



KOMMISJONEN FOR
GJENOPPTAKELSE AV STRAFFESAKER

THE NORWEGIAN CRIMINAL CASES REVIEW COMMISSION

ANNUAL REPORT 2019



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The Chair's report

The Norwegian Criminal Cases Review Commission (the Commission) was established in January 2004. The objective was to create increased confidence in the treatment of convicted persons' applications to have their criminal cases reopened by removing such decisions from the sphere of the courts that had originally ruled on these cases. The reason for this was several controversial cases in the 1980s and 1990s. The Commission was to provide guidance to convicted persons and investigate and decide on these cases. Through this reform, the prosecuting authority was also assigned a less prominent role.

During the Commission's first year, 232 applications to reopen cases were received. Since then, the Commission has received 150-170 applications each year. From the start in 2004 until the year-end 2019, the Commission has reviewed 2,063 cases on their merits.

The Commission is an important part of the criminal justice system and helps to create a state based on the rule of law. Our goal is for our proceedings to be objective, thorough and efficient. They are to ensure substantively correct decisions within a reasonable time. It is important to take an open and critical approach to the cases. Experienced and interested employees in the Commission's secretariat prepare cases for the Commission.

The Commission is a body with a wide range of expertise. Two new Commission members were appointed in 2019 – Elin Ramleth Østli, a state-authorized public accountant, was appointed a member, and psychology specialist Timothy John Brennan was appointed an alternate member. We employed one new secretariat employee, and hired two lawyers for a total of six months. The Commission's members and employees are presented later on in this annual report.

For the 2019 budget year, the Commission had NOK 18,237,000 at its disposal and spent NOK 17,866,890. Most of this was spent on fixed expenses such as ICT costs, rent, secretariat employee salaries and remuneration to the Commission's members.

In 2019, the Commission received 153 applications to reopen cases, compared to 164 in 2018. A total of 131 cases were concluded, compared to 133 in 2018. The Commission has thus not achieved its goal that the number of decisions is to be no fewer than the number of applications received.

The Commission held meetings on 11 days and one telephone meeting in 2019. The Commission reopened 11 cases (9%), while 11 applications were disallowed. Abbreviated versions of the reopened cases are included in this annual report. The Commission or Chair/Vice Chair rejected 96 applications. The average number of reopened cases for all the years in which the Commission has existed is the same as before, around 15%.

Since 2004, the reason for reopening in more than 50% of the cases reopened was that, following a legally enforceable conviction, the convicted person was proven not to have been responsible for his/her acts at the time of the offence so that he/she should not have been punished. In many cases, it has been revealed that the convicted person had a mild intellectual disability so that a less severe penalty should have been considered. Of the 11 reopened cases, five were reopened on these grounds.

We have to a larger extent than in previous years noticed that more attention is now being paid to the Commission. This is probably due to a number of articles, books, TV series and podcasts with a "true crime" content. We want in so far as possible to accede to requests for interviews and to provide information on the Commission's work to journalists and programme makers. However, we are primarily concerned about doing thorough work on our decisions. The Commission's treatment of extensive or complicated cases often stretches over several meetings, and we cannot allow ourselves to be governed by deadlines or demands by the parties to the case.

At the year-end, there was also a great focus on the Norwegian Labour and Welfare Service cases, perhaps especially because there may be more than 75 wrongful convictions. We prepared for examining these cases in 2020 by planning to hold extra Commission meetings, hiring extra employees for a period, and starting using a meeting room as an open-plan office. I have also, with few exceptions, agreed to interviews, meetings and talks that can help to provide information on the Commission's work on these cases. Should there prove to be more than the aforementioned number of convictions, the Commission will have to spend more time and money and do more work in 2020 than estimated.

One of the main priorities in the draft 2019 budget for the Ministry of Justice and Public Security was "a more efficient criminal justice chain". In 2019, our work of improving the Commission's efficiency and digitalisation continued, and we made preparations for choosing suppliers for a new procedural and archive system. This has taken up a lot of our time, but we now see that good preparations will take us a long way towards our goal of contributing to a more efficient criminal justice chain in 2020.

Oslo, 13 February 2020

[Signature]

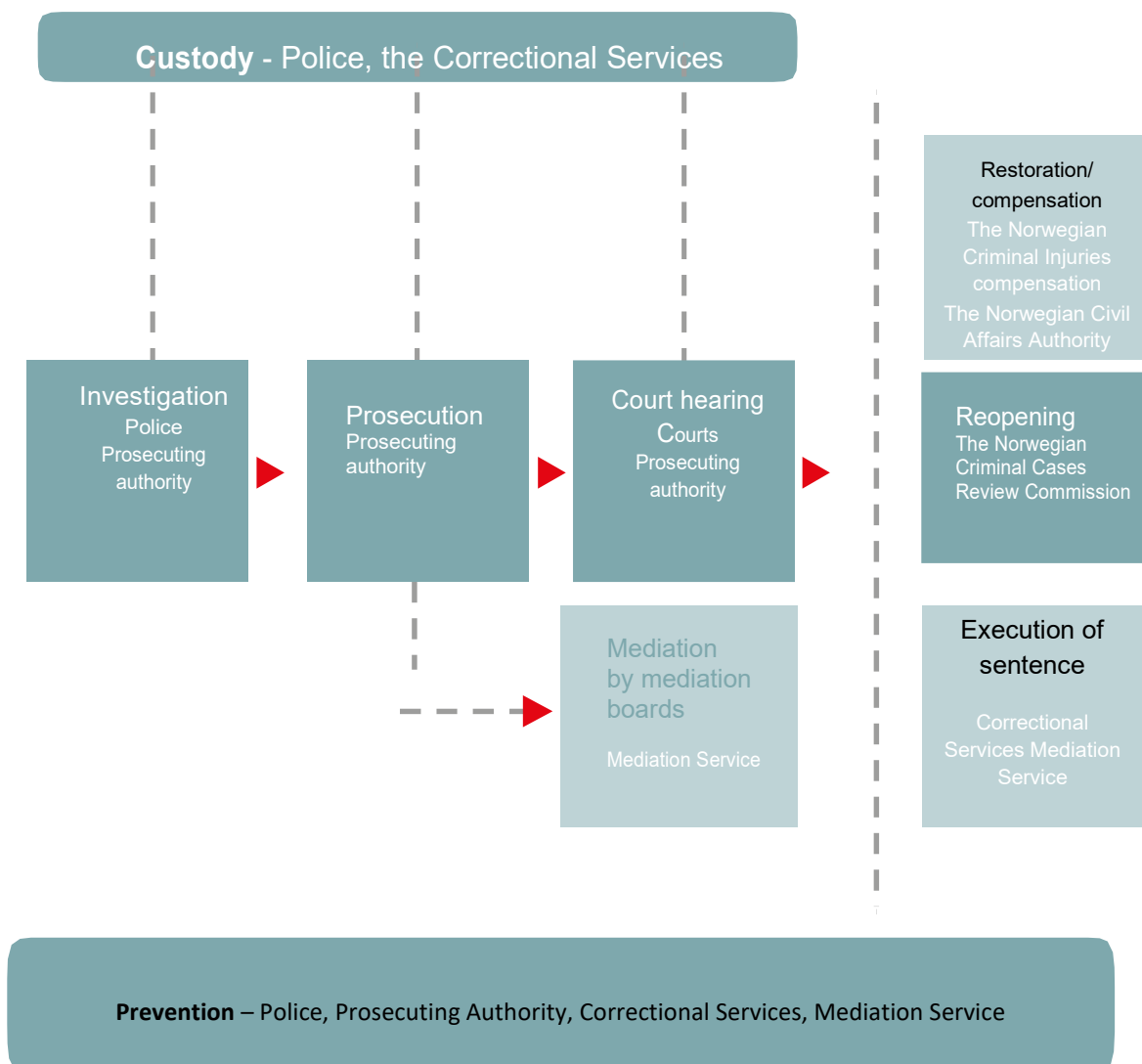
Siv Hallgren Chair

Introduction to the activities and main figures

The Norwegian Criminal Cases Review Commission's place in the criminal justice chain

The figure below is intended to be a simplified illustration of the Commission's place in the criminal justice chain. The Electronic Interaction between Players in the Criminal Justice Chain (ESAS) project is intended to contribute to a more efficient and better quality criminal justice chain. A technical platform called Justishub (Justice Hub),

which enables electronic communication between the police, prosecuting authority, courts and correctional services, has now been established. Several key enterprises will be linked to Justishub. The Commission is also working on this to achieve the secure, efficient transfer of criminal case documents to and from the Commission. The Commission's digitalisation project is described in further detail below in the section headed "The Commission's other activities".



Description of the activities and public service role

The Commission is an independent administrative body that is to deal with applications to reopen criminal cases which have been determined by the courts in legally enforceable convictions.

The Commission is administratively subject to the Ministry of Justice and Public Security. The Ministry cannot tell the Commission how to exercise its authority in individual cases.

The Commission must ensure it has plenty of information on the case before objectively assessing whether the statutory conditions for reopening have been met. The Commission's activities are regulated by chapter 27 of the Norwegian Criminal Procedure Act.

A convicted person may apply for the reopening of a legally enforceable conviction, if, for example:

- 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 or court interpreter) has committed a criminal offence that may have affected the conviction to the detriment of the convicted person.
- A judge or jury member who dealt with the case was disqualified and there is reason to believe that this may have affected the decision.
- The Supreme Court has departed from a legal interpretation that it 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 Commission is obliged to provide guidance to those who ask to have their cases reopened. Unless the convicted person is represented by a lawyer, he/she will be offered a guidance meeting. Such a meeting may take place over the phone or as a physical meeting on the Commission's premises. If

the convicted person is in prison, the meeting may take place there.

When there are special grounds for this, the party applying to reopen a case may have a defence counsel appointed at public expense.

