



Violations of fair-trial rights acknowledged in financial-crisis convictions cases

In its decisions in the cases of [Sigurjón Þorvaldur Árnason v. Iceland](#) (applications nos. 42655/16 and 27495/18), [Ívar Guðjónsson v. Iceland](#) (no. 46015/16), [Sigurbór Charles Guðmundsson v. Iceland](#) (no. 60672/16), [Margrét Guðjónsdóttir v. Iceland](#) (no. 60704/16) and [Karl Emil Wernersson v. Iceland](#) (no. 61464/16) the European Court of Human Rights has unanimously struck the applications out of its list of cases as a result of the friendly settlements reached between the parties.

Principal facts

The applicants, Sigurjón Þorvaldur Árnason, Ívar Guðjónsson, Sigurbór Charles Guðmundsson, Margrét Guðjónsdóttir and Karl Emil Wernersson, are Icelandic nationals who were born in 1966, 1968, 1958, 1958 and 1962 respectively. They live in Reykjavik (Mr Árnason, Mr Guðmundsson and Ms Guðjónsdóttir) and Garðabær (Iceland) (the other two applicants).

The applications concerned the applicants' criminal convictions in cases related to the 2008 financial crisis and its aftermath in Iceland.

On various dates in 2020 the Court received friendly settlement declarations signed by the parties. In these declarations the respondent State acknowledged violations of the applicants' right to a fair trial and undertook to pay the applicants 12,000 euros each in respect of non-pecuniary damage and to cover any costs incurred. The applicants in turn agreed to waive any further claims against Iceland.

In the declarations concerning Mr Árnason, reference was made to the Court's judgment in the case of *Sigríður Elín Sigfúsdóttir v. Iceland* (no. 41382/17), where the Court had found a violation of the applicant's right to a fair trial on account of a lack of impartiality of one of the Supreme Court judges who had sat on the bench at the applicant's trial. In the declarations concerning the other applicants, reference was made to the Court's judgment in the case of *Styrmir Þór Bragason v. Iceland* (n° 36292/14), where the Court had found a violation of the applicant's right to a fair trial due to the manner in which the Supreme Court of Iceland had overturned the applicant's acquittal without hearing evidence from the applicant and relevant witnesses directly.

All declarations noted the possibility for the applicants to apply for the reopening of their cases.

Complaints, procedure and composition of the Court

The applications were lodged with the European Court of Human Rights on various dates in 2016 and 2018.

Relying on Article 6 (right to a fair trial) of the European Convention on Human Rights, the applicants complained of the manner in which the Supreme Court of Iceland had overturned or partially overturned their acquittals, or, in Mr Árnason's and Mr Guðjónsson's cases, various aspects of the criminal proceedings against them.

The decisions were given by a Committee of three judges, composed as follows:

Georges Ravarani (Luxembourg), *President*,
Darian Pavli (Albania),
Anja Seibert-Fohr (Germany),

and also Olga Chernishova, *Deputy Registrar*.

Decision of the Court

The Court took note of the friendly settlements reached between the parties. It was satisfied that the settlements were based on respect for human rights as defined in the Convention and its Protocols and found no reasons to justify a continued examination of the applications. It thus struck the applications out of its list of cases.

The decisions are available only in English.

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The European Court of Human Rights was set up in Strasbourg by the Council of Europe Member States in 1959 to deal with alleged violations of the 1950 European Convention on Human Rights.