



THE NORWEGIAN CRIMINAL CASES REVIEW
COMMISSION

Annual Report 2014

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The Chair's report

One of the main goals for the entire justice sector is to have good legal safeguards for individuals and groups, while one of the part-goals is to have good legal safeguards in criminal cases. The Norwegian Criminal Cases Review Commission is an independent body that is to have objective, thorough and efficient procedures for its area in order to reach substantively correct decisions within a reasonable time.

In 2014, the Commission achieved its aim of ensuring that the number of decisions it made was not less than the number of cases it received, so that the backlog of cases did not increase.

The Commission was established in 2004 and celebrated its 10th anniversary in April 2014. An anniversary seminar was held at which talks were given by players that are in various ways affected by the Commission's work and had views on the Commission's work and associated issues. This seminar is discussed in further detail elsewhere in the annual report.

The number of cases referred to the Commission during its first 11 years has been larger than was expected when the Commission was established. The number of petitions received to reopen cases is still higher than the legislature assumed, but fluctuates from year to year. In 2014, the Commission received 146 petitions to reopen cases, compared to 152 in 2013. A decision was reached on a total of 150 cases in 2014. Of the cases reviewed on their merits, 12% were reopened.

Whether or not the Commission has fulfilled its public service role is not seen from the outcomes of the cases but from whether sufficient light has been shed on the cases and the cases have been properly investigated and otherwise satisfactorily dealt with based on their contents and the regulations that govern this work. Apart from those involved in each case, there is plenty of opportunity for the public and specially interested parties to monitor the Commission's work. Most of the Commission's work on individual cases is indeed covered by a duty of confidentiality to protect the interests of the convicted persons and other affected parties. However, the Commission's decisions are a matter of public record in the same way as judgments. The

Commission's website has a "press section" that gives the media access to the full text of every Commission decision for three months. All the Commission's decisions based on the merits of the case are published on the Lovdata website. Abbreviated versions of all the petitions that have been allowed and any other decisions that are assumed to be of general interest are published on the Commission's website and in the annual reports.

The Commission's secretariat has a stable and experienced staff. The Commission's members and alternate members show a great deal of interest in the work and examine the cases independently and thoroughly. The Commission held meetings covering a total of 14 days in 2014.

For the 2014 budget year, the Commission has had NOK 15,324,000 at its disposal and has spent NOK 14,287,409. Most of this has been spent on fixed expenses, such as rent and the salaries of the secretariat's 12 employees, as well as remuneration to the Commission's members.

The number of petitions received by the Commission fluctuates from year to year. This can be affected by many factors. The Commission undertakes to review the petitions it receives on their merits as long as they lie within the Commission's area of authority, and to do so with the necessary thoroughness. To a large extent, it can be said that the Commission's volume of work is not very predictable. The Commission cannot currently see that there are any factors that may affect its ability to carry out its public service role in the coming years.



Helen Sæter
Chair

The Commission's members as at 31.12.2014

Chair

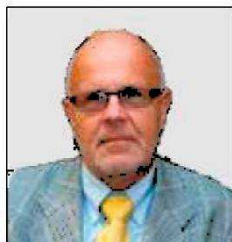


Helen Sæter
2009-

Members



Gunnar K. Hagen
2009-



Bjørn Rishovd Rund
2009-



Anne Britt Flemmen
2013-



Anders Løvlie
2014-

Alternate members



Benedict de Vibe
2009-



Trine Løland Gundersen
2010-



Ambreen Pervez
2012-

Introduction to the operations and main figures

Description of the activities and public service role

The Norwegian Criminal Cases Review Commission (the Commission) is administratively subject to the Ministry of Justice and Public Security. The Ministry cannot instruct the Commission on how to exercise its authority in individual cases.

The Commission is an independent administrative body that is to deal with petitions to reopen criminal cases which have been determined by the courts in legally enforceable convictions. The Commission is to ensure that it has plenty of information on the case before it objectively assesses whether the legal conditions for reopening the case have been met. A case that the Commission decides is to be reopened is to be referred to a court other than the one that made the original decision. The Commission was established on 1 January 2004 and its activities are regulated by chapter 27 of the Criminal Procedure Act.

A convicted person may petition for the review of a legally enforceable conviction if:

- There is new evidence or a new circumstance that seems likely to lead to an acquittal, the application of a more lenient penal provision or a substantially more lenient sanction.
- In a case against Norway, an international court or the UN Human Rights Committee has concluded that the decision or proceedings conflict with a rule of international law, so that there are grounds for assuming that a retrial of the criminal case will lead to a different result.
- Someone who has had crucial dealings with the case (such as a judge, prosecutor, defence counsel, expert witness or court interpreter) has committed a criminal offence that may have affected the conviction to the detriment of the convicted person.
- The Supreme Court has departed from a legal

interpretation that it has previously relied on and on which the conviction is based.

- There are special circumstances that cast doubt on the correctness of the conviction and weighty considerations indicate that the question of the guilt of the defendant should be re-examined.

The rules governing the reopening of convictions also apply to court orders that dismiss a case or an appeal against a conviction. The same applies to decisions that refuse to allow an appeal against a conviction to be heard.



One of the Commission's investigating officers conducts a witness examination in Paris helped by an interpreter.

The Commission is obliged to provide guidance to parties that ask to have their cases reopened. The Commission ensures that the necessary investigation into the case's legal and factual issues is carried out and may gather information in any way it sees fit. In most cases, direct contact and dialogue will be established with the convicted person. When there are special grounds for this, the party petitioning to reopen a case may have a legal representative appointed at public expense.

If a petition is not rejected and is investigated further, the prosecuting authority is to be made aware of the petition and given an opportunity to submit comments. Any aggrieved person (or surviving next of kin of an aggrieved person) is to be notified about the petition. Aggrieved persons and their surviving next of kin are entitled to examine documents and to state their views on the petition in writing, and they may ask to be allowed to make a statement to the Commission. The aggrieved person and surviving next of kin must be told the outcome of the case once the Commission has reached its decision. The

Commission may appoint a counsel for the aggrieved person/surviving next of kin pursuant to the Norwegian Criminal Procedure Act's normal rules in so far as these are applicable.

Petitions are decided on by the Commission. The Commission's chair/vice chair may reject petitions which, due to their nature, cannot lead to a case being reopened, which do not stipulate any grounds for reopening a case in accordance with the law or which obviously cannot succeed.

A case that the Commission decides is to be reopened is to be referred for retrial to a court of equal standing to that which made the original ruling. If the ruling was made by the Supreme Court, the case is to be retried by the Supreme Court.

The organisation

The Commission consists of five permanent members and three alternate members. The chair, vice chair, one other member and two of the alternate members must have a law degree or master's degree in jurisprudence. The chair is appointed by the King in Council for a seven-year period and the members and alternate members are appointed by the King in Council for a three-year period. The Commission's members and alternate members may be reappointed once for another three-year period.

As at 31 December 2014, the Commission was composed of the following persons:

Chair: Helen Sæter

Vice Chair:
Gunnar K. Hagen, lawyer, Lillehammer

Members:
Anne Britt Flemmen, professor of sociology at the University of Tromsø

Bjørn Rishovd Rund, professor of psychology at the University of Oslo and director of research at Vestre Viken Health Authority

Anders Løvlie, lawyer, head of the Criminal Procedure Act Committee's secretariat

Alternate members:

Benedict de Vibe, a lawyer in Oslo

Trine Løland Gundersen, a lawyer with the Municipal Lawyer's Office in Kristiansand

Ambreen Pervez, a criminologist, Oslo/Birmingham

The Commission has its own secretariat in Oslo. The Commission's chair is employed full-time as the head of the secretariat. The secretariat otherwise had 11 employees in 2014 - seven investigating officers with a legal background and two investigating officers with a police background as well as an office manager and a secretary.

