

# ICELANDIC GENERAL PENAL CODE

(Official translation; Source: Icelandic Authorities)

## Law No. 19/1940

### Section 4

Penalties shall be imposed in accordance with Icelandic criminal law on account of the following offences:

1. Offences committed in Iceland. If an offence is committed by a person employed on board, or a passenger of, a foreign ship or aircraft in Icelandic territory, against a person travelling with that craft or against any interests closely linked to the craft, penalty shall however only be imposed if the Minister of Justice has ordered investigation and prosecution.
2. Offences committed on board Icelandic ships or Icelandic aircraft, irrespective of a craft's position at the time of commission. If an offence has been committed in a place subject to the criminal jurisdiction of another state under international law, by a person neither permanently employed on board the craft nor a passenger thereon, penalty shall not be imposed in Iceland unless this is provided for in Sections 5 or 6.
3. Offences against Section 264 committed in Icelandic territory, even if the original offence, from which the gain has been derived, was committed abroad, and irrespective of the offender's identity.

### Section 5

Penalties shall be imposed in accordance with Icelandic criminal law on account of offences committed by Icelandic nationals and residents of Iceland:

1. If the offence was committed in a place outside the criminal jurisdiction of other states under international law, provided it was also punishable under the law of the offender's home state;
2. If the offence was committed in a place under the criminal jurisdiction of another state, provided it was also punishable under the law of that state.

The provisions of the first paragraph may be applied to an act committed by a Danish, Finnish, Norwegian or Swedish national or resident who stays in Iceland.

### Section 6

Penalties shall also be imposed in accordance with Icelandic criminal law on account of the following offences, even if they have been committed outside Icelandic territory and irrespective of the offender's identity:

1. ...
2. ...
3. ...
4. ...

5. ...
6. ...
7. ...
8. ...
9. ...

10. For conduct described in the Convention of 21 November 1997 on Combating Bribery of Foreign Public Officials in International Business Transactions.

### **Section 7**

If the penalty to be ordered is, by law, to some extent contingent upon the consequences of an act, the act shall be deemed also to have been committed at the place where the consequences occur or are intended to occur.

### **Section 8**

When criminal action is brought before an Icelandic court, the penalty to be imposed and any other consequences of the offence shall be determined in accordance with Icelandic law.

The penalty imposed on account of an offence subject to prosecution according to Section 5 shall not exceed the maximum provided for by the law of the offender's home state, cf. subparagraph 1, or by the law of the state of commission, cf. subparagraph 2.

### **Section 18**

A person is only criminally liable for an act punishable under this Code, if it was committed intentionally or negligently. Penalties on account of a negligently committed offence shall only be ordered if this is expressly provided for in this Code.

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## **Chapter I A Criminal Liability of Legal Persons**

### **Section 19 a**

A legal person may be ordered to pay a fine if this is provided for by statute.

### **Section 19 b**

Statute provisions on the criminal liability of legal persons shall, subject to any limitations provided for there, apply to any entity who while not being a natural person is capable of enjoying rights and bearing duties under Icelandic law, including joint stock companies, private limited liability companies, companies with mixed liability of owners, European Interest Groupings, partnership companies, co-operative societies, associations, independent foundations, administrative authorities, institutions and municipal authorities.

### **Section 19 c**

Subject to other provisions in law, a legal person can only be made criminally liable if its officer, employee or other natural person acting on its behalf committed a criminal and unlawful act in the course of its business. Penalties may be imposed even if the identity of that person has not been established. Administrative authorities can only be made criminally

liable if an unlawful and criminal act has been committed in the course of an operation deemed comparable to the operations of private entities.

...

### **Section 20**

Any person who has resolved to commit an act punishable under this Code, and has clearly demonstrated this resolve by an act forming a part of its commission or designed as such, is, if the offence has not been completed, guilty of an attempted offence.

For an attempted offence, a lower penalty may be ordered than for a completed offence. This shall, in particular, be done in cases where the attempt indicates that the offender is less dangerous and his resolution not as firm as that of persons who complete such offences..

If the attempt could not have led to a completion of the offence because of the interests threatened or the act itself, a penalty may be cancelled.

...