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. This work can be resource-demanding but was one of the key reasons for establishing the Commission. Since its formation in 2004, the Commission has dealt with several cases requiring major investigations.

If an application is not rejected and is investigated further, the convicted person and prosecuting authority are to be made aware of the Commission's investigation and given an opportunity to comment. Aggrieved persons and surviving next of kin are to be informed of the application. Aggrieved persons and surviving next of kin are entitled to examine documents and state their views on the application in writing, and they may ask to make a statement to the Commission. The Commission may appoint a counsel for an aggrieved person pursuant to the Criminal Procedure Act's normal rules in so far as these are applicable

Applications are decided on by the Commission. The Commission's Chair/Vice Chair may reject applications to reopen decisions which, due to their nature, cannot be reopened by the Commission, applications which do not stipulate any grounds for reopening in accordance with the law, or applications which obviously cannot succeed.

If the Commission decides that an application is to be allowed, the case 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 master of laws or master of jurisprudence degree. 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.

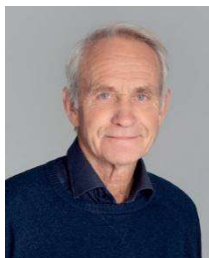
Presentation of the Commission's members as at 31 December 2019



Siv Hallgren (2017 – 2024, fixed term)

Chair of the Norwegian Criminal Cases Review Commission

Work experience with the Ministry of Justice and Public Security, executive officer with the Norwegian Labour Inspection Authority, police intendant II, prosecutions manager and acting head of the CID in Asker and Bærum Police, head-hunter with ISCO Group AS, trainee lawyer/lawyer with the law firm of Lea, Haavik & Helland and lawyer and partner with Advokatfirmaet Elden DA. She was head of the Norwegian Bar Association's Legal Counsel for Aggrieved Parties' Committee for six years, and a member of the Health Personnel Appeal Board for three years. She has been a member of the Work Group aiming to increase the use of the Mediation Service, the Criminal Responsibility Committee and the Special Courts Committee.



Sven Ole Fagernæs (2015 - 2021, Vice Chair)

Lawyer

Fagernæs joined the Office of the Attorney General in 1976. He was appointed Attorney General in 1994 and held this position until he retired in April 2015. Fagernæs has previously worked in the Legislation Department of the Ministry of Justice and Public Security, been a deputy judge at Indre Sogn District Court and an extraordinary Court of Appeal judge at Hålogaland Court of Appeal. From 1998-2001, he was on leave from the Office of the Attorney General to take up the post of acting permanent undersecretary of State in the Ministry of Justice and Public Security. In 2005, he was the acting Governor of Svalbard.



Elin Ramleth Østli (2019 – 2022, member)

State-authorized public accountant

Østli obtained a master's degree in auditing in 1986. She worked for Arthur Andersen & Co from 1986 to 1991, and for Sparebanken Hedmark from 1991 to 1994. Since 1994, she has been a privately practising auditor and a partner in Revisorsenteret Trysil DA. In 2004-2007 and since 2010, she has held honorary quality-control posts with the Norwegian Institute of Public Accountants. In 2012-2016, she was a member of the appeal board for complaints against auditors and accountants.



Dag Jodaa (2017 - 2020, member)

Rana District Court judge

Jodaa obtained a master of laws degree in 1996. He was a deputy judge from 1996-1999, an adviser to the Ministry of Justice and Public Security from 1999-2000 and a privately practising lawyer and partner with Advokathuset Helgeland DA from 2000-2015. Since then, he has been a judge with Rana District Court.



Tor Ketil Larsen (2015 - 2021, member)

Chief physician and head of section at Stavanger University Hospital and associate professor at the University of Bergen

Larsen has had four three-year scholarship periods at the University of Oslo, where he worked for the Department of Basal Medicine and obtained a Dr. Med degree in 1989. He led the early intervention part of the TIPS project. He has been the academic head of the Regional Centre for Clinical Psychosis Research at Stavanger University Hospital and the head of research in the department. Larsen has written around 130 articles/book chapters on the topic of psychoses, early diagnosis, substance abuse, compulsory disorders, ADHD, epilepsy and the long-term effects of psychoses. He has lengthy experience as a forensic psychiatry expert.



Arne Gunnar Aas (2015 - 2021, alternate member)

Lawyer/partner with Advokatfirmaet Hjort DA

Aas obtained a master of laws degree in 1977. He was previously an executive officer with the Norwegian Maritime Authority, a deputy judge at Holt District Court and a police lawyer with Asker and Bærum Police. Aas was formerly employed as an adviser by the Ministry of Justice and Public Security, focusing on human rights in Moldova. He has been a lawyer with Advokatfirmaet Hjort since 1981. Aas is a permanent defence counsel at Oslo District Court, Borgarting Court of Appeal and the Supreme Court. He is also a member of the Norwegian Bar Association's Criminal Law Committee and Human Rights Committee.



Timothy John Brennen (2019 – 2022, alternate member)

Professor in psychology at the University of Oslo

Brennen conducts research into people's mental processes and topics such as personal identification, false memories and the effect of traumas on how people remember and think about things. He has several times been a court-appointed expert testifying on memory and related topics. He previously worked at the universities of Tromsø, Savoie and Grenoble, and has been head of research at the Department of Psychology and research dean at the Social Sciences Faculty of the University of Oslo.



Hanne Helle Arnesen (2016 - 2022, alternate member)

Agder Court of Appeal judge

Arnesen obtained a master of laws degree in 1986. She has previously been an executive officer/researcher with the Ministry of Justice and Public Security and a deputy judge at Larvik District Court, and she was a privately practising lawyer for 12 years. She has been a Court of Appeal judge since 2004.

Presentation of the Commission's secretariat as at 31 December 2019

The Commission's secretariat is located in Oslo. The Commission's Chair is employed full-time as the head of the secretariat. The secretariat otherwise had 12 employees at the year-end - eight investigating officers with a legal background, two investigating officers with a police background, an office manager and a senior secretary.

Elisabeth Kjærheim

Administrative deputy head and senior adviser since 2004. Master of laws degree from the University of Oslo 1987. Work experience with the Parliamentary Ombudsman's Office as a senior adviser and deputy head, and from Drammen District Court as a deputy judge and acting district court judge.

Lisbeth Wille-Sveum

Senior adviser since 2004. Norwegian Police University College 1979. Work experience with Oslo Police District and the National Criminal Investigation Service, university college lecturer at the Police University College, and project manager/researcher at the Norwegian Institute of Public Health.

Knut Jan Nielsen

Senior adviser since 2004. Norwegian Police University College 1979. Work experience as a policeman in Oslo Police District, the National Criminal Investigation Service and the Ministry of Justice and Public Security. Police attaché at the Norwegian embassy in Madrid and adviser to the Document Access Committee.

Magne Svor

Senior adviser since 2004. Master of laws degree from the University of Oslo 1985. Work experience with the Police Department in the Ministry of Justice and Public Security, as a police lawyer at Oslo police headquarters and as a deputy judge and acting judge at Drammen District Court.

Hildegunn Sandhalla

Office manager since 2004. Work experience with Heidenreich AS, the Ministry of Justice and Public Security - the Document Access Committee, and Grohe AS.

Louise Olsrud

Senior adviser since 2005. Master of laws degree from the University of Oslo 1987. Work experience with the County Governor, as a deputy judge, police intendant II and trainee lawyer, and of statute work in the Ministry of Justice and Public Security and for the Building Act Committee.

Sonny Folkenborg

Senior adviser since 2008. Master of laws degree from the University of Oslo 2000.

Work experience as a lawyer with Advokatfirmaet Staff and as a deputy judge at Sandefjord District Court.

Helene Cecilie Røer

Senior adviser since 2008. Master of laws degree from the University of Oslo 1988. Work experience with the Labour Inspection Authority, as a statute adviser with the Ministry of Finance, deputy judge at Trondenes District Court and senior adviser with the Directorate of Taxes.

Hilde Hermansen

Senior secretary since 2009. Secretarial education from Treider and the Mercantile Institute. Work experience as a secretary with Advokatfirmaet Schjødt AS and Advokatfirmaet Torkildsen, Tennøe & Co AS.

Lars Engdahl

Senior advisor since 2013. Master of jurisprudence degree from the University of Oslo 2007. Work experience as a lawyer with Advokatfirma Drevland & Grape DA.

Ksenija Nilsen

Senior adviser since 2019. Master of jurisprudence degree from the University of Bergen 2009. Work experience as a lawyer with the Matrix law firm, the Ministry of Justice and Public Security, and as a senior adviser with the Norwegian Civil Affairs Authority.

Tonje Brunvand Hauge

Senior adviser, temporary appointment in 2019. Master of jurisprudence degree from the University of Bergen 2012. Work experience as a senior adviser with the Norwegian Civil Affairs Authority.