The investigating officers have experience of working for law firms, the courts, the Ministry of Justice and Public Security, the Parliamentary Ombudsman, the police, the Institute of Forensic Medicine and the tax authorities.

Presentation of some main figures

Proposition to the Norwegian parliament (Storting) no. 1 (2013 - 2014) for the 2014 budget year proposed a budget of NOK 16,110,000 and the Commission was granted funds in accordance with this budget proposal. In Proposition to the Storting no. 24 (2014-2015), this amount was reduced by NOK 1,750,000.

However, several members of the Commission's secretariat work part-time, so that the number of full-time equivalents (FTE) is less than the number of staff. In total, the number of FTE in the secretariat was around 10.03 in 2014.

The Commission's operating expenses came to NOK 14,287,409 in 2014. The salary expenses amounted to NOK 10,167,956. However, the latter figure includes not only the salary expenses for the secretariat's employees but also the remuneration to the Commission's members and employer's National Insurance contributions (around NOK 1.2 million) for both these groups. The remuneration to the Commission's members came to NOK 1,257,993.

The year's activities and results

One of the main goals for the justice sector is to have good legal safeguards for individuals and groups, while one of the part-goals is to have good legal safeguards in criminal cases. The Norwegian Criminal Cases Review Commission is to have objective, thorough and efficient procedures in order to reach substantively correct decisions within a reasonable time. The Commission's aim is for the number of decisions it makes to be not less than the number of cases it receives, so that its backlog does not increase.

The cases and procedures

During the year, the Commission held 10 all-day meetings lasting for 14 meeting days. The Commission received 146 petitions to reopen cases in 2014, compared to 152 in 2013.

Of the 146 convicted persons who petitioned for a reopening of their case in 2014, 13 were women and 133 were men.

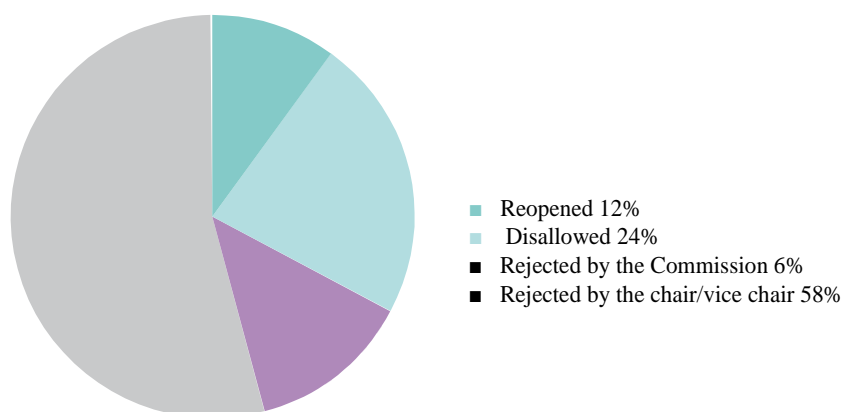
A total of 150 cases were concluded in 2014, of which 128 were reviewed on their merits. Of these 128 petitions reviewed on their merits, 14 cases were reopened while 29 petitions were disallowed. The remaining 85 petitions were rejected by the Commission or chair/vice chair because they could obviously not succeed. There was a dissenting vote in two cases. The Commission's decisions to reject petitions were unanimous.

The other 22 cases that were concluded were not reviewed on their merits as petitions to reopen a case. In 2014, this concerned petitions submitted by someone not permitted by law to submit a petition to reopen a case (for example an aggrieved person or next of kin) or petitions that were for various reasons withdrawn. There were also petitions to reopen civil cases and requests for information. One party requested a review of a fine that had been accepted, but such cases are still dealt with by the courts.

A complete overview of the number of petitions received and concluded cases in 2014 is provided by the table below:

Archive no.		Received	Concluded	Reopened	Disallowed	Rejected by the Commission	Rejected by the chair/vice chair	Not reviewed on their merits
310	General	6	7	1			1	5
311	Sexual offences	31	28	2	6	4	13	3
312	Violence, threats	48	51	5	12	3	27	4
313	Drugs	6	6	2	1		3	
314	Crimes of gain	23	28	2	5	5	11	5
316	Miscellaneous crimes	20	18	1	4	2	8	3
317	Miscellaneous misdemeanours	11	11	1	1	2	6	1
32	Discontinued prosecutions							
331	Temporary rulings							
34	Seizures or annulments							
36	Inquiries							
37	Fines							
38	Civil cases							
39	Other, concerning professional issues	1	1					1
	Total	146	150	14	29	16	69	22

The figure below shows the outcome of the cases reviewed on their merits in 2014:

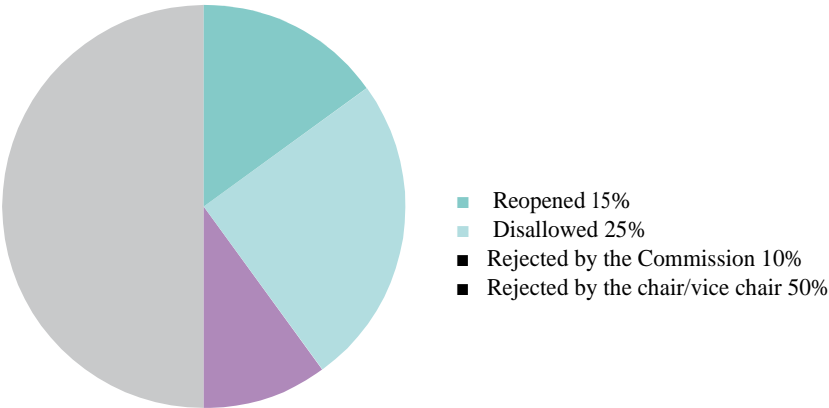


Since being established on 1 January 2004, the Commission has received 1,821 petitions and 1,703 of the cases have been concluded. A total of 211 cases have been reopened and 354 petitions have been disallowed. The Commission or chair/vice chair has rejected 874 of the petitions because they obviously could not succeed, while the remainder, 264 petitions, have been rejected without being reviewed on their merits.