### **Section 22**

Any person who in word or deed provides aid in the commission of a punishable act defined in this Code, or takes, by persuasion, exhortation or otherwise, a part in committing such act, shall be punished as provided for in the provision applying to the offence

If the role of a participant in the commission of an offence is of minor nature, or if it involves the strengthening of another person's resolve already formed, if the offence has not been completed, or if the planned participation has failed, a penalty may be ordered that is lower than prescribed in the applicable provision.

In a situation defined in the second paragraph, and when a person has become a participant in the commission of an offence by negligence, the penalty may be cancelled if the act comes under a criminal provision providing for a penalty not higher than one year in prison.

If an offence has been completed, anyone who aids the offender or any other person in maintaining an unlawful situation created by the offence, or enjoys any profits created thereby, shall, subject to any other statute provisions that may apply to his act, be punished in accordance with the provisions of this Section.

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### **Section 69**

Confiscation by judgment is allowed of:

1. Objects created by an offence or used for its commission, except if they are in the ownership of a person not implicated in the offence in any manner.
2. Objects that are deemed to be intended for criminal purposes, provided this is deemed necessary with regard to public order.
3. Objects or gains acquired by a criminal offence to which no party has a lawful claim, or a monetary amount corresponding to such gain, or objects purchased for such gain. If full proof of the value of the gain can not be adduced, the court may assess the amount thereof.

Subject to statute provisions providing for a different arrangement, the confiscated property shall confer to the State Treasury. A person who has suffered loss by reason of the offence shall however have priority to the proceeds, if compensation can not be effected by other means.

If an association is dissolved by judgment its property shall be confiscated to the State Treasury, and public authorities shall then take its books and records for safekeeping.

### **Section 70**

When ordering a penalty, the following factors shall, in particular, be taken into account:

1. The importance of the interests affected.
2. The damage caused by the offence.
3. The danger ensuing from the commission of the offence, in particular when considering the time, place and method of commission.
4. The age of the offender.
5. The recent behaviour of the offender.
6. The strength and degree of the offender's resolve.
7. The motive of the offender.
8. The offender's behaviour following the commission of the offence.

If an offence has been committed by more than one person acting together, this shall generally be viewed as an aggravating factor.

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### **Section 81**

Criminal liability shall lapse as follows:

1. In two years if the prescribed penalty does not exceed one year in prison, or if the penalty deemed suitable does not exceed a fine.
2. In five years if the prescribed penalty does not exceed four years in prison.
3. In ten years, if the prescribed penalty does not exceed ten years in prison.
4. In fifteen years, if the maximum penalty prescribed exceeds imprisonment for a definite period longer than ten years.

Criminal liability for offences involving evasion of customs duties, taxes or other charges payable to public authorities, shall however not lapse until five years have passed.

If a person is guilty of conduct punishable under more than one criminal provision, the limitation period shall be governed by the provision providing for the heaviest penalty.

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### **Section 83**

Imprisonment or institutional commitment ordered by judgment shall be cancelled if its enforcement has not begun within the following periods:

1. Five years, if the penalty ordered is imprisonment of up to one year, or if commitment to an institution has been ordered as provided for in Section 65.

2. Ten years, if the penalty ordered is imprisonment exceeding one year and not exceeding four years, which shall also apply to sanctions under Sections 62, 66 and 67 ordered by judgment.
  3. Fifteen years, if the penalty ordered is imprisonment for more than four years and not exceeding 8 years at a maximum.
  3. Twenty years, if a definite period of imprisonment is ordered for a period exceeding eight years.
- ...

### **Section 83 a**

A fine ordered by judgment or other court decision, or accepted by settlement, is not enforceable after three years have passed from the date the decision or settlement first became enforceable. If the fine amounts to ISK 60,000 or more, this period shall however be five years.

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### **Section 109**

Whoever gives, promises or offers a public official a gift or other advantage in order to induce him to take an action or to refrain from an action related to his official duty, shall be imprisoned for up to three years, or, in case of mitigating circumstances, fined.

The same penalty shall be ordered if such a measure is resorted to with respect to a foreign public official or an official of a public international organisation in order to obtain or retain business or other improper advantage in the conduct of international business.

