

# Act on the arrest and extradition of persons to and from Iceland for criminal offenses on the basis of an arrest warrant

2016 no. 51 June 7

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Entered into force on 14 June 2016 with regard to the Nordic Arrest Warrant and 1 November 2019 with regard to the European Arrest Warrant, cf. Aug. A 123/2019. Amended by: Act 117/2016 (entered into force on 1 January 2018, except for Articles 52, 53, 75, 76 and 79–81 which entered into force on 28 October 2016).

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

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## Chapter I. General provisions.

### ■ Article 1 Scope.

□ This Act applies to the extradition of a person between Iceland and the Member States of the European Union and between Iceland and the other Nordic countries for a criminal offense on the basis of an arrest warrant. A person wanted on the basis of an arrest warrant shall be arrested and extradited to the State which issued the arrest warrant in accordance with the provisions of this Act.

□ In order to have a person arrested and extradited to Iceland for the handling of a criminal case or for the execution of a sentence, an arrest warrant can be issued in accordance with the provisions of this Act.

■ **Article 2** *Relationship with the Code of Criminal Procedure.*

Unless otherwise stated in this Act, the provisions of the Criminal Procedure Act shall apply as appropriate.

■ **Article 3** *Definition of terms.*

For the purposes of this Act, the terms are as follows:

1. *European Arrest Warrant*: A decision taken in one of the Member States of the European Union, Iceland or Norway to ask one of these countries to arrest and extradite a wanted person for the purpose of handling a criminal case that may involve imprisonment or otherwise, a kind of deprivation of liberty in the state that has issued the arrest warrant or in execution of a prison sentence or other decision on deprivation of liberty.

2. *Nordic arrest warrant*: A decision taken in Denmark, Finland, Iceland, Norway or Sweden to ask one of these countries to arrest and extradite a wanted person in connection with the handling of a criminal case which may involve imprisonment or other deprivation of liberty in the state which issued or enforced the arrest warrant, imprisonment or another decision on deprivation of liberty.

3. *Arrest Warrant* : Synonym for Nordic and European Arrest Warrant.

4. *Extradition*: Extradition of criminals for criminal acts according to [Act no. 13/1984](#) , on the extradition of criminals and other assistance in criminal cases, or similar rules in a foreign state.

■ **Article 4** *The role of the Attorney General.*

An arrest warrant from a foreign state shall be sent to the State Prosecutor.

The Office of the Attorney General decides on the delivery of a wanted person in accordance with the provisions of this Act. He also makes other decisions in connection with delivery unless otherwise stated in the law.

Decisions of the Attorney General according to the provisions of this Act are final at the administrative level.

■ **Article 5** *Icelandic citizens.*

The provisions of this Act also apply to the extradition of Icelandic citizens.

■ **Article 6** *Form and content of the arrest warrant.*

An arrest warrant shall be written on a harmonized form and contain information on:

a. name, address, telephone and letter telephone numbers and e-mail address of the person who issued the arrest warrant,

b. personal identity and nationality of the person wanted,

c. whether there is an enforceable judgment, an order for the arrest of a judge or another

court decision that has the same legal effect,

d. the nature of the offense with reference to the penal provisions applicable to the act,

e. in what circumstances a crime was committed, where and when and what part of it was wanted in it,

f. a sentence or penalty applicable to the offense in the State which issued the arrest warrant; and

g. other consequences of the offense as far as possible.

An arrest warrant issued to Iceland shall be written in Icelandic, Danish, Norwegian, Swedish or English or shall be accompanied by a translation into one of the above languages.

If there are significant deficiencies in an arrest warrant and it is not considered an arrest warrant according to this Act. In such cases, the public prosecutor shall reject the request, but before doing so, the person who issued it shall be given a chance to rectify it.

## **II. chapter. Conditions for extradition from Iceland according to a European arrest warrant.**

### **■ Article 7** *Minimum penalty or sentence imposed.*

A person may be extradited to a Member State of the European Union on the basis of a European arrest warrant:

a. to deal with a criminal case that may involve imprisonment or other form of deprivation of liberty for at least one year in the state that issued the arrest warrant, or

b. for the execution of a prison sentence or other decision on deprivation of liberty when the sentence imposed or a decision on other deprivation of liberty is at least four months.

If an arrest warrant is issued for more than one criminal offense, the wanted person shall be extradited, even though the conditions for extradition exist only for one of the offenses.