The table showing the total figures for the Commission's first 11 years in operation is thus as follows:

Archive no.		Received	Concluded	Reopened	Disallowed	Rejected by the Commission	Rejected by the chair/vice chair	Not reviewed on their merits
30	General	5	5					5
310	General	40	40	2		1	10	27
311	Sexual offences	321	298	28	71	33	143	23
312	Violence, threats	535	489	50	118	43	233	45
313	Drugs	193	184	30	43	16	86	9
314	Crimes of gain	340	323	66	74	36	110	37
316	Miscellaneous crimes	124	110	14	26	11	43	16
317	Miscellaneous misdemeanours	173	164	21	22	13	92	16
32	Discontinued prosecutions	13	13					13
331	Temporary rulings	1	1					1
34	Seizure or annulment	1	1				1	
36	Inquiries	31	31			1		30
37	Fines	6	6				1	5
38	Civil cases	31	31				1	30
39	Other, concerning professional issues	7	7					7
	Total	1821	1703	211	354	154	720	264

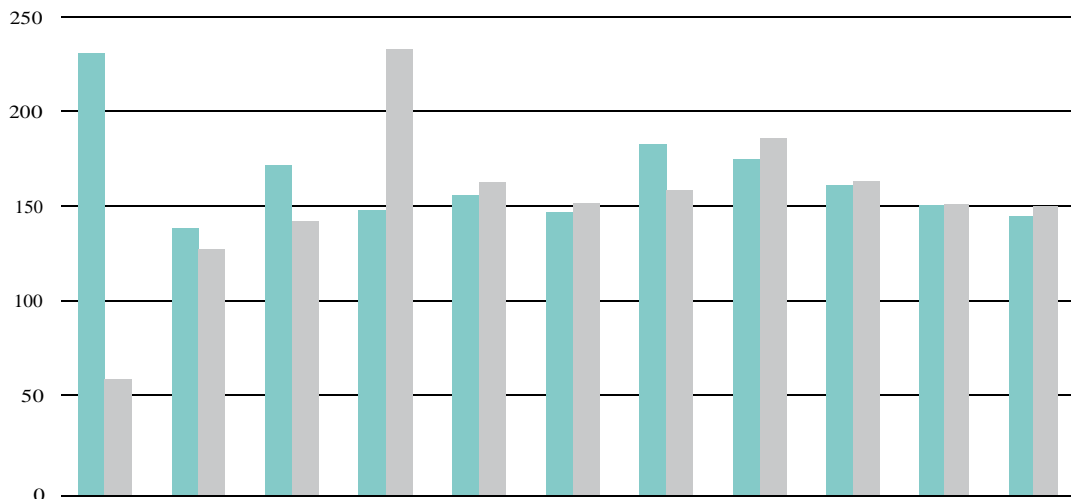
The figure below shows the outcome of the cases reviewed on their merits during the 2004-2014 period:



As mentioned above, the Commission may reject petitions that obviously cannot succeed. This decision may also be reached by the Commission’s chair or vice chair. The chair and vice chair must make use of this opportunity to reject petitions in order to utilise the Commission’s overall resources in the best possible way to deal with cases that require further investigation.

The number of petitions received during the first 11 years is more than that expected when the Commission was established. The number of petitions to reopen cases is still higher than the legislature assumed and has, with the exception of the first year, 2004, fluctuated between 140 (in 2005) and 184 (in 2010). The Commission has an independent duty to investigate and this can entail a lot of work in comprehensive cases. Although this requires the utilisation of a lot of resources, it was also one of the main reasons for the formation of the Commission. It is thus an important task. Several cases that the Commission has dealt with since its formation in 2004 have required extensive investigation.

Petitions received and cases concluded 2004 – 2014:



	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014
Received	232	140	173	150	157	148	184	176	163	152	146
Concluded	61	129	144	234	164	153	160	190	164	153	150

Appointment of a defence counsel

The law allows the Commission to appoint a defence counsel for a convicted person when there are special reasons for doing so. A specific assessment of whether or not a defence counsel is to be appointed is conducted in each case. The Commission always appoints a defence counsel when there is reason to assume that the convicted person may be unfit to plead, see section 397 subsection 2 and section 96 last subsection of the Criminal Procedure Act. Otherwise, a defence counsel may be appointed in especially comprehensive or complicated cases or if providing guidance to the convicted person would be particularly onerous for the secretariat. The appointment is in most cases limited to a specific number of hours, for example to provide a more detailed explanation of the petition's legal and factual basis. In 2014, the Commission appointed a defence counsel in 15 cases.

Appointment of a counsel for the aggrieved person/next of kin – the rights of the aggrieved person and surviving next of kin

As from 1 July 2006, the Commission has been authorised to appoint a counsel for an aggrieved person/surviving next of kin pursuant to the rules stated in section 107a, et seq, of the Criminal Procedure Act. This has been particularly relevant in connection with interviewing aggrieved persons and witnesses in cases involving sexual assault and violence.

In 2008, the Criminal Procedure Act was amended to strengthen the aggrieved person's and surviving next of kin's positions in criminal cases. These amendments mean, among other things, that the aggrieved person or surviving next of kin has a better opportunity to be heard, receives more information and is entitled to counsel to a greater extent than before. The Commission appointed 12 counsel for the aggrieved person/surviving next of kin in 12 cases in 2014.

Appointment of expert witnesses

Pursuant to section 398 b subsection 2 of the Criminal Procedure Act, the Commission is authorised to appoint expert witnesses in accordance with the rules stated in chapter 11. Since its formation, the Commission has appointed expert witnesses in the fields of forensic medicine, forensic psychiatry, forensic toxicology, economics, history, photo/film techniques, fire technicalities, vehicles and traditional forensic techniques, etc. In 2014, the Commission appointed eight expert witnesses in seven cases. These were experts in the fields of forensic psychiatry, forensic psychology and forensic pathology.

Appointment of interpreters

The Commission appointed an interpreter in one case. This concerned interpreting from Urdu.

The Commission's other activities

The Commission's 10th anniversary

In April 2014, the Commission celebrated the fact that it had been operating for 10 years. An anniversary seminar was held, with talks by key players that are in different ways affected by the Commission's work and had views on the Commission's activities and associated issues. The speakers included a chief justice of the Supreme Court, the chair of the Scottish Criminal Cases Review Commission, the head of the secretariat of the English Criminal Cases Review Commission, one of the state secretaries in the Ministry of Justice and Public Security, the assistant director general of public prosecutions, the secretary-general of the Norwegian Bar Association, the head of the Forensic Medicine Commission and representatives of defence counsels, counsels for aggrieved persons and next of kin, the Attorney General, the Norwegian Civil Affairs Authority, private detectives, the Norwegian Police University College, the University of Oslo and the media.

Several of the talks given are published in *Tidsskrift for strafferett* (a criminal law magazine) no. 3/2014.

The seminar's programme is included as annex 1 to this report.

Contact with authorities

The Commission's chair attended the Ministry of Justice and Public Security's annual conference for heads of government departments. The chair also attended half-yearly dialogue meetings with the administrative management of the Ministry of Justice and Public Security's civil affairs department concerning administrative aspects of the Commission's activities.

Comments on consultation documents

In 2014, the Commission submitted comments on a report on police interrogation methods to the Director General of Public Prosecutions.



The Commission visits Eidsvoll 1814 during the anniversary year.

International work

The contact with the Criminal Cases Review Commissions in England and Scotland was maintained. In November 2014, representatives of the Norwegian Commission and secretariat participated in the English Commission's Stakeholders' Conference in London. This was attended by various players that, in different ways, come into contact with the commission and the topic of reopening cases.

In June 2014, the Commission welcomed a group of students from the University of North Dakota's School of Law. This visit was part of the school's summer programme in Norway. The purpose of the visit was to inform the students about the Norwegian case-reopening scheme.

Information activities

The Commission's media and information strategy is stipulated in a separate document.

In order to promote knowledge about the Commission's activities and give affected parties real access to the legal remedy of having a case reopened, the Commission's goals are to provide

- correct information on the Commission's activities, and
- clear and supplementary information and guidance on the regulations governing the reopening of cases and the Commission's procedures.

The Commission wants general information to be easily available to interested parties.



Electronic communication is an effective channel for such information.

The Commission's website, www.gjenopptakelse.no, contains information on the Commission and regulations, press releases, a downloadable form for petitions to reopen cases, the Commission's annual reports and anonymised abbreviated versions of decisions concerning the reopening of cases, etc. The information is available in the two official Norwegian languages, Sami and 12 other languages.