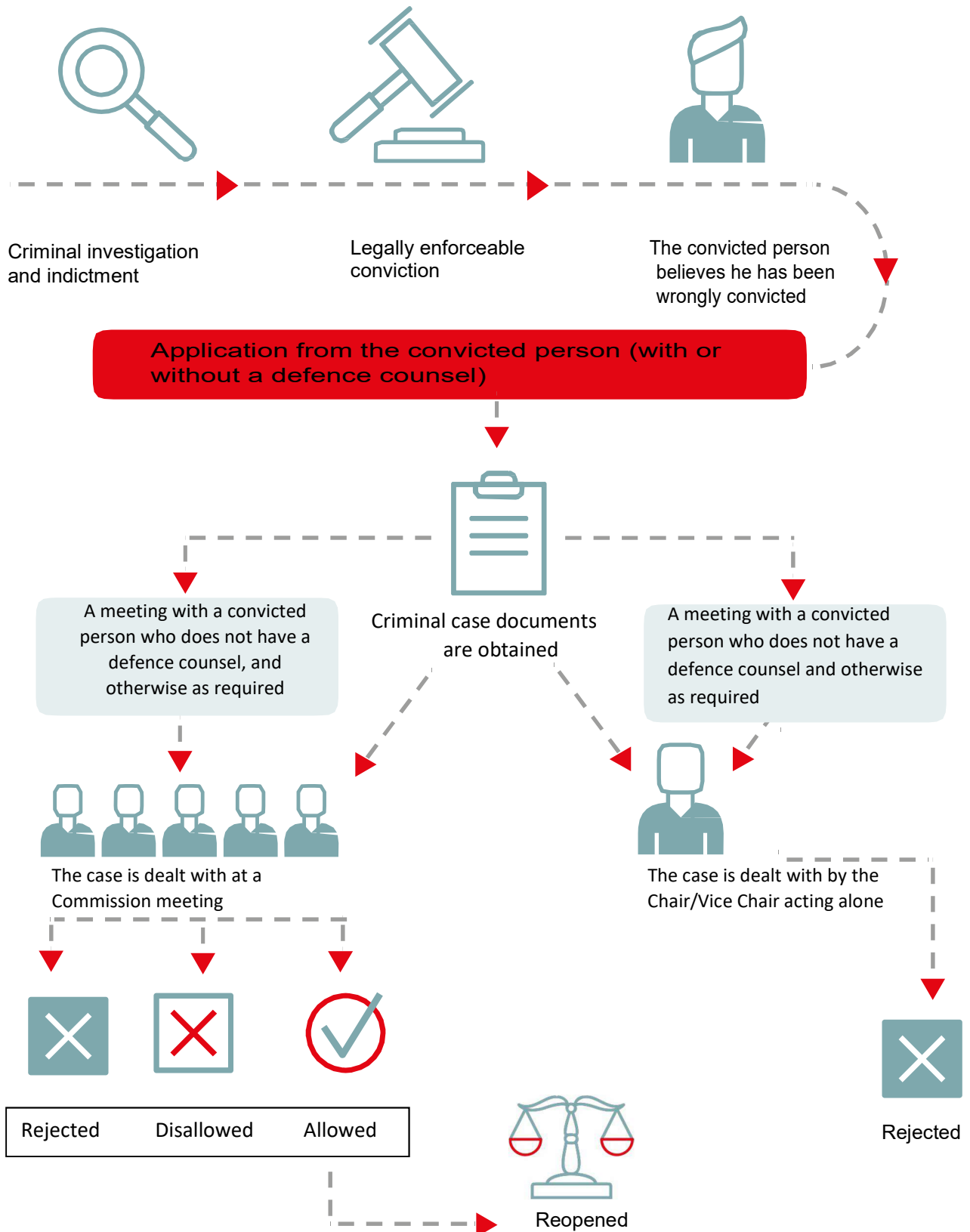
Presentation of selected main figures

Parliamentary bill (Proposition to the Norwegian parliament (Storting)) no. 1 S (2018 - 2019) for the 2019 budget year proposed a draft budget of NOK 17,179,000. Following the parliamentary budget decision on 11 December 2018, the Commission was granted funding of NOK 17,179,000.

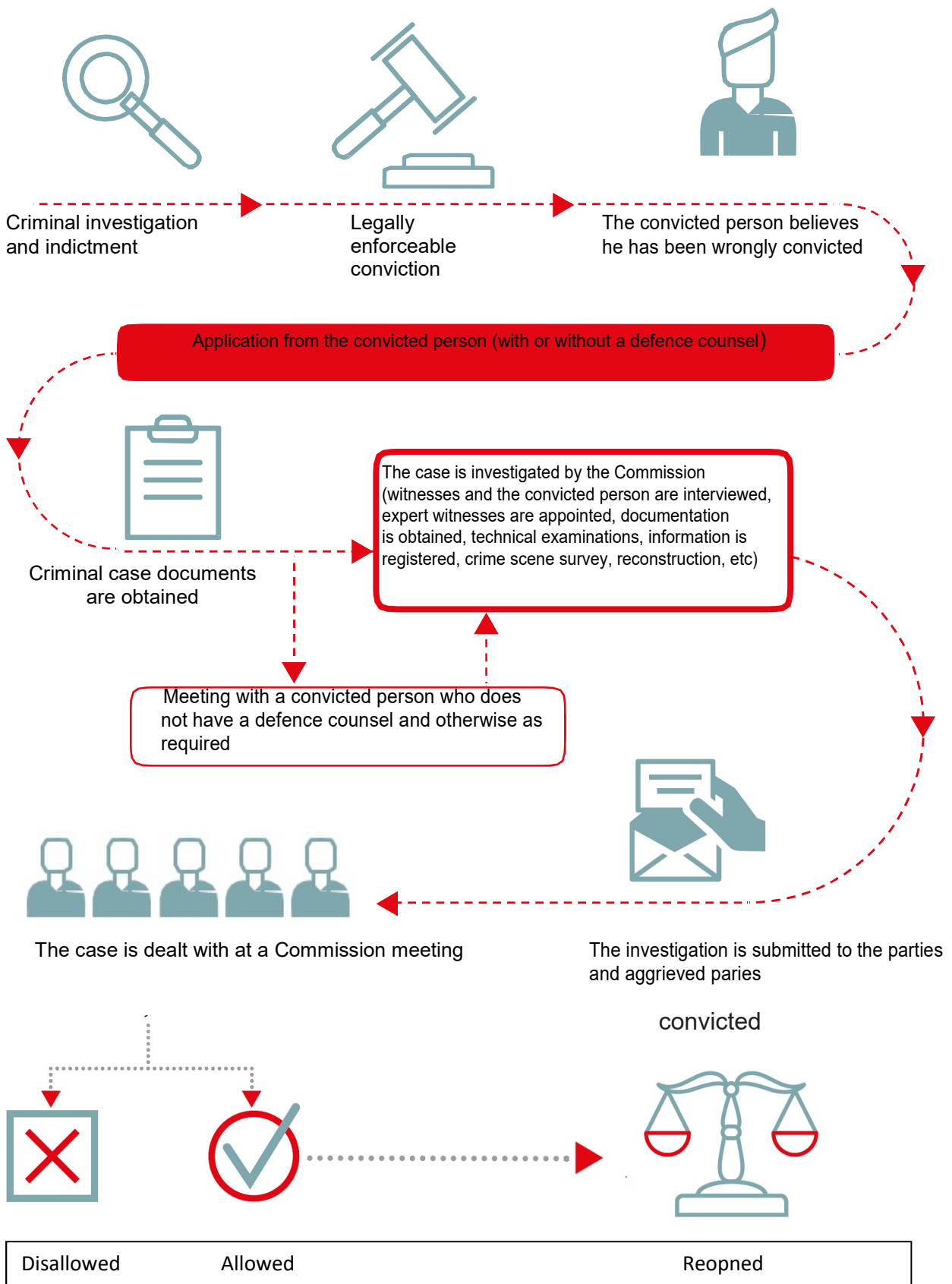
Some members of the Commission's secretariat are working part-time for a temporary period, so that the number of full-time equivalents (FTE) is less than the number of employees. The total number of FTE in the secretariat was 10.29 in 2019.

The Commission's operating expenses came to NOK 17,866,890 in 2019. Employees' salaries and members' remuneration amounted to NOK 12,842,980, including pension costs and employer's National Insurance contributions. In addition to the appropriations relating to chapter 468, some operating expenses are debited to chapter 466 Special Criminal Case Expenses.

The procedure in a review case – without an investigation



The procedure in a review case - with an investigation



The year's activities and results

The Commission is to deal with cases objectively, thoroughly and efficiently 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 no fewer than the number of applications it receives so that the backlog does not increase.

The cases and procedures

Applications received and cases concluded

During the year, the Commission held eight meetings lasting for a total of 11 days and one telephone meeting. The Commission received 153 applications to reopen cases in 2019, compared to 133 in 2018. These figures represent the number of convictions the Commission has been asked to reopen, not the number of convicted persons who have applied to have their case reopened.

Of the applications to reopen a case that the Commission received in 2019, 21 concerned women and 117 concerned men. Of these, one woman had two convictions, and six men had 20 convictions between them.

A total of 131 cases were concluded in 2019, of which 118 were reviewed on their merits. Of these 118 applications, 11 cases were reopened, one of which was to the detriment of the convicted person following an application from the Director of Public Prosecutions. Five cases were reopened due to doubt about the convicted person's responsibility for his/her acts at the time of the offence. Two cases were reopened on the basis of other new evidence or circumstances, and three were reopened because there were special circumstances which made it doubtful that the conviction was correct. One case was reopened to the detriment of the person acquitted because new evidence had been found.

Eleven applications were disallowed.

The remaining 96 applications were rejected by the Commission or Chair/Vice Chair because they obviously could not succeed.

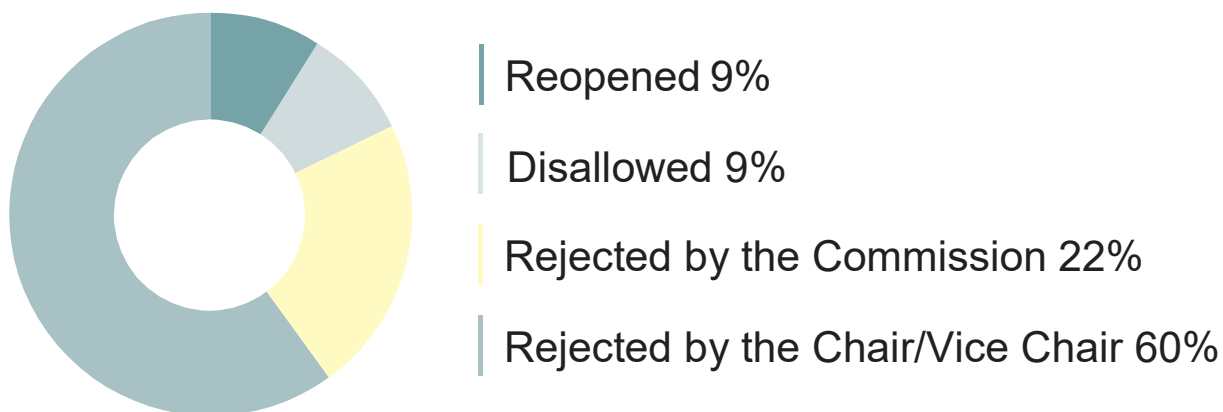
The other 13 cases that were concluded were not reviewed on their merits. These were, for example, applications to review civil cases or fines and applications that were withdrawn.