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### **Section 264**

Whoever receives or acquires for himself or others gains from an offence punishable under this Code shall be fined or imprisoned for up to two years. The same penalty shall be ordered in case of storage or transport of such gains, assistance in delivery thereof, or of any other conduct similarly suited to secure such gain for others. The penalty may be increased to four years in prison if the offence is repeated or of a large scale.

If the gains in question are derived from an offence as described in Section 173 a, imprisonment for up to ten years may be ordered.

If the gains acquired are of minor nature and there are no particular aggravating circumstances, prosecution shall not take place unless this is dictated by the public interest.

If the offence has been negligently committed, the penalty shall be fine or imprisonment for up to six months. If the penalty for the offence from which the gain was acquired does not exceed 4 years, the penalty may be cancelled.

## **Act on Criminal Responsibility of Legal Persons, No. 144/1998**

### **Section 1**

A legal person may be fined if its employee or staff member has, in order to secure or maintain business or other improper gain for the benefit of the legal person, given, promised or offered a public servant a gift or other advantage in order to induce the public servant to take a measure or to refrain from taking a measure within the sphere of his or her public

duties. This shall also apply to such acts committed with respect to foreign public servants or officials acting for international institutions.

## **Code of Criminal Procedure No. 19/1991**

### **Section 66**

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2. Police shall at any time when necessary initiate an investigation on account of knowledge or suspicion of crime, irrespective of whether a complaint has been received. The Director of Public Prosecutions may give orders to police in this context.
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### **Section 67**

The purpose of investigation shall be to collect any evidence necessary to enable a prosecutor to determine, when the investigation is completed, whether to prosecute a person, and to collect evidence in preparation of legal action.

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### **Section 78**

1. Any objects that may be assumed to be of evidential value in criminal proceedings, objects that have been obtained by crime, and objects that may be subject to confiscation, shall be seized. The term "objects" shall include documents.
  2. Any person who lawfully arrests a suspect, investigates the scene of a crime, or conducts a house search or other search, or a personal search, may seize any objects found that may be of evidential value.
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### **Section 111**

Every punishable act shall be subject to public indictment, unless a different arrangement is provided for by law.

### **Section 112**

When the prosecutor has received the case file and ascertained that the investigation has been completed, he shall decide whether or not to prosecute. If he considers that the established facts will not be adequate or likely to secure a conviction, he shall let the matter rest, but if not, legal action shall be brought as provided for in Section 116.

### **Section 113**

1. A decision may be taken not to prosecute in cases where the provisions of the General Penal Code on suspension of indictment may be applied. Prosecution shall also be cancelled if a suspect accepts a settlement as provided for in Section 115, and the situation is not such as described in paragraph 6 of that Section.

2. A decision may also be taken not to prosecute in the following cases:
  - a. if the offence is of a very minor nature;
  - b. if the suspect seems not to be responsible under criminal law, and a request for a security commitment according to the provisions of the General Penal Code is unnecessary;
  - c. if the offence has caused the offender himself extraordinary suffering and prosecution is not deemed important with a view to general prevention;
  - d. if a person is to be prosecuted in a single case on account of many offences, a decision may be taken not to prosecute him on account of offences that may be assumed to be of little or no importance for the determination of the penalty; furthermore, under the conditions described in Section 78 of the General Penal Code a decision may be taken not to prosecute if it may be assumed that no further penalty will be ordered even if the defendant is found guilty;
  - e. if a person has been subjected to duress or blackmail by a threat to report a punishable offence a decision may be taken not to prosecute on account of that offence, provided it is not too grave;
  - f. in special cases when prosecution is not deemed dictated by the public interest.
3. If the Director of Public Prosecutions considers that a decision should be taken not to prosecute but is not certain of his authority, he may ask the Minister of Justice to Propose to the President the prosecution be discontinued as provided for in Article 29 of the Constitution.
4. Commissioners of police may decide not to prosecute in cases where they wield the power of prosecution. If a commissioner of police considers that with a view to the provisions of the second paragraph prosecution should not take place, but is uncertain of his authority, he shall refer the matter, with his proposals, to the Director of Public Prosecutions.