The Commission's website has a "press section" so that the full text of all the Commission's decisions is available to the media for three months.

As from 2010, all the Commission's decisions based on the merits of a case have been published on the Lovdata website. This concerns decisions made by the Commission and decisions made by the Commission's chair or vice chair in accordance with section 397 subsection 3 sentence 3 of the Criminal Procedure Act.

The Commission is willing and available to reply to questions and inquiries. Requests for talks, etc, on the Commission's activities will be accommodated in so far as possible.

Relevant decisions

Abbreviated versions of all the decisions to allow a petition to reopen a case are provided in annex 2 to this report.



Jubileumsseminaret i Oslo kongressenter 29. april 2014

The anniversary seminar held at Oslo Congress Centre on 29 April 2014

The management and control of the activities

Gender equality in the Commission

The Commission's secretariat is led by a woman and the rest of the secretariat consisted of eight women and three men in 2014. This means that women made up 72% of the Commission's staff. The secretariat's administrative deputy head and office manager are women, so that all the management positions in the organisation are held by women. The secretariat has thus achieved the state's goal of a 40% share of female managers.

Planned and implemented measures to promote equality on the basis of gender, ethnicity and disability

A diversity declaration is included in job adverts.

Measures to combat discrimination, bullying and harassment are stipulated in the Commission's SHE plan.

Efforts to remove unnecessarily time-consuming activities

The Commission has started the work of removing unnecessarily time-consuming activities in its operations. This topic was touched on at a work-planning seminar in the autumn of 2014. The work includes simplifying the Commission's form used when petitioning for the reopening of a case. This is expected to make it easier for convicted persons to apply in writing to the Commission, so that the Commission will reduce the time spent on providing guidance on how to fill in the form.

ICT

In 2014, the Commission submitted a report on ICT projects and the operation and management of ICT systems, etc, to the Ministry of Justice and Public Security every four months.

Increased safety and greater protection of society

The Commission, including its secretariat, is a

modest size. Its activities are of such a nature that any limited stoppage in its operations cannot be regarded as being of great importance to society. The risk of the members of the Commission or employees of the secretariat dying or being injured as a result of an extraordinary event is also not believed to be especially great. The measures stated below must be seen in this light.

The Commission has implemented the following security and emergency preparedness measures:

- Emergency preparedness responsibilities and tasks in the case of threats, a danger of violence, etc, are stated in the Commission's emergency response plan, notification list and safety instructions. These documents are maintained and updated regularly in accordance with the Commission's activity plan. The emergency response plan provides practical instructions on how to handle emergency situations, including what is to be done, by whom and in what order. The plan also contains guidelines for notifying and establishing an emergency staff as well as support and care measures for the Commission's own employees and their next of kin, depending on the scope of the incident. An updated notification list and revised emergency response plan have been published on the Commission's website. The Commission's emergency management must make sure to have paper copies available.
- The Commission has not had access to the Civil Emergency Response System, so its emergency response plan is not based on this.
- The Commission has conducted regular risk and vulnerability assessments.
- The Commission conducts regular fire drills. The fire instructions are reviewed annually. New employees are given individual training in the equipment and evacuation routes. The employee responsible for fire protection and the safety delegate are sent on courses.
- The Commission has prepared security rules for the use of ICT services. The Commission's server is not located in the Commission's premises, but there is backup in the Commission's offices and this is assumed to minimise the risk of data being lost in emergency situations.

Assessment of the outlook

The Commission's core activity is dealing with petitions it receives to reopen cases. The number of petitions fluctuates from year to year. The Commission is obliged to deal with the petitions it receives as long as these lie within the Commission's area of authority. Petitions that obviously cannot succeed can, however, be decided on by the Commission's chair or vice chair instead of by the entire Commission. To a large extent, it can be said that the Commission's volume of work is only slightly predictable. Factors that may generate several cases for the Commission include Supreme Court decisions that lead to a different interpretation of the law. Other factors may be cases or issues that have attracted a lot of media attention and can also be invoked in other criminal cases that have been finally determined.

The size of the secretariat also means that cases which require a lot of investigation may take up so much of the secretariat's capacity that the total number of concluded cases is lower than normal.

The Commission cannot currently see that there are any factors which should affect its ability to carry out its public service role during the next few years.

Annual accounts

The Chair's comments on the 2014 annual accounts

The Commission was established in 2004 and reports to the Ministry of Justice and Public Security. The Commission's main task is to deal with petitions to reopen criminal cases that have been finally determined. Part II of the annual report provides a brief description of the Commission's activities and some of the main figures.

The Commission is a state administrative body that uses the cash basis of accounting. The Office of the Auditor General of Norway is the external auditor and certifies the Commission's annual accounts. The expenses relating to defence counsels, counsels for aggrieved persons and next of kin, interpreters and expert witnesses appointed by the Commission are rule-governed expenses that are not debited to the Commission's budget.

The annual accounts have been presented in accordance with the regulations for financial management in central government, circular R-115, issued by the Ministry of Finance, and the requirements stipulated by the Ministry of Justice and Public Security in its financial control instructions. I believe the accounts provide a full picture of the Commission's disposable funding and recorded expenses, revenues, assets and liabilities.

Assessment of some important factors

The Commission was allocated total funding of NOK 16,110,000 for 2014. In addition, the amount of NOK 687,000 in unused appropriations was transferred from 2013. To compensate for the pay settlement in 2014, the Commission was allocated NOK 277,000. Proposition to the Storting (parliament) no. 24 (2014-2015) reduced the Commission's appropriation by NOK 1,750,000. Thus, the total amount allocated to the Commission for 2014 was NOK 15,324,000.

Of this, NOK 1,117,338 was not utilised. This equals 7.29% of the total available funds.

Explanation of the under-utilisation

In 2014, the Commission received NOK 185,039 in refunds and contributions from the Norwegian Labour and Welfare Service. This was as a result of sick leave, parental leave, etc. In addition, the Commission made savings as a

result of temporary vacancies and the fact that several investigating officers employed in full-time positions have had temporarily reduced working hours in order to care for children. One of the posts as a Commission member has been vacant for most of the year.

The Commission's secretariat is small, so that refunds, subsidies and savings like this are noticeable in the Commission's budget. At the same time, employees who have full-time jobs and temporarily reduced working hours will be entitled to work full-time again once the need for reduced working hours ends. The Commission cannot include the refunds and savings it had in 2014 in budgets for later years.

The Commission has a relatively small budget with many fixed expenses, of which salaries and rent are the largest items. The Commission's other expenditure depends, among other things, on the number of cases, which can be difficult to predict. If the Commission has to deal with large cases, it may have to increase the volume of investigative work and number of extraordinary meetings, and this leads to higher costs.

Oslo, 1 February 2015



Helen Sæter
Chair

Accounting principles

The annual accounts of the Criminal Cases Review Commission are prepared and presented in accordance with detailed guidelines stipulated in the regulations for financial management in central government ("the regulations"), determined on 12 December 2003, with amendments, most recently on 18 September 2013. The annual accounts comply with item 3.4.1 of the regulations, more detailed provisions stated in the Ministry of Finance circular R-115 and any additional requirements stipulated by the Commission's own ministry.

The appropriation reporting statement comprises an upper part containing the appropriation reporting and a lower part that shows amounts the Commission is stated to have in the capital accounts. The accounts reporting statement comprises an upper part showing what has been reported to the central government accounts in accordance with the standard chart of accounts for state-owned enterprises and a lower part showing groups of accounts which are included in outstanding accounts with the public treasury.