The Commission has also worked on cases that are extensive and time-consuming and have thus not been concluded in 2019. In some cases, there are large volumes of documents that must be examined by the Commission's members and investigators and there may be a need to discuss the case at several meetings. These may be cases where investigative steps have been taken, and cases where the question of starting investigative steps has been discussed by the Commission. Examples of cases that have to a greater or lesser extent been discussed at several meetings in 2019 are the Baneheia case and Orderud case.

The table below provides a complete overview of the number of received applications and concluded cases in 2019:

	Received	Concluded	Reopened	Disallowed	Rejected by the Commission	Rejected by the Chair/Vice Chair	Not reviewed on their merits
General	1	2				1	1
Sexual offences	36	19	1	2	2	13	1
Violence, threats	29	40	5	1	6	24	4
Drugs	9	7		1	2	4	
Crimes of gain	40	20	3	3	3	8	3
Miscellaneous crimes	32	36	1	4	12	15	4
Miscellaneous minor offences	6	7	1			6	
Discontinued prosecutions							
Interim rulings							
Seizures or annulments							
Inquiries							
Fines							
Civil cases							
Others concerning professional issues							
Total	153	131	11	11	25	71	13

The figure below shows the outcome of the cases reviewed on their merits in 2019:



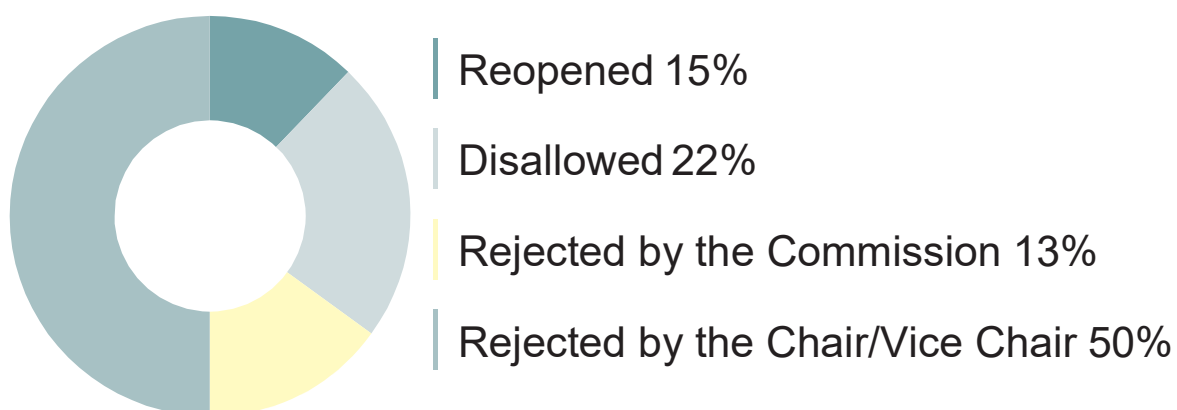
2004 - 2019

Since being established on 1 January 2004, the Commission has received 2,602 applications and concluded 2,412 cases. In total, 314 cases have been reopened and 454 applications have been disallowed. The Commission or Chair/Vice Chair has rejected 1,295 of the applications because they obviously could not succeed, while the remainder, 349 applications, have been rejected without being reviewed on their merits.

Table showing the total figures for the Commission's first 16 years in operation:

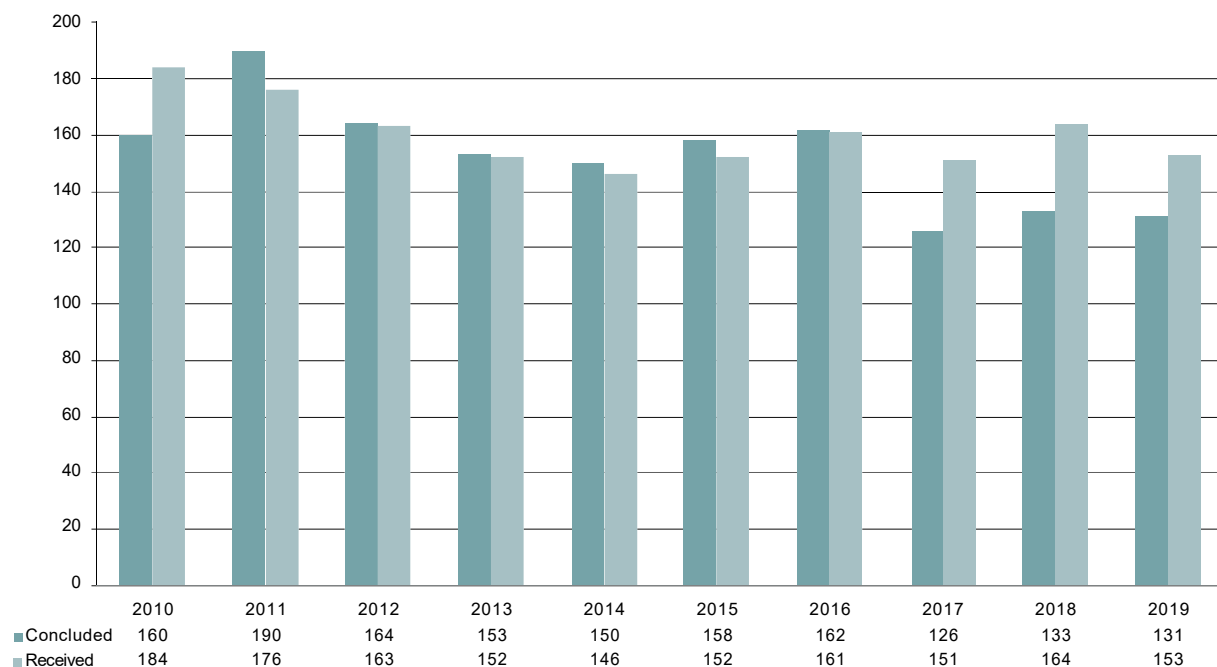
	Received	Concluded	Reopened	Disallowed	Rejected by the Commission	Rejected by the Chair/Vice Chair	Not reviewed on their merits
General	75	74	4	1	3	13	53
Sexual offences	470	434	39	86	57	225	27
Violence, threats	779	731	93	154	80	342	62
Drugs	256	242	37	57	26	108	14
Crimes of gain	461	413	90	90	47	141	45
Miscellaneous crimes	257	218	23	35	30	88	42
Miscellaneous minor offences	214	210	28	31	14	117	20
Discontinued prosecutions	13	13					13
Interim rulings	1	1					1
Seizures or annulments	1	1				1	
Inquiries	31	31			1		30
Fines	6	6				1	5
Civil cases	31	31				1	30
Others concerning professional issues	7	7					7
Total	2602	2412	314	454	258	1037	349

The figure below shows the outcome of the cases reviewed on their merits in the 2004-2019 period:



2009 - 2019

The number of applications received varied during the period from 146 (in 2014) to 184 (in 2010).



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 appointment is often limited to a specific number of hours, for example to provide more detailed arguments for the application's legal and factual grounds. The Commission always appoints a defence counsel when there is reason to assume that the convicted person may not have been responsible for his/her acts at the time of the offence, see section 397(2) and section 96 last subsection of the Criminal Procedure Act.

In 2019, the Commission appointed a defence counsel for 25 convicted persons, compared to 30 in 2018, i.e. a defence counsel was appointed in around 16% of the cases.

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

The Commission is authorised to appoint a counsel for an aggrieved person/surviving next of kin pursuant to the rules stated in sections 107(a), et seq, of the Criminal Procedure Act. This is particularly relevant when interviewing aggrieved persons and witnesses in cases involving sexual

assault and violence.

The Commission appointed 11 counsel for aggrieved persons/surviving next of kin in 11 cases in 2019.

Appointment of experts

Pursuant to section 398(b)(2) of the Criminal Procedure Act, the Commission is authorised to appoint experts in accordance with the rules stated in chapter 11. Since its formation, the Commission has appointed experts in the fields of forensic medicine, forensic psychiatry, forensic toxicology, economics, history, photo/film techniques, fire technicalities, vehicles and traditional forensic techniques, etc.

In 2019, the Commission appointed 16 experts in cases concerning eight convicted persons. These were experts in the fields of forensic psychiatry and forensic psychology.

Use of interpreters/translators

The Commission used an interpreter in five cases. These concerned interpretation from/to Lithuanian, Arabic, Sorani, Romanian and Somali. The Commission used translators in three cases. The translations were from/to Lithuanian, Sorani and English.



Visit to Hustad Prison at Farstad in the county of Møre og Romsdal.

Relevant decisions by the Commission in 2019

A large percentage of cases are reopened by the Commission because it has been shown, following a legally enforceable judgment, that the convicted person was not responsible for his/her acts when the offence took place so that he/she could not be punished (section 44 of the General Civil Penal Code of 1902 and section 20 of the Penal Code of 2005) or that he/she had a mild intellectual disability so that a less severe penalty should have been considered (section 56(c) of the General Civil Penal Code of 1902 and section 80 of the Penal Code of 2005).

In 2019, five of 11 cases were reopened on these grounds, while in 2018 this applied to 18 of 24 cases. These cases thus comprise a considerable percentage of the cases reopened by the Commission. The figures are illustrative of the cases reopened by the Commission over a number of years.

