¹⁾ may lay down in a regulation further provisions on the implementation of this Act.

¹⁾L. 126/2011, Article 99

■ Article 28

This Act shall enter into force on 1 July 1984. ...