The appropriation reporting and accounts reporting statements have been prepared on the basis of that stipulated in item 3.4.2 of the regulations – the fundamental principles for annual accounts:

The accounts follow the calendar year

- a) The accounts contain all the reported expenses and revenues for the financial year
- b) The gross expenses and revenue amounts are entered in the accounts
- c) The accounts have been prepared in accordance with the cash accounting system

The appropriation reporting and accounts reporting statements have been prepared in accordance with the same principles, but are grouped according to different charts of accounts. The principles correspond with the

requirements stated in item 3.5 of the regulations regarding how enterprises are to report to the central government accounts. The total "Net amount reported to the appropriation accounts" is the same in both statements. All state-owned enterprises are linked to the state's group account scheme in Norges Bank in accordance with the requirements stipulated in item 3.8.1 of the regulations. Ordinary administrative bodies (gross-budgeted enterprises) are not given any liquidity during the year. At the year-end, the balance of the individual settlement account is set at zero when the new year starts.

Appropriation reporting

The appropriation reporting shows the accounting figures that the Commission has reported to the central government accounts. These are stated in accordance with the chapters and items in the appropriation accounts that the enterprise is authorised to utilise. The statement shows all the financial assets and liabilities that the enterprise is stated to have in the central government's capital accounts. The total allocations column shows the amount made available to the enterprise in a letter of allocation for each combination of chapter/item.

Authorisations to debit another enterprise's combination of chapter/item (debit authorisations) that have been received are not shown in the total allocations column but are referred to in note B to the appropriation reporting statement. The expenses relating to received debit authorisations are entered in the books and reported to the central government accounts and shown in the accounts column.

Debit authorisations granted to others are included in the total allocations column but are not entered in the books or reported to the central government accounts by the enterprise itself. Debit authorisations that have been granted are entered in the books and reported by the enterprise that has received the debit authorisation and are therefore not shown in the accounts column. The granted authorisations are stated in note B to the appropriations report.

Accounts reporting

The accounts reporting statement shows the accounting figures that the enterprise has reported to the central government accounts in accordance with the standard charter of accounts for state-owned enterprises. The enterprise is entitled to draw on available allocations from a group account with Norges Bank. The allocations are not to be taken to income and are therefore not shown as a revenue in the statement.

The accounts reporting statement has the following notes:

- Note 1 Salaries and social expenses
- Note 2 Investments
- Note 3 Other operating expenses
- Note 4 Link between the settlement with the public treasury and outstanding accounts with the public treasury

Appropriation reporting statement for the 2014 financial year

Expense chapter	Chapter name	Item	Item text	Note	Total allocation	Accounts 2014	Additional expense (-) and shortfall in expense
0466	Special criminal case expenses – op. expenses	01	Operating expenses	B		777 340	
0468	Operating expenses	01	Operating expenses	A, B	15 324 000	13 692 453	1 631 547
0414	Conflict Resolution Board - op. expenses	01	Operating expenses	B		2 655	
Total amount charged to expenses					15 324 000	14 472 448	

Revenue chapter	Chapter name	Post	Item text	Total allocation	Accounts 2014	Additional revenue and shortfall in revenue (-)	
3468	Refund parental benefit	16	Refund of parental benefit	B	76 027	76 027	
3468	Refund sick pay	18	Refund of sick pay	B	109 012	109 012	
5309	Misc. revenues	29	Miscellaneous		14 539		
5700	National Insurance revenues	72	Employer's NI contributions		1 225 986		
Total amount taken to income					0	1 425 564	

Net amount reported to the appropriation account

13 046 884

Capital accounts

60087201	Norges Bank GA/payments received				210 933	
60087202	Norges Bank GA/payments made				-13 352 905	
704485	Change in outstanding account with the public treasury				95 088	
Total reported					0	

Balances reported to the capital accounts (201412)

Account	Text	2015	2014	Change
6260	Shares	0	0	0
704485	Outstanding account with the public treasury	-533 239	-628 327	95 088

Notes to the appropriation reporting statement

Note A Explanation of the total allocations

Chapter and item	Transferred from last year	This year's allocations	Total allocations
0468 01	687 000	14 637 000	15 324 000
xxxxxx			0
xxxxxx			0
xxxxxx			0

Note B Explanation of used authorisations and calculation of the amount that may be transferred to next year

Chapter and item	Key words	Additional expense(-)/shortfall in expense	Expensed by others in accordance with granted debit authorisations	Additional expense(-)/shortfall in expense after granted debit authorisations	Standard refunds on revenue items 15-18
0468 01		1 631 547	-514 208	1 117 339	185 039
xxxx21				0	
xxxx21	«may be used under item 01»			0	
xxxx45				0	N/A
xxxx45	«may be transferred»			0	N/A
xxxx70					N/A
0414 01	«estimated appropriation»	2 655		2 655	N/A
0466 01	«estimated appropriation»	777 340		777 340	N/A

*The maximum amount that can be transferred is 5% of the year's appropriations for operations items 01-29, apart from item 24, or the sum of the last two years' appropriations for items with the key words "may be transferred". Refer to circular R-2/2013 for more detailed information on the transfer of unused appropriations.

Explanation of the use of budget authorisations

Granted debit authorisations (charged to expenses by others)
The Commission has granted two debit authorisations to the Secretariat for the Conflict Resolution Boards equal to NOK 200,000 and NOK 314,208 respectively, registered to chapter/item 046801. The enterprise has reported NOK 514,208 for its chapter/item 046801. The entire amount has been spent by the Secretariat for the Conflict Resolution Boards.

Estimated appropriation:

In addition to the appropriation relating to chapter 0468, item 01, the Commission has appropriations at its disposal for chapter 0414 Conflict Resolution Boards and chapter 0466 Special Criminal Case Expenses. The appropriations are utilised in accordance with the regulations governing the rule-managed scheme.

Possible transferrable amount

The Commission's unused appropriation in chapter/item 046801 amounts to NOK 1,302,377. Since this amount is higher than the limit of 5%, NOK 731,850 is counted as being a possible transfer to the next budget year.

Additional revenues in accordance with an additional revenue authorisation	Reallocation from item 01 to 45 or to item 01/21 from next year's appropriation	Savings	Total basis for a transfer	Max. transferrable amount *	Possible transferrable amount calculated by the enterprise
			1 302 378	731 850	731 850
			0	[5% of the year's allocation in note A]	
			0	[5% of the year's allocation in note A]	
			0		
			0	[The total of the year's and previous year's allocations]	[The total of the year's and previous year's allocations]
N/A	N/A	N/A	N/A		
N/A	N/A	N/A	N/A		
N/A	N/A	N/A	N/A		