In some of the cases that the Commission is asked to reopen, the convicted person has been convicted before and it is not until a new criminal case arises that his/her mental state is questioned. Based on this, forensic psychiatry experts are appointed and their conclusions may lead to the prosecuting authority discontinuing the case or the defendant being acquitted by the court. Following this, the defendant's mental state at the time of the offences covered by the previous conviction(s) will be called into question and it may be relevant to apply for these cases to be reopened.

For the Commission, it is still important to underline the importance of discovering offenders who are to be regarded as not responsible for their acts or as having a mild intellectual disability at an early stage so that the case can be followed up adequately both by the prosecuting authority and in the legal system.

Although it can be difficult to assess an offender's mental state, there may nonetheless be factors indicating that the person's mental health should be examined more closely – irrespective of the seriousness of the criminal act. This responsibility primarily rests with the police and prosecuting authority. These may be factors relating to the actual execution of the criminal act, factors that are revealed through interviews of suspects, etc, and any information about the offender's state of health which may indicate that investigations should be initiated. A number of criminal cases could have been discontinued, or court cases could have had a different outcome, if the state of the offender's mental health had been clarified earlier on. In addition to the

offender being given the correct reaction and the opportunity for necessary treatment, such clarification will lead to fewer resources being used by the legal system and society at large.

Below are abbreviated versions of all the cases where the Commission has allowed an application to reopen a case.

The full versions of all the decisions made by the Commission and Chair/Vice Chair of the Commission are published on Lovdata.

28.02.2019 (2018/86 and 2018/87). Murder and attempted murder - section 391 no. 3 (accountability)



In 2007, Toten District Court sentenced a man to imprisonment for a term of nine years for murder. In 2011, Borgarting Court of Appeal convicted him of attempted

murder and sentenced him to preventive detention. The Supreme Court ruled on the case and sentenced him to preventive detention for 10 years and six months, subject to a minimum period of six years.

He applied to have both these convictions reopened, stating that he had not been responsible for his acts at the time of the offence. He alleged, among other things, that new assessments of his accountability had been conducted by forensic psychiatry experts in connection with a later criminal case which ended with him being committed to compulsory mental health care, and that there were defects in the experts' report presented prior to the 2011 conviction. The prosecuting authority alleged that the conditions for reopening the case had not been met for the two convictions, among other things because the issue of accountability had been widely assessed by the courts, and because objections to the report given to the court for the 2011 conviction had been known to, and considered, by the court at that time.

The Commission found that the conditions for reopening had been met for both convictions, see section 391 no. 3 of the Criminal Procedure Act. The Commission referred to the fact that the court-appointed experts concluded in 2015 that the convicted person is assumed to have been psychotic in a forensic psychiatry sense on the date of the offences for which he was convicted in the two convictions. The Commission noted, among other things, that even though the convicted person had been assessed close in time to both the 2007 and 2011 convictions and at that time found to be accountable, the experts had in 2015 a wide and comprehensive basis on which to assess the convicted person's mental health and how his illness had developed over many years. This included previous expert reports relating to the 2007 and 2011 convictions being part of the basis of assessment for the court-appointed experts in 2015.

The Commission also referred to the fact that an additional report made in 2007 allowed for the possibility that the convicted person could at that time have suffered from an acute paranoid psychosis.

The Commission unanimously decided to allow the application to reopen both the convictions.

03.04.2019 (2018/97 and 2018/98) Violence, threats and criminal gain, etc.– section 391 no. 3 (accountability)



In 2015, Bergen District Court twice convicted a man of a number of offences. These included several cases of crimes of gain, vandalism, sexually offensive conduct, frightening or bothersome conduct, violence against and insulting a public servant, threats, careless treatment of fire, and the storage and use of drugs. In both cases, the sentence was imprisonment for a term of six months. Prior to the convictions, there was a primary psychiatric examination which diagnosed several cases of psychosis caused by intoxicating substances and a very special personality, but nonetheless no grounds for a full judicial observation.

In connection with new criminal offences of the same nature in July-September 2015, a new judicial observation was carried out. This time, there was found to be a need for a full observation due to an assumed considerable dysfunction and strong cognitive impairment. Following a full judicial observation, the experts were in doubt but concluded that the convicted person was not psychotic at the time of the offences. The Norwegian Board of Forensic Medicine commented on the conclusion relating, among other things, to the duration of the state and a complicated pattern of symptoms and conduct. An additional report was requested. In the additional report, the experts changed their minds and concluded that, at the time of the offence, the convicted person may have had a psychosis. Worsening frontotemporal dementia was also pointed out. The prosecuting authority then chose not to prosecute the cases relating to offences committed in July-September 2015 due to the doubt as to accountability.

In 2017, he was again indicted for having committed similar types of offences while in a psychotic state, and the prosecuting authority asked that he be sentenced to compulsory mental health care.

He was sentenced to compulsory mental health care for offences committed after 1 October 2016, when the amendment to section 62 of the Penal Code entered into force. The convicted person then applied to have the 2015 convictions reopened since he alleged that the experts' new conclusion meant that he should have been acquitted due to doubts about his accountability. The Commission assessed the case on the basis of section 391 no. 3 of the Criminal Procedure Act and unanimously decided that the progressive nature of his illness, the complicated nature of the case and the many conflicting assessments entailed such a justified doubt about the convicted person's accountability regarding the offences in the 2015 convictions that the cases had to be reopened. There were thus new circumstances or evidence that seemed likely to lead to the acquittal of the convicted person in the two judgments made in 2015.

The Commission unanimously decided to allow the application to reopen both convictions.

12.06.2019 (2018/171) The Road Traffic Act, driving under the influence - section 391 no. 3 (new evidence). Dissenting opinion



In 2018, Hedmarken District Court sentenced a man to imprisonment for a term of 90 days and an immediate fine for driving a scooter under the influence of alcohol. He had previously been convicted several times of driving under the influence. He was refused leave to appeal to Eidsivating Court of Appeal.

The convicted man stated in both the District Court and the appeal to the Court of Appeal that he had only been a passenger on the scooter, and that he did not wish to state the name of the driver. In the application to reopen his case, he stated the name of the driver and that this person had agreed to give a statement. In an interview with the Commission's investigator, the witness stated that, prior to the offence, he had been in contact with the convicted person and asked to borrow his scooter. He had picked up the scooter at the convicted person's home in the morning. At that time, the scooter was parked at the convicted person's house with the keys in it, and the witness had used the scooter on that day. When he was to return it that evening, the convicted person was not at home, but the witness met him nearby. The convicted person asked for a lift on the scooter with the witness driving. The convicted person did not sit still on the scooter and the witness drove into the ditch. The witness then left the site of the accident while the convicted person got a lift from a couple who drove past in a car. According to the witness's statement, he did not know that the convicted person had later been convicted of drunk driving because of this.

The majority of the Commission's members found there were grounds to question several factors linked to the coming into existence and content of the witness's statement. Following an overall assessment, the majority nonetheless found that there was a reasonable chance that the convicted person could have been acquitted if the witness had given his statement to the adjudicating court, and decided to allow the application, see section 391 no. 3 of the Criminal Procedure Act. A minority of the Commission's members did not believe the witness's statement, which appeared to have been created to fit with the convicted person's description of the course of events. The minority concluded that the conditions for reopening the case had not been met.

The Commission decided to allow the application to reopen the case. Dissenting vote (4-1).

A minority of the Commission's members did not believe the witness's statement, which appeared to have been created to fit with the convicted person's description of the course of events. The minority concluded that the conditions for reopening the case had not been met.

12.06.2019 (2019/34) A sexual act with a minor - section 393(1) no. 2 (new evidence). Application from the prosecuting authority to the detriment of an acquitted person



In 2016, Senja District Court sentenced a man to imprisonment for a term of five months for a sexual act with a child under the age of 16 years and for contravening section 3 of the Road Traffic Act. He was also sentenced to pay compensation for non-pecuniary damage to the aggrieved party. The convicted person was the teacher of the aggrieved party, who was under 10 years old when the offences took place. The convicted person appealed to Hålogaland Court of Appeal, which acquitted him of the offence relating to a sexual act.

During the investigation in 2015, there were forensic interviews of four pupils, but only the aggrieved party told of abuse by the teacher.

In 2017, there were new forensic interviews of two of the pupils who had denied any abuse in 2015. They now stated that the teacher had molested them in the same way as he had molested the aggrieved party. In connection with the investigation into this case, findings were made on the teacher's computer, including sexualised pictures of children.

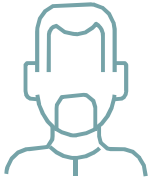
The Director of Public Prosecutions applied to have the Court of Appeal judgment reopened to the detriment of the acquitted teacher. Reference was made to the statements of the other two pupils regarding similar abuse by him during the same period, and that these statements were new evidence which provided grounds for ascertaining that the teacher was guilty of the abuse of which he had been acquitted. The prosecuting authority also referred to the findings made on the teacher's computer.

The Commission unanimously found that the new evidence was of such a nature that it was more likely than not that the teacher was guilty of the offences that he was acquitted of in the Court of Appeal judgment, see section 393(1) no. 2 of the Criminal Procedure Act.

The Commission unanimously decided to allow the prosecuting authority's application to have the case reopened.

The Director of Public Prosecutions applied to have the Court of Appeal conviction reopened to the detriment of the acquitted teacher. Reference was made to the statements of the other two pupils regarding similar abuse by him during the same period, and that these statements were new evidence which provided grounds for ascertaining that the teacher was guilty of the abuse of which he had been acquitted.

28.08.2019 (2018/132) Grievous bodily harm - section 391 no. 3 (new circumstances)



From 2006 to 2011, a man was convicted six times of a number of offences, including violence, contravening drugs legislation, theft, burglary, etc. These convictions were made by Hammerfest District Court, Øst-Finnmark District Court and Hålogaland Court of Appeal.