### **■ Article 8** *Double penalties.*

It is a condition for the extradition of a person according to a European arrest warrant that an act that is a precondition for a declaration, or a comparable act, is also punishable under Icelandic law.

The condition of double criminality according to Art. Paragraph 1 does not apply when the specified act in an arrest warrant is part of the activities of organized criminal organizations and the act falls under:

a. terrorism or related offenses specified in Articles 1 and 2. European Convention on the Prevention of Terrorism and Articles 1, 2, 3 and 4. Framework Decision of the European Union of 13 June 2002 on the fight against terrorism,

- b. illicit trafficking in drugs and hallucinations,
- c. homicide,
- d. serious assault,
- e. kidnapping, unlawful deprivation of liberty or hostage-taking,
- f. rape,

provided that the act was punishable by imprisonment or other deprivation of liberty for at least one year or more in the State which issued the arrest warrant. This applies regardless of whether the person in question took part in the actual execution of the act, provided that his or her participation was intentional and carried out with the knowledge that his or her participation contributes to the organized criminal organization achieving the goal of its activities.

□ Double punishment according to Paragraph 1 is not a condition if the specified act in the arrest warrant may involve imprisonment or other deprivation of liberty for three years or more in the state that issued the arrest warrant, provided that state does not require double criminality for extradition to Iceland on the basis of a European arrest warrant, and the act falls under:

- a. participation in criminal organizations,
- b. terrorism,
- c. manslaughter,
- d. sexual abuse of children and child pornography,
- e. illicit trafficking in narcotic drugs and psychotropic substances,
- f. illegal trade in weapons, ammunition and explosives,
- g. corruption,
- h. fraud, including fraud affecting the financial interests of the European Communities within the meaning of the Convention of 26 July 1995 on the Protection of the Financial Interests of the European Communities,
- i. laundering the proceeds of crime,
- j. counterfeiting,
- k. hacking,
- l. environmental offenses, including illegal trafficking in animals, plants and endangered species,
- m. assistance in the event of illegal entry into the state and residence,
- n. murder and aggravated assault,
- o. illicit trafficking in human organs and tissues,

- p. kidnapping, deprivation of liberty and hostage-taking,
- q. racism and xenophobia,
- r. organized or armed robbery,
- s. illegal trade in cultural property, including antiquities and works of art,
- e.g. embezzlement,
- u. extortion,
- v. imitation and illegal use of goods,
- w. falsification of public documents and trade in such documents,
- x. counterfeiting of payment instruments,
- y. illicit trafficking in hormones and other growth promoters,
- z. illicit trafficking in nuclear or radioactive materials,
- aa. trade in stolen vehicles,
- bb. rape,
- cc. burn,
- dd. offenses under the jurisdiction of the International Criminal Court,
- ee. ship or flight robbery,
- ff. property damage.

■ **Article 9** *Mandatory reasons for refusal.*

□ Delivery of a wanted person shall be refused under the European Arrest Warrant when:

- a. amnesty has been granted for the same act in this country,
- b. he cannot, due to his age, be held criminally liable for the act in this country,
- c. he has been convicted of the same act in this country by a final judgment and the punishment has already been enforced, is being enforced or can no longer be enforced,
- d. in this country there is a final judgment where security measures have been applied against him for the same act as they have already been lifted, are being carried out or can no longer be carried out,
- e. in this country there is a final sanction decision for the same act that has already been completed, is being enforced or can no longer be enforced,
- f. A case against him for the same act has been settled by postponing the prosecution in this country,
- g. the public prosecutor has information that he has been punished for the same act by a final judgment in a member state of the European Union or a state participating in the Schengen co-operation or has been punished by another final decision in such a state which prevents further proceedings for the same act and that such a decision has been enforced, is

being enforced or can no longer be enforced,

h. proceedings are pending or a final judgment or other final decision is pending before an International Court of Justice which precludes further proceedings in this country and when these sanctions have already been enforced, are being enforced or can no longer be enforced,

i. the act has been committed in part or in full in this country or in an area that falls under Icelandic criminal jurisdiction and it is either not punishable or criminal liability or the right to serve a sentence has expired according to Icelandic law.

The handing over of a person according to the arrest warrant specified in the first paragraph shall also be refused. if the delivery of a person according to it is in conflict with the provisions of the European Convention on Human Rights and the annexes to the agreement that have legal force in this country.