Statement of accounts for 2014

	Note	201412	201312
Sales and rental payments received		0	0
Other payments received		0	0
Financial incomes received		0	0
Total payments received		0	0
Expenses reported to the appropriation accounts			
Payments for salaries and social expenses	1	10 167 956	10 435 011
Public refunds relating to salary	1	-185 039	-840 763
Investments	2	47 000	191 061
Share purchases		0	0
Other operating expenses	3	4 257 492	4 153 932
Financial expenses paid		0	0
Total payments made		14 287 409	13 939 242
Net reported operating and investment expenses		14 287 409	13 939 242
Collection operations and other transfers to the state			
Payment of taxes, duties, fees, etc		0	0
Total collection operations and other transfers to the state		0	0
Subsidy management and other transfers from the state			
Payment of subsidies and benefits		0	0
Total subsidy management and other transfers to other parties		0	0
Revenues and expenses reported in common chapters			
5700 National Insurance revenues – employer's NI contributions		1 225 986	1 216 393
5309 Misc. revenues (group life insurance, etc)		14 539	14 508
Total revenues and expenses reported in common chapters		1 240 525	1 230 901
Net amount reported to the appropriation accounts		13 046 884	12 708 341
Overview of outstanding accounts with the public treasury			
		201412	201312
Assets and liabilities			
Receivables (add lines and show for each account)		0	0
Cash (add lines and show for each account)		0	0
Bank accounts with state funds outside Norges Bank (add lines and show for each account)		0	0
Withholding tax due	4	-533 239	-628 327
Public taxes due (add lines and show for each account)		0	0
Other liabilities (add lines and show for each account)		0	0
Total outstanding account with the public treasury		-533 239	-628 327

Notes to the statement of accounts

Note 1 Payments of salaries and social expenses and public refunds received relating to salaries in 2014

	201412	201312
Payments of salaries and social expenses		
Salaries	7 566 892	7 875 993
Employer's Nat. Ins. contributions	1 225 986	1 216 393
Pension expenses*	0	0
Other benefits	1 375 078	1 342 625
Total payments of salaries and social expenses	10 167 956	10 435 011
* This line is to be used by enterprises that pay a pension premium to the Norwegian Public Service Pension Fund.		
Public refunds relating to salaries		
Sick pay and other refunds	185 039	840 763
Total public refunds relating to salaries	185 039	840 763
No. of FTE:	10	x

Note 2 Investments 2014

	201412	201312
Intangible assets, etc	0	0
Plots of land, buildings and other real property	0	0
Emergency-preparedness acquisitions	0	0
Infrastructure assets	0	0
National property and cultural monuments	0	0
Machinery and vehicles	0	0
Operating equipment, fixtures and fittings, tools, etc	47 000	43 060
Other expensed investments (*)	0	148 001
Total investments	47 000	191 061

(*) To be specified in greater detail if there are other significant items that should be shown in the accounts

Note 3 Other operating expenses and financial expenses in 2014

	201412	201312
Other operating expenses		
Rent	1 827 757	796 078
Maintenance of own buildings and facilities	0	0
Maintenance and modification of rented premises	33 856	19 707
Other expenses related to the running of properties and premises	234 260	316 546
Repair and maintenance of machinery, equipment, etc	0	0
Minor acquisitions of equipment	18 454	78 449
Rental of machinery, fixtures and fittings, etc	14 749	17 959
Consultancy services and the purchase of other services from external parties	897 183	1 697 931
Travel and per diem allowances	451 363	369 819
Other operating expenses (*)	779 871	857 444
Total other operating expenses	4 257 492	4 153 932
Financial expenses		
Interest expenses	0	0
Exchange-rate losses	0	0
Other financial expenses	0	0
Total financial expenses	0	0

(*) Should be specified in greater detail if there are significant items that should be shown in the accounts

Note 4 Link between the settlement with the public treasury and the outstanding account with the public treasury in 2014

Part A The difference between the settlement with the public treasury and the outstanding account with the public treasury

	201412 Specification of the recorded settlement with the public treasury	201412 Specification of the reported outstanding account with the public treasury	Difference
Fixed-asset investments			
Fixed-asset investments*	0	0	0
Total	0	0	0
Current assets			
Trade debtors	0	0	0
Other receivables	0	0	0
Cash in hand and at the bank	0	0	0
Total	0	0	0
Current liabilities			
Trade creditors	0	0	0
Withholding tax due	-533 239	-533 239	0
Public taxes due	0	0	0
Other current liabilities	0	0	0
Total	-533 239	-533 239	0
Long-term liabilities			
Other long-term liabilities	0	0	0
Total	0	0	0
Total	-533 239	-533 239	0

* Enterprises that own fixed-asset investments in the form of investments in shares and partnership percentages must also fill in note 7B.

Part B Specification of investments in shares and partnerships

	Business office	Acquisiti on date	No. of shares	Owne rship %	Voting %	The firm's profit/loss for the year	Capitalised equity in the firm	Capitalised value in the accounts*
Shares								
Firm 1								
Firm 2								
Capitalised value 27.12.2014								0

* Investments in shares are recorded at their original cost. The capitalised value is the same in both the enterprise's account specification and the capital accounts.

Annex 1 - Programme for the Commission's 10th anniversary celebrations

The Norwegian Criminal Cases Review Commission's 10th anniversary – Seminar Programme

Date: 29 April 2014
Place: Oslo Congress Centre, Room D
Compère: Alternate member Trine Løland Gundersen

Session 1 The Norwegian Criminal Cases Review Commission's 10th anniversary

09:30 Registration and coffee
10:00 The Commission's Chair, Helen Sæter, will welcome participants
10:15 The Supreme Court, by Chief Justice Tore Schei
10:25 The Scottish Criminal Cases Review Commission, by its Chair Mrs Jean Couper CBE
10:35 The English Criminal Cases Review Commission, by its Chief Executive Karen Kneller
10:45 The Ministry of Justice and Public Security, by State Secretary Vidar Brein-Karlsen
10:55 The Director General of Public Prosecutions, by Deputy Director General of Public Prosecutions Knut Erik Sæther
11:05 The Norwegian Bar Association, by its Secretary-General Merete Smith
11:15 Break - coffee

Session 2 Thoughts about petitions to reopen cases

11:35 Advocate John Christian Elden and private detective Ola Thune – assessments on which petitions are based
11:55 Advocate Marijana Lozic – a petition seen through the eyes of the aggrieved person/surviving next of kin

Session 3 Investigation

12:10 The Commission's Chair Helen Sæter – the Commission's work
12:25 The head of the Norwegian Board of Forensic Medicine Karl Heinrich Melle – the challenges facing expert witnesses
12:40 Any questions/comments
12:50 Lunch

Session 4 After the Commission's decision

13:50 The Director General of Public Prosecutions, represented by Deputy Director General of Public Prosecutions Knut Erik Sæther - Another criminal trial or a request for an acquittal?
14:05 The Norwegian Civil Affairs Authority, by Acting Assistant Director Thomas Bornø - Compensation after prosecution
14:20 Attorney-General Sven Ole Fagernæs – Civil actions against the Commission
14:35 Break - coffee

Session 5 Learning and reflection

- 14:50 University of Oslo, represented by Professor Ulf Stridbeck – Unfitness to plead
- 15:05 Norwegian Police University College, represented by Assistant Chief Constable Trond Myklebust – Interrogations
- 15:20 The Aftenposten newspaper's political editor Harald Stanghelle
- 15:35 The Norwegian Criminal Cases Review Commission's vice chair, Advocate Gunnar K. Hagen - Conclusion

Annex 2 - Relevant decisions by the Commission in 2014

This annex contains abbreviated versions of all the cases where the Commission has allowed a petition to reopen a case.

Abbreviated versions of all the reopened cases are also published on the Commission's website, www.gjenopptakelse.no.

22.01.2014 (2013/36) Contravention of the Tax Assessment Act. Assessment of guilt – section 392 subsection 2 of the Criminal Procedure Act (special circumstances).

In 2009, a District Court gave a taxi owner a suspended sentence of 60 days' imprisonment for contravening the Accounting Act and Tax Assessment Act. The conviction was based on a full confession.