The convicted person applied to have these convictions reopened and alleged that he had been psychotic at the time of the offences. He referred to a forensic psychiatry report in June 2014 that concluded he was assumed to have been psychotic during the period from 2006 until the end of 2014.

This report formed the basis of a Court of Appeal judgment in 2016, in which the court found that the convicted person had to be regarded as not responsible for his acts. Reference was also made to a forensic psychiatry report provided in a new criminal case in 2017, which concluded that the convicted person was psychotic on the examination date and at the time of the offence, which was the autumn of 2016. This report thus supported the previous report made in 2014. The prosecuting authority agreed with the application to reopen these criminal cases.

The Commission found that there were new circumstances or evidence that created doubt about the convicted person's responsibility for his acts during the 2006-2014 period. The new expert report meant there was a reasonable chance that the convicted person would have been acquitted of the offences if the report had been submitted to the adjudicating court in the six cases that the application to reopen concerned. The Commission found that the conditions for reopening the cases according to section 391 no. 3 of the Criminal Procedure Act had been met.

The Commission unanimously decided to allow the application to reopen the cases.

28.08.2019 (2018/186) False statement/false documents - section 392(2) (special circumstances)



In 2008, Tønsberg District Court convicted a Somali woman of, among other things, contravening section 166 of the General Civil Penal Code of 1902 (giving a false statement to a public authority). She had shown false ID documents to the police when entering Norway. She had come to Norway to seek asylum. She was sentenced to a partially suspended term of imprisonment of 60 days.

The convicted person applied to have her case reopened with reference to the prohibition against imposing penalties on refugees in article 31 no. 1 of the Refugee Convention and the decision included in Rt. 2014 (Supreme Court law reports) page 645. These had not been considered by the District Court.

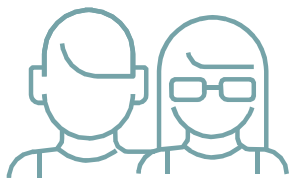
In the Commission's view, the Convention's condition of "present themselves without delay", as this is further explained in Rt. 2014 page 645, seemed to have been met in this case. The convicted person's admission that she had used false documents/a false identity and information that she came to Norway to seek asylum were so intertwined and close in time to each other that the Commission believed it had to be up to the court to consider whether the condition "without delay" had been met. Since none of the Convention's other conditions had been assessed either, there could be doubt about the correctness of the conviction.

The Commission found that there were special circumstances which made it doubtful whether the conviction was correct, see section 392(2) of the Criminal Procedure Act.

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

The convicted person's admission that she had used false documents/a false identity and information that she came to Norway to seek asylum were so intertwined and close in time to each other that the Commission believed it had to be up to the court to consider whether the condition "without delay" had been met. Since none of the Convention's other conditions had been assessed either, there could be doubt about the correctness of the conviction.

27.11.2019 (2018/148 and 2018/149) Social security fraud - section 392 (2) (special circumstances). Dissenting opinion



In 2007, Alta District Court sentenced a married couple to imprisonment

for gross fraud. They were refused leave to appeal to Hålogaland Court of Appeal. They applied to have their cases reopened and alleged to the Commission that the evidence had been wrongly assessed.

There had been several procedural errors in the case. The District Court's records had been destroyed and the District Court had not delivered the conviction by the deadline for doing so stipulated in section 42(3) of the Criminal Procedure Act, but had done so more than two months after the two-day main hearing had ended. In addition, the convicted persons' appeals had been rejected by the Court of Appeal without any grounds being stated, as was normal at that time.

The majority of the Commission, consisting of four members, found that the overall circumstances of the case meant that there should be a new court hearing in order to be sure that no injustice had taken place, see section 392(2) of the Criminal Procedure Act.

The majority placed emphasis on, among other things, the fact that the reason for the deadline for the judgment being exceeded was not the case's complexity but, among other things, the professional judge's work on other cases that had been listed for hearing. In the majority's opinion, this made it more likely that the long time that had elapsed could have affected the assessment of the evidence.

The judges had only met to deliberate once, immediately after the end of the main hearing. The majority believed that such a long time lapse between the main hearing and the delivery of the conviction, without any intermediate deliberations, made extra demands on the

judges. In addition, there were no court records that could be used to check the formalities in the case.

A witness who must have been a key witness in the case for both the prosecuting authority and the defendants, was permitted to give evidence by telephone. In the majority's opinion, he ought to have given evidence to the court directly. The Commission had previously found there were no grounds for reopening the Court of Appeal's refusal to hear the appeal. However, the consideration of the convicted persons having their cases satisfactorily dealt with by two court levels was especially relevant here, where there were also clear procedural errors in the District Court.

The Commission's minority, consisting of one member, found that the conditions for reopening the case pursuant to section 392(2) of the Criminal Procedure Act had not been met. Considering the nature and quality of the evidence submitted to the adjudicating court, there were no grounds for stating that there were special circumstances which made it doubtful whether the judgment was correct.

The Commission decided to allow the application to reopen the cases. (Dissenting vote 4-1)

The judges had only met to deliberate once, immediately after the end of the main hearing. The majority believed that such a long time lapse between the main hearing and the delivery of the conviction, without any intermediate deliberations, made extra demands on the judges. In addition, there were no court records that could be used to check the formalities in the case.

27.11.2019 (2015/130) Thefts - section 391 no. 3 (new expert report, accountability)



In 2015, Bergen District Court convicted a woman (based on a full confession) of a number of thefts from shops. The sentence, which was combined with a sentence for a previous conviction, was imprisonment for a term of seven months.

The Commission unanimously decided to allow the application to reopen the conviction.

She applied to have the District Court conviction reopened, alleging that she had not been responsible for her acts at the time of the offence. The Commission appointed forensic psychiatry experts who had also assessed her previously. These experts concluded that she had been psychotic at the time of the offence. There was also a later conviction in October 2019 in which she was sentenced to compulsory mental health care. The prosecuting authority agreed that the case should be reopened.

The Commission found there were new circumstances or evidence in the case that seemed likely to lead to an acquittal. Among other things, the Commission pointed out that the experts had had a broad, extensive basis for assessing the convicted person's mental health and the progression of the disorder over several years. The Commission found that the conditions for reopening the case pursuant to section 391 no. 3 of the Criminal Procedure Act had been met.

The Commission's other activities

The Commission's digitalisation project

In accordance with instructions stated in the Digitalisation Circular (H-7/17) issued by the Ministry of Local Government and Modernisation, the Commission started the work of preparing for an integrated digitalisation project in 2018. The Commission's website is out of date and does not meet universal design requirements. The form for applying to reopen a case can be filled in but must be printed out and sent to the Commission in paper form. The user thus does not have a digital first-choice. The Commission sends all documents in paper form, something which represents a risk of personal data going astray. This has not happened so far, but the Commission wants to minimise this risk in so far as possible. The digitalisation of the procedure is expected to lead to more efficient processing which can free-up time for the Commission's core activity, which is dealing with applications to reopen cases. A reduction in the processing period will benefit convicted persons, aggrieved parties and other people. The project really got started in 2019, after financing was put in place. Among other things, the Commission started the work of procuring an efficient and expedient case and archive system for the secretariat. The Commission's members will also be linked to this, so that they can work electronically and have access to information in this way. Similarly, work started on preparing a new, improved website that meets universal design requirements.

As part of this project, the Commission also wants to achieve the secure, efficient handling of criminal case documents by being linked to Justishub, the new communication channel between key players in the criminal justice chain.

The work to achieve a better utilisation of resources and increased productivity

The Commission and its secretariat form a small organisation that deals with relatively few cases and has a small budget. Most of its costs are fixed and relate to salaries, ICT costs and rent.

Like other government agencies, the Commission has annual ABE cuts (a budget cut resulting from the reform to reduce bureaucracy and improve

efficiency). The sector goal, which also applies to the Commission, is to contribute to a more efficient criminal justice chain. The number of cases to be dealt with by the Commission increased in 2019. As stated above, the Commission has started work on an integrated digitalisation project. This project is expected to contribute to the better utilisation of the Commission's resources and to increased productivity. By using "Justishub" as a communication channel, the Commission hopes to contribute to increased efficiency on the part of other players in the criminal justice chain too.

Contact with other authorities

In January/February, the Chair of the Commission attended the Ministry of Justice and Public Security's annual conference for heads of government departments and a human resources manager conference. In March, there was a department-management meeting with the administrative management of the Ministry's Civil Affairs Department in April. In June, we had a meeting with the Forensic Psychiatry Polyclinic, Oslo University Hospital, regarding psychiatric expertise. We also attended several conferences, such as the Ministry of Local Government and Modernisation's training conference, Justiscert's conference in April, a digitalisation conference and employers' conference in June, a conference for heads of government departments in September and the Norwegian Association of Lawyers' due process conference in October, in addition to the Norwegian Digitalisation Agency's common-solution conference and a breakfast seminar on the inclusive working life (IA) agreement.



Commission member Timothy John Brennen gives a talk at the SCCRC's anniversary conference.

International contact

On the initiative of the Criminal Conviction Review Group (CCRG) of the Department of Justice Canada, the chair of the CCRG, the heads of the secretariats of the English and Scottish Criminal Cases Review Commissions and the chair of the Norwegian Criminal Cases Review Commission held a phone meeting in 2019 too. The aim of this was to maintain contact and exchange experiences. The meeting was a follow-up to a corresponding meeting in 2018.

In June, the Commission's chair, Commission member Timothy John Brennen and the administrative deputy head of the secretariat attended the celebrations to mark the Scottish Criminal Cases Review Commission's 20th anniversary. Commission member Timothy John Brennen gave a talk on "Expert psychological witnesses – how miscarriages of justice arise from their evidence – a view from Norway". At the same time, a tripartite seminar was held for the Scottish, English and Norwegian commissions. In October the Faculty of Social Sciences, Department of Criminology, University of Ottawa arranged a seminar on "Wrongful Convictions in Canada & Israel: Barriers to Exoneration". The Chair gave a live talk, via Skype, to the conference, which took

place in Ottawa.