■ **Article 10** *Allows reasons for refusal.*

A request for the surrender of a wanted person may be refused under the European Arrest Warrant when:

a. an investigation into the same act is underway in this country and it is directed at the wanted person,

b. the public prosecutor is aware that he has been punished for the same act by a final judgment in a state outside the European Union and the Schengen cooperation, the punishment has already been enforced, is being enforced or has lapsed according to the law of the state in question,

c. the arrest warrant concerns the enforcement of a sentence according to a court and the person wanted is resident or residing in Iceland or is an Icelandic citizen and the Icelandic government undertakes to enforce the sentence or a decision on deprivation of liberty according to it,

d. The arrest warrant concerns a request to extradite an Icelandic citizen and is issued by a state that does not extradite its own citizen to Iceland.

Before a request for delivery is rejected in accordance with the provisions of the first paragraph. shall give the wanted person an opportunity to express himself.

■ **Article 11** *Political crime.*

The extradition of a person wanted in a European arrest warrant for political offenses may be refused.

The provisions of the first paragraph. does not apply when the specified act in the arrest warrant falls under:

a. offenses referred to in Articles 1 and 2 Of the European Convention on the Prevention of

Terrorism,

b. offenses consisting of conspiracy or conspiracy theories corresponding to a description of the conduct referred to in paragraph 2. Article 8, to commit one or more of the offenses referred to in Articles 1 and 2. Of the European Convention on the Prevention of Terrorism or

c. Articles 1, 2, 3 and 4 Framework Decision of 13 June 2002 on Combating Terrorism.

■ **Article 12** *Judgment pronounced without the presence of a wanted person.*

□ Where a European arrest warrant includes a request for the handing over of a person to serve a prison sentence or other custodial sentence imposed without the presence of a wanted person and without being informed of the time and place of the proceedings, the request shall be rejected unless the issuing State ensure that the wanted person can demand a new procedure as he is entitled to be present.

□ The insurance referred to in the first paragraph shall be available before the district court rules on whether the conditions for delivery exist.

### **III. chapter. Procedure under the European Arrest Warrant.**

■ **Article 13** *Capture and report.*

□ The Office of the Attorney General now considers that the conditions of Art. is complied with and he shall then demand the arrest of the wanted person as soon as possible. Upon arrest, the wanted person shall be informed of the arrest warrant.

□ Upon questioning following the arrest, the wanted person shall be given the opportunity to accept the delivery and he shall be informed of the significance of the consent. He shall be appointed a defender.

□ If the wanted person accepts delivery according to Paragraph 2 he shall also be asked, if applicable, whether he agrees to proceedings for criminal offenses other than those on which the arrest warrant was issued and which were committed before the extradition.

■ **Article 14** *Custody and application of other coercive measures.*

□ If the Attorney General deems it necessary for a wanted person to be detained for the handling of the case, he shall then submit a request for custody in the district court. In assessing such a request, the court shall use the information in the arrest warrant as a basis, unless it is manifestly incorrect.

□ Custody shall not be extended for more than four weeks, which may be extended by the same period each time.

□ Milder coercive measures may be applied when they are considered adequate to prevent the wanted person from escaping proceedings.

□With a record in the parliamentary register, the district court shall confirm whether the approval according to Art. Paragraphs 2 and 3 Article 13 available. Following a ruling, consent to delivery may not be revoked.

□Deadline for appealing a decision on custody or the application of other coercive measures to [National Court] <sup>1)</sup> is one day.

<sup>1)</sup>L. 117/2016, Article 82

■ **Article 15** *Decision on delivery.*

□The Office of the Attorney General decides whether to comply with the request for the delivery of the wanted person. The Office of the Attorney General shall base its decision on the information contained in the arrest warrant, unless it is manifestly incorrect. If the requested person has accepted the delivery, the final decision on delivery shall be made within ten days of the approval. If the wanted person does not agree to surrender, the Attorney General shall make a decision on surrender within 20 days of the arrest of the wanted person.

□If the wanted person has not agreed to the delivery, he can demand a ruling from the district court as to whether the legal requirements for delivery exist. The Attorney General shall, at the same time as he informs the man of his decision and the reasons for it, inform him of this authorization. A request for a ruling shall be received by the Office of the Attorney General no later than 24 hours after the person requested to be delivered has been notified that the request for delivery has been complied with. If there are special reasons to do so, the Office of the Attorney General may allow a decision on extradition to be submitted to a court, even though the above-mentioned deadline has passed. If a ruling has been requested within the statutory deadline or an exemption has been allowed, delivery shall not take place until a final court ruling has been announced.

□The information contained in the arrest warrant shall form the basis of the district