The convicted person alleged that the subjective criterion of guilt had not been met for the indictment count relating to a contravention of the Tax Assessment Act, since the Act's requirement of gross negligence had not been fulfilled according to the way in which the conviction was worded. The convicted person had also never admitted gross negligence. The consequences that the conviction had had for him in the form of a revoked taxi licence were also pointed out. The prosecuting authority alleged that the conditions for reopening the case had not been met. Among other things, it was stated that the case was part of a larger bundle of cases in which many people had been convicted of similar offences. The prosecuting authority agreed that the conviction was defective with regard to the statement of subjective guilt, but alleged that the evidence in the convicted person's case would in any case provide grounds for a conviction for intent in a new court case. In the prosecuting authority's view, the criterion of guilt had been met in relation to both counts in the indictment.

The Commission did not find any new evidence or circumstance in the case that provided grounds for reopening the case pursuant to section 391 no. 3 of the Criminal Procedure Act. However, the

Commission did find that the assessment of guilt in the conviction was defective and that this comprised a special circumstance that raised doubts as to whether the conviction was correct. Among other things, it was pointed out that the conviction stated that the negligence was not "gross", even though this was a requirement according to the law. The Commission also found that there were weighty considerations indicating that the question of the guilt of the defendant should be retried. The conditions for reopening the case pursuant to section 392 subsection 2 of the Criminal Procedure Act had thus been met.

The Commission unanimously decided to allow the petition to reopen the case.

22.01.2014 (2013/54) Indecent acts with a minor - section 391 no. 3 of the Criminal Procedure Act (new evidence). Dissenting vote.

In 1994, Eidsivating Court of Appeal convicted a man of carrying out indecent acts with one of his grandchildren who was under 14 years of age. He was sentenced to eight months' imprisonment and ordered to pay damages for non-economic loss of NOK 35,000 to the aggrieved person. He appealed against the conviction but the Supreme Court refused to hear the appeal. The convicted person petitioned for the case to be retried by Eidsivating Court of Appeal in 1994 but the petition was rejected.

On 3 March 2012, the convicted person petitioned the Commission to have the case reopened. He mainly alleged that new medical knowledge showed that the findings made on the aggrieved person in 1992 were later proven to be within the range of so-called "normal findings" and that the alleged injuries to the aggrieved person were due to causes other than an alleged assault. The Commission appointed two new experts who provided a new expert report. The Commission also examined a witness (the convicted person's son and aggrieved person's father), and obtained medical records from the medical centre that the aggrieved person used as a child.

The Commission was divided into a majority and a minority (4-1).

The Commission's majority found that the conditions for reopening the case were present. The majority placed crucial emphasis on two things in the new expert report. Firstly, the report

states that some of the findings made in 1992 are today perceived to be normal/unspecific findings, and, secondly, that the finding of so-called anal fissures in 1992 is only significantly associated with sexual assault if no alternative medical explanations are found. The new expert report concluded that alternative medical explanations had to a very little extent been investigated and that the deficient investigation "significantly weakens the importance of the finding". The majority found that there is uncertainty linked to the interpretation of the findings made at Aker Hospital in 1992. The majority placed crucial emphasis on the information in the new expert report and in the medical records from the medical centre – when seen together with other information and evidence in the case.

The minority, the Commission's Chair, did not find there were sufficient grounds for reopening the case. The minority could not see that the new experts assessed the medical findings differently to in 1992.

The Commission decided to allow the petition. Dissenting vote (4-1).

22.01.2014 (2013/96) Contravention of the Tax Assessment Act. Assessment of guilt – section 392 subsection 2 of the Criminal Procedure Act (special circumstances).

In 2009, a District Court gave a taxi owner a suspended sentence of 50 days' imprisonment for contravening the Accounting Act and Tax Assessment Act. The conviction was based on a full confession.

The convicted person alleged that the subjective criterion of guilt had not been met for the indictment count relating to a contravention of the Tax Assessment Act, since the Act's requirement of gross negligence had not been fulfilled according to the way in which the conviction was worded. The convicted person had also never admitted gross negligence. The consequences that the conviction had had for him in the form of a revoked taxi licence were also pointed out. The prosecuting authority alleged that the conditions for reopening the case had not been met. Among other things, it was stated that the case was part of a larger bundle of cases in which many people had been convicted of similar offences. The prosecuting authority agreed that the conviction was defective with regard to the statement of

subjective guilt, but alleged that the evidence in the convicted person's case would in any case provide grounds for a conviction for intent in a new court case. In the prosecuting authority's view, the criterion of guilt had been met in relation to both counts in the indictment.

The Commission did not find any new evidence or circumstance in the case that provided grounds for reopening the case pursuant to section 391 no. 3 of the Criminal Procedure Act. However, the Commission did find that the assessment of guilt in the conviction was defective and that this comprised a special circumstance that raised doubts as to whether the conviction was correct. Among other things, it was pointed out that the conviction stated that the negligence was not "gross", even though this was a requirement according to the law. The Commission also found that there were weighty considerations indicating that the question of the guilt of the defendant should be retried. The conditions for reopening the case pursuant to section 392 subsection 2 of the Criminal Procedure Act had thus been met.

The Commission unanimously decided to allow the petition to reopen the case.

26.02.2014 (2013/83) Road Traffic Act. Effect of handing over - section 392 subsection 2 of the Criminal Procedure Act (a new circumstance).

In 2013, a District Court convicted a man of handing over a car to a person who was drunk and who thus did not meet the conditions for driving a motor vehicle. He was given a suspended sentence of 30 days' imprisonment and a fine and lost his driving licence.

The driver was later accused of driving a car in a drunken state but was acquitted, since the court did not find it proven that he had been the driver of the car.

The convicted person alleged that the acquittal of the other person meant that he was not guilty. The Commission found that the new judgment and the information revealed by the presentation of the evidence were to be regarded as a new circumstance that was "likely to lead to an acquittal". The conditions for reopening the case pursuant to section 391 no. 3 of the Criminal Procedure Act had thus been met.

The Commission unanimously decided to allow

the petition.

26.02.2014 (2013/190) Drugs – section 391 no. 1 (false evidence) and section 391 no. 3 (new evidence) of the Criminal Procedure Act.

In 2013, a District Court sentenced a man to imprisonment for, among other things, trying to acquire drugs via a postal shipment. He was sentenced to 45 days' imprisonment. After the conviction, his sister explained that the shipment was for her and the sender of the drugs confirmed this. The sister had previously denied this both when examined by the police and in the District Court. The Commission found that the conditions for reopening the case pursuant to section 391 no. 1 of the Criminal Procedure Act had been met. The sister had provided a deliberately false statement regarding her dealings with the drugs and it could not be ruled out that this had affected the conviction in a way that was harmful to the convicted person. Section 391 no. 3 of the Criminal Procedure Act was also regarded as being applicable.

The Commission unanimously decided to allow the petition.

26.03.2014 (2013/50) Sexual acts with children – section 390 of the Criminal Procedure Act (ineligible for the position of judge)

In 2010, a District Court sentenced a man to 90 days' imprisonment for assault and sexual acts, cf section 228 subsection 1 and section 200 subsection 2 sentence 1 of the General Civil Penal Code. He was also ordered to pay damages for non-economic loss to the aggrieved person, who was his step-daughter.