Other activities

The Commission arranged one professional seminar for the secretariat in 2019. This was held at Lillehammer Hotel. The head of the Norwegian Bureau for the Investigation of Police Affairs, Jan Egil Presthus, and special investigator Øivind Frøisland, gave a talk on the Bureau's work. A lawyer, Gunnar Hagen from Lillestrøm, and psychologist, Frank Vikan, also gave a talk at this seminar.

We held a first-aid course for all employees.

Information activities

Requests for talks, etc, about the Commission's activities are complied with in so far as possible.

- In January, the Chair and Vice Chair of the Commission gave a talk to law students at the Wadahl seminar.
- In January, the Chair gave a talk in Oslo at a seminar arranged by VOCAL - Victim of Crime Association of Lawyers, an association of European lawyers for aggrieved parties and next of kin.
- In March, the Chair gave a talk to the Norwegian Forensic Psychiatry Association's medical-expert seminar. Several of the Commission's employees

also attended this one-day seminar.

- In April, the Chair gave a talk to ANSA (Association of Norwegian Students Abroad).
- In May, the Chair gave a talk to new lawyers at a seminar held by the Norwegian Bar Association.
- In September, the Chair gave a talk to Uranienborg Rotary Club.
- In October, the Chair gave a talk to Halden Soroptimist Association.
- In October, the Chair gave a talk at, and attended, the Legal Policy Association's autumn seminar on media coverage of criminal cases, "True Crime". This was also attended by one employee of the Commission.
- In November, the Chair took part in a panel debate on the Labour and Welfare Service court cases at Litteraturhuset in Oslo, arranged by JURK (legal counselling for women).
- In December, the Chair gave a talk at a course for lawyers, arranged by the Norwegian Bar Association and focusing on the Labour and Welfare Service court cases.
- The Chair attended a Friday meeting of JussBuss (free legal aid clinic).



From the left: the Head of the Norwegian Bureau for the Investigation of Police Affairs, Jan Egil Presthus, Chair of the Commission Siv Hallgren, and special investigator Øivind Frøisland from the Norwegian Bureau for the Investigation of Police Affairs

Media contact

We have noticed that several media have a much greater interest in the Commission's work. Retriever, a media company, registered 808 mentions of the Commission in 2019, compared to 461 in 2018 and 111 in 2017. We particularly relate this to "True Crime" cases. Among other things, the Chair was interviewed several times on the radio and TV, as well as in newspapers and various podcasts. The Commission is open to and available for questions and inquiries from journalists.

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

The Commission's website www.gjenopptakelse.no contains information on the Commission and regulations, press releases, downloadable forms for applications to reopen cases, the Commission's annual reports, anonymised abbreviated versions of decisions to reopen cases, etc. The information is available in 12 languages in addition to Dano-Norwegian, New Norwegian and Sami.

The Commission's website has a press section where the full text of all the Commission's decisions is available to the media for three months. The electronic communication with users will be improved on the new website. Considerations of universal design and increased user-friendliness will also be ensured through this website.

All the Commission's decisions based on the merits of a case are published on the Lovdata website. These are decisions made both by the Commission and by the Commission's Chair or Vice Chair in accordance with section 397(3) sentence 3 of the Criminal Procedure Act.

The Commission uses its Twitter account to announce decisions published on its website, press releases and information on vacant positions in the secretariat.

Management and control of the activities

Internal control and risk assessments

The Commission has efficient internal controls and did not identify any significant weaknesses in these in 2019. The last risk assessment was conducted on 8 November 2019.

Outsourcing of ICT services

The Commission pays the secretariat of the Norwegian Mediation Service to operate and maintain its ICT systems. The Commission works closely with the ICT department, which states that it complies with the recommendations of the Norwegian National Security Authority. The Commission also has internal information-security rules. In cooperation with the ICT department, the Commission analyses stable operations, information security, the handling of non-conformances, and risks. Data protection (including information security) is also part of the abovementioned risk assessment.

Comments by the Office of the Auditor General of Norway

The Commission did not receive any comments from the Office of the Auditor General in 2019 and has thus not had any need to prepare a plan for following up such comments.

Gender equality report, diversity and an inclusive working life

The Commission's aim is to ensure that it at all times has the correct manpower and expertise.

The Commission's goal is to have a corporate culture based on equality, diversity and respect for the individual, so that everyone has the opportunity to develop their abilities and use their skills. Job adverts include a diversity declaration. The Commission's secretariat advertised two vacant positions in 2019. Since fewer than five new employees were hired in 2019, we are not reporting our achievement of the goals for the inclusiveness work.

The Commission continues to apply the principles of the Inclusive Working Life (IA) Agreement, which are that everyone who wants to and can is to be allowed to contribute to

working life. The Commission also has measures aimed at older employees.

The Commission's secretariat is headed by a woman and otherwise consisted of nine women and three men in 2019. This means that the secretariat's gender distribution in 2019 was 77% women and 23% men. All the organisation's management positions are held by women. The secretariat has thus achieved the state's goal of a 40% share of female managers.

Measures to prevent discrimination, bullying and harassment are stipulated in the Commission's HSE plan. The Commission has continued the work of determining more detailed procedures for whistleblowing cases.

The sickness absence rate in the Commission's secretariat is 2.87% so there has not been any need to implement measures to reduce this rate.

Combatting work-related crime

The Commission has started to use the common agreements entered into by the Central Purchasing Body and managed by this Body on behalf of government agencies. The Commission uses approved cleaning companies and checks that these have approved HSE cards which are part of the approval scheme for cleaning companies.

Assessment of the outlook

The Commission's core activity is dealing with applications to reopen cases. The number of applications fluctuates from year to year. The Commission is obliged to deal with the applications it receives as long as these lie within its area of authority. To a large extent, it can be said that the Commission's workload is quite unpredictable. Factors that may generate several cases for the Commission are, for example, decisions of the Supreme Court or of international bodies 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 finally determined criminal cases.

In 2020, we are entering a decisive phase for achieving a more efficient and digitalised working day for the secretariat and Commission members as well as a digital first-choice for those applying to have their cases reopened.

The plan is to choose a supplier and to implement, train employees in and roll out a new case and archive system and website by the end of 2020. This will take time, effort and a willingness to change on the part of the Commission's members and employees.

We also know that the Director of Public Prosecutions will send over at least 75 Labour and Welfare Service cases, probably before the summer. We have hired three extra lawyers for a period, bought extra computers and started to use our biggest meeting room as an office. This requires a flexible, sporty attitude by all parties, and will lead to extra salary costs and other expenses that we basically have not budgeted for.



From the left: Elin Ørjasæter, Siv Hallgren, Merete Smith, Mads Andenæs and Silje Kjosbakken at the debate on the Labour and Welfare Service cases at Litteraturhuset on a Thursday evening in November. Photo: Ingvild Dolva

Annual accounts

The Chair's comments on the 2019 annual accounts

Objective

The Norwegian Criminal Cases Review Commission was established in 2004 and reports administratively to the Ministry of Justice and Public Security. The Commission is an independent government agency that keeps accounts in accordance with the cash accounting principle.

Confirmation

The annual accounts have been presented in accordance with regulations concerning 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 main instructions to the enterprise. I believe the accounts provide a full picture of the Commission's available appropriations, recorded expenses, revenues, assets and liabilities.

Assessment of some important factors

The Commission was allocated a total of NOK 17,179,000 for 2019. In addition, the amount of NOK 841,000 in unused appropriations was transferred from 2018. The Commission was also allocated NOK 217,000 to compensate for the pay settlement in 2019. This means that the total funding allocated to the Commission for 2019 was NOK 18,237,000.

Of this, NOK 370,110 was not utilised. This equals 2.03% of the total available funding.

In addition to chapter 468 appropriations, appropriations according to chapter 414 Conciliation Board and Other Court Expenses and chapter 466 Special Criminal Case Expenses are made available to the Commission. This means that expenses relating to defence counsel, counsel for aggrieved parties, interpreters and experts appointed by the Commission are rule-governed and not debited to the Commission's budget.

Explanation of the under-utilisation

In 2019, the Commission received NOK 36,449 in refunds from the Norwegian Labour and Welfare Service. This is a result of sick leave. In addition, the Commission made savings because several full-time

employees temporarily reduced their working hours for various reasons.

The Commission's secretariat is small, so that refunds 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 2019 in budgets for later years. We also calculate the costs of a Commission with all its members attending in 2020.

The Commission has a relatively small budget and many fixed expenses, of which salaries, ICT costs 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 complicated cases, it may have to increase the volume of investigative work and number of extraordinary meetings, and this in turn leads to higher costs.

Additional information

The Office of the Auditor General of Norway is the external auditor and certifies the enterprise's annual accounts. The audit of the annual accounts is not fully complete as at today's date.

Oslo, 13 February 2020

Signature

Siv Hallgren
Chair

Accounting principles

The annual accounts of the Norwegian 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"). The annual accounts comply with item 3.4.1 of the Regulations, more detailed provisions stated in the Ministry of Finance circular R-115 of November 2016 and any additional requirements stipulated by the Ministry in charge.

The appropriation reporting statement and general ledger accounts reporting statement have been prepared on the basis of the provisions in item 3.4.2 of the Regulations – the fundamental principles for annual accounts:

- a) The accounts follow the calendar year
- b) The accounts contain all the reported expenses and revenues for the financial year
- c) The accounts have been prepared in accordance with the cash accounting principle
- d) Gross expenses and revenues have been entered in the accounts

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

The enterprise is linked to the state's group account scheme with Norges Bank in accordance with the requirements stipulated in item 3.7.1 of the Regulations. Gross-budgeted enterprises are not given any funding during the year but are entitled to draw on their group account. At the year-end, the balance of the individual settlement account is set at zero.