About 2½ years after the appeal hearing in the Court of Appeal, the prosecuting authority made the convicted person aware of the fact that the Court of Appeal had not been lawfully appointed in that one of the lay judges was an employee of the Norwegian Coast Guard and had been assigned limited police authority through this position.

The convicted person petitioned the Commission to reopen the case, alleging that there were grounds for reopening the case pursuant to section 390 of the Criminal Procedure Act in that the lay judge was legally excluded from serving as a lay judge, cf section 71 no. 5 of the Courts of Justice Act and Rt. (Supreme Court law reports) 2009 p. 1681.

The Commission found that the lay judge had been ineligible by law for the position of a lay judge when the case was adjudicated on. The Commission stated that the right to have one's case dealt with by an independent court is an important guarantee of the rule of law.

When such important guarantees of the rule of law are broken, there should not be too high a threshold for stating that there is "reason to believe" that the error may have affected the decision, cf section 390 subsection 1 of the Criminal Procedure Act. The Commission also did not find that the condition "could have raised this objection during the proceedings" stipulated in section 390 subsection 2 of the Criminal Procedure Act could be interpreted so strictly that the convicted person was to be cut off from requesting the reopening of the case due to an error that no one had noticed during the case.

The Commission unanimously decided to allow the petition.

21.05.2014 (2013/154) Sexual assault against a child – section 391 no. 3 of the Criminal Procedure Act (new evidence)

In 2011, a Court of Appeal sentenced a man to imprisonment for three years and eight months for a sexual assault on his own daughter, cf section 195 subsection 1 of the General Civil Penal Code, cf subsection 2 letter c and section 197 subsection 1.

The convicted person petitioned the Commission for a reopening of the case and alleged that there was new evidence in the form of a new statement by the aggrieved person. While being examined by one of the Commission's investigating officers, the aggrieved person stated that the assaults never took place. The changed statement was supported by other new information in the case, including a new statement by the aggrieved party's sister and new information relating to the then foster mother's conduct. The Commission found that the changed statement was new evidence that was likely to lead to an acquittal, cf section 391 no. 3 of the Criminal Procedure Act.

The Commission unanimously decided to allow the petition.

04.09.2014 (2014/66) Crime of gain and drugs crime – section 391 no. 3 of the Criminal Procedure Act (a new circumstance)

In 2013, a District Court sentenced a woman to

21 days' imprisonment for contravening the drugs legislation and for petty theft. The actions had taken place in June and December 2012. She alleged that her medical history was such that it was likely that she had not been criminally responsible for her acts when the offences took place, and she presented various medical records from the 2006-2014 period that had been prepared in connection with compulsory mental health care, etc. She was diagnosed as a paranoid schizophrenic when she was admitted to and examined at the Diakonhjemmet Hospital in 2009.

The petition was presented to the prosecuting authority, which stated that there were many indications of a close link between the convicted person's medical state and drugs history, but that there was also information which might indicate that she suffers from an underlying psychosis. It was asked whether the Commission should appoint experts to conduct a more detailed assessment of the convicted person's soundness of mind when the offences took place. If the Commission found no grounds to appoint experts, the prosecuting authority assumed that the new evidence would have to be considered to be "likely to lead to an acquittal", so that the petition to reopen the case had to be allowed.

The Commission found that sufficient information on the case had been provided and that there was no need to appoint experts. The material that was presented supported the claim that the convicted person had a mental illness at the time of the offence which meant she should not have been punished, cf section 44 of the General Civil Penal Code. This was a new circumstance which provided grounds for reopening the case pursuant to section 391 no. 3 of the Criminal Procedure Act.

The Commission unanimously decided to allow the petition to reopen the case.

**18.12.2014 (2013/99, 2013/100, 2013/101)
Violence, vandalism, etc – section 391 no. 3 of the Criminal Procedure Act (a new circumstance)**

From 2004 to 2010, a man was convicted three times by a District Court for, among other things, impeding an investigation, violence, vandalism and contravening the Road Traffic Act. In connection with a new case in 2012, he was subjected to a judicial observation and assessed to be unfit to plead, cf section 44 of the General Civil Penal Code. On this basis, the prosecuting

authority petitioned for the 2010 conviction to be reviewed. The convicted person also petitioned for the 2004 and 2006 convictions to be reviewed.

New experts were appointed for the Commission's review and they concluded that the convicted person was psychotic at the time of the offences of which he was convicted in 2010. The experts could not rule out that he had also been psychotic at the time of the offences of which he was convicted in 2006 and, under a great deal of doubt, they stated that they could not say with certainty that the convicted person was psychotic at the time of the offences of which he was convicted in 2004.

The Commission found that the conditions for reopening the case pursuant to section 391 no. 3 of the Criminal Procedure Act had been met for all three cases and stated in conclusion that it is up to the courts to assess whether the person's medical state qualifies him or her for unfitness to plead pursuant to section 44 of the General Civil Penal Code or for a milder form of penalty pursuant to section 56c of the General Civil Penal Code.

The Commission unanimously decided to allow the petition.

18.12.2014 (2013/110, 2013/107) Involuntary manslaughter - section 392 subsection 2 of the Criminal Procedure Act (special circumstances)

In 2010, a Court of Appeal convicted a man and an enterprise of involuntary manslaughter, cf section 239 of the General Civil Penal Code, cf section 48a regarding the criminal liability of enterprises. The incident took place in 2007 when a large part of the cornice/wallhead of a block of flats in Oslo came loose and fell down, hitting a person on the pavement. This person later died from these injuries. The Court of Appeal found that the convicted parties' failure to implement safety measures was a criminal offence.

The convicted persons petitioned the Commission to reopen their case and referred, among other things, to new expert assessments of the causal relationship. The Commission also appointed its own experts in this case.

In their main conclusions, all the new experts stated other harmful mechanisms and causal relationships than those on which the Court of Appeal had based its conviction. The Commission

found no grounds for placing more emphasis on some of the experts' assessments than on others but found that there were no longer grounds for such a definite conclusion as that which the Court of Appeal and court-appointed experts had assumed.

The Commission also found that it was doubtful whether the Court of Appeal had applied the burden of proof rules correctly. The judgment states that it is "overwhelmingly likely" that the accident would not have happened if the convicted persons had safeguarded the cornice against damp and that the danger of personal injury "would have been very slight" if a scaffolding and walkway tunnel had been erected. On this basis, the Commission found there was doubt as to whether the judgment was correct.

The Commission unanimously decided to allow the petitions.

18.12.2014 (2014/156) Forgery. The Convention relating to the Status of Refugees - section 392 subsection 2 of the Criminal Procedure Act (special circumstances).

In 2014, a District Court convicted a Syrian man of contravening section 182 subsection 1 penal alternative 2 of the General Civil Penal Code (forgery). He had presented a false ID card to the police in connection with a check when entering Norway.

The convicted person petitioned for a reopening of his case with reference to article 31 no. 1 of the Convention relating to the Status of Refugees and alleged that he met all the conditions for impunity stated in the Convention.

The Commission found that, in this case, the Convention's conditions "present themselves without delay", as explained in further detail in Rt. 2014 page 645. The Commission had no basis for deciding on the other conditions for impunity pursuant to the Convention. The case's situation means that this must be assessed by the court. The case was reopened pursuant to section 392 subsection 2 of the Criminal Procedure Act in that the Commission found there were special circumstances which made it doubtful that the conviction was correct.

The Commission unanimously decided to allow the petition.



The Norwegian Criminal Cases Review Commission is an independent body which is responsible for deciding whether convicted persons should have their cases retried in a different court.

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