Appropriation reporting statement

The appropriation reporting statement comprises an upper part containing the appropriation reporting and a lower part showing amounts the enterprise is stated to have in the capital accounts.

The appropriation reporting statement shows the accounting figures that the enterprise 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 total allocations column shows the amount made available to the enterprise in a letter of allocation for each government account (chapter/item). The statement also shows all the financial assets and liabilities that the enterprise is stated to have in the government's capital accounts.

Authorisations received to debit another enterprise's chapter/item (debit authorisations) 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, 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 granted to others 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 authorisations granted to others are stated in note B to the appropriations reporting statement.

General ledger accounts reporting statement

The general ledger accounts reporting statement has an upper part showing amounts reported to the central government accounts in accordance with the standard chart of accounts for government agencies and a lower part showing assets and liabilities included in outstanding accounts with the public treasury.

The general ledger accounts reporting statement shows accounting figures that the enterprise has reported to the central government accounts in accordance with the standard chart of accounts for government agencies. The enterprise is entitled to draw on its group account with Norges Bank. The allocations are not taken to income and are therefore not shown as revenue in the statement.

Appropriation reporting statement 31.12.2019

Expense chapter	Chapter name	Item	Item text	Note	Total allocation*	Accounts 2019	Additional (-) /reduced expense
0466	Special criminal case oper. expenses, etc	01	Oper. expenses		0	1 180 990	-1 180 990
0468	Criminal Cases Review Commission	01	Oper. expenses A, B	18 237 000		17 116 890	1 120 110
0414	Conciliation Board and other court expenses	01	Oper. expenses		0	607	
1633	Net scheme, govt. paid VAT	01	Oper. expenses		0	602 199	
Total amount charged to expenses					18 237 000	18 900 687	

Revenue chapter	Chapter name	Item	text	Total	Accounts 2018	Additional allocation* /reduced income (-)	
5309	Miscellaneous revenue	29	Misc.	0	14 700		
5700	National Insurance revenues	72	Employer's NI contributions	0	1 591 279		
Total amount taken to revenue					0	1 605 979	
Net reported to the appropriation accounts						17 294 707	
Capital accounts							
60087201	Norges Bank GA/payments received				37 008		
60087202	Norges Bank GA/payments made				-17 361 033		
704485	Change in outstanding account with the public treasury				29 318		
Total amount reported						0	
Balances reported to the capital accounts (31.12)							
Account	Text			31.12.2019	31.12.2018	Change	
704485	Outstanding account with the public treasury			-543 017	-572 335	29 318	

* The total allocation shall not be reduced to take account of any debit authorisations granted to others (both for expense and income chapters). Refer to note B, Explanation of used authorisations and calculation of the amount possibly transferrable to next year, for a further explanation of this.

Notes to the appropriation reporting statement

Note A Explanation of the total allocations of expenses

Chapter and item	Transferred from last year	The year's allocations	Total allocation
046801	841 000	17 396 000	18 237 000
xxxxxx			0
xxxxxx			0
xxxxxx			0

Note B Explanation of used authorisations and calculation of the amount possibly transferrable to next year

Chapter and item authorisations.	Key words	Additional (-)/ reduced expense	Charged to expenses by others pursuant to granted debit auth.	Additional (-)/ reduced expenses pursuant to granted debit auth.	Additional/reduced (-) revenues according to additional revenue
0468 01		1 120 110	-750 000	370 110	

* 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 annual circular R-2 for more detailed information on the transfer of unused appropriations.

Explanation of the use of budget authorisations

Granted debit authorisations (charged to expenses by other parties)

The Norwegian Criminal Cases Review Commission has granted a debit authorisation to the Secretariat for the Mediation Service equal to NOK 750,000 and registered to chapter 0468 item 01. The entire amount has been spent by the Secretariat for the Mediation Service.

Possibly transferrable amount

The Norwegian Criminal Cases Review Commission's unused appropriations relating to chapter 0468 item 01 amount to NOK 370,110.

Appropriations relating to other budget chapters

In addition to appropriations relating to chapter 0468 item 01, the Norwegian Criminal Cases Review Commission has appropriations at its disposal relating to chapter 0414 Conciliation Boards and Other Court Expenses and chapter 0466 Special Criminal Case Expenses, etc. These appropriations are utilised in accordance with the regulations applicable to the rule-governed scheme.

Reallocations from item 01 to 45 or to item 01/21 from next year's appropriation	Savings(-)	Total basis for transfer	Max. transferrable amount *	Possible transferrable amount calculated by the enterprise
		370 110	869 800	370 110

General ledger accounts reporting statement 31.12.2019

	Note	2019	2018
Operating revenues reported to the appropriation accounts			
Fees received		0	0
Grants and transfers received		0	0
Sales and rental payments received		0	0
Other payments received		0	0
Total payments received from operations		0	0
Operating expenses reported to the appropriation accounts			
Salary payments	1	12 842 980	12 115 383
Other operating expenses	2	5 272 647	5 333 064
Total operating expenses		18 115 627	17 448 448
Net reported operating expenses		18 115 627	17 448 448
Investment and financial income reported to the appropriation accounts			
Financial income received			
Total investment and financial income			
Investment and financial expenses reported to the appropriation accounts			
Payments for investments	3	182 861	122 176
Payments to purchase shares		0	0
Financial expenses		0	0
Total investment and financial expenses		182 861	122 176
Net reported investment and financial expenses		182 861	122 176
Debt-collection operations and other transfers to the state			
Taxes, fees, charges, etc, received			
Total debt-collection operations and other transfers to the state			
Grant management and other transfers from the state			
Payments of grants and benefits			
Total grant management and other transfers from the state			
Revenues and expenses reported for common chapters*			
Group life insurance account 1985 (ref. chapter 5309, revenue)		14 700	14 157
Employer's NI contributions account 1986 (ref. chapter 5700, revenue)		1 591 279	1 501 896
Net bookkeeping scheme for VAT account 1987 (ref. chapter 1633, expense)		602 199	518 963
Net expenses reported for common chapters		-1 003 781	-997 090
Net amount reported to the appropriation accounts		17 294 707	16 573 534

Overview of outstanding accounts with the public treasury**

		2019	2018
Assets and liabilities			
Receivables		0	0
Cash		0	0
Bank accounts containing state funds, outside Norges Bank		0	0
Withholding tax and other deductions due		-543 017	-572 335
Public taxes due		0	0
Other liabilities		0	0
Total outstanding account with the public treasury	4	-543 017	-572 335

* Any other revenues/expenses reported for common chapters are to be specified in separate lines if required.

** Specify and add lines if required.

Notes to the general ledger accounts reporting statement

Note 1 Salary payments

	31.12.2019	31.12.2018
Salaries	8 993 364	8 395 235
Employer's NI contributions	1 591 279	1 501 896
Pension expenses*	1 064 355	1 006 443
Sickness benefit and other refunds (-)	-36 449	-35 300
Other benefits	1 230 429	1 247
Total salary payments	12 842 980	12 115 383
* This line is to be used by enterprises that pay a pension premium to the Norwegian Public Service Pension Fund.		
No. of full-time equivalents (FTE):	10.29	9.9

*Further details on pension expenses

Pensions are entered as expenses in the profit and loss account based on the premium actually accrued for the financial year. The premium rate for 2019 is 14.0 per cent. The premium rate for 2018 was 14.0 per cent.

Note 2 Other operating expenses

	31.12.2019	31.12.2018
Rent	2 128 016	2 021 313
Maintenance of own buildings and facilities	0	0
Maintenance and modification of rented premises	10 074	9 828
Other expenses relating to the running of properties and premises	291 050	255 447
Repair and maintenance of machinery, equipment, etc.	0	0
Minor equipment acquisitions	72 805	4 400
Rental of machinery, fixtures and fittings, etc	0	0
Purchase of consultancy services	1 379 620	118 031
Purchase of services from external parties	253 673	1 928 581
Travel and per diem allowances	310 278	408 958
Other operating expenses	827 132	586 508
Total other operating expenses	5 272 647	5 333 064

*As from 2019, consultancy services and other services provided by external parties are presented separately. In the comparison figures for 2018, the purchase of services from external parties is presented in total in the line entitled purchase of services from external parties.

Note 3 Payments for investments and to purchase shares

	31.12.2019	31.12.2018
Payments for investments		
Intangible assets, etc	0	0
Land, buildings and other real property	0	0
Infrastructure assets	0	0
Machinery and vehicles	182 861	122 176
Operating equipment, fixtures, fittings, tools, etc		
Total payments for investments	182 861	122 176
Payments to purchase shares		
Contributions of capital	0	0
Bonds	0	0
Investments in shares and partnerships	0	0
Total payments to purchase shares	0	0

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

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

	31.12.2019	31.12.2019	Difference
	Specification of the recorded settlement with the public treasury	Specification of the reported outstanding account with the public treasury	
Fixed-asset investments			
Investments in shares and partnerships*	0	0	0
Bonds	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, etc	0	0	0
Total	0	0	0
Long-term liabilities			
Other long-term liabilities	0	0	0
Total	0	0	0
Current liabilities			
Trade creditors	26 557	0	26 557
Withholding tax due	-543 017	-543 017	0
Public taxes due	0	0	0
Other current liabilities	0	0	0
Total	-516 460	-543 017	26 557
Total	-516 460	-543 017	26 557

* Enterprises that own fixed-asset investments in the form of investments in shares and partnerships must also fill in note 8 B

Part B Specification of investments in shares and partnerships

	Acquisition date	No. of shares	Ownership	Voting share	Firm's profit/loss for the year	Firm's balance-sheet equity	Capitalised value in the accounts*
Shares							
Firm 1							
Firm 2							
Firm 3							
Capitalised value 31.12.2019							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.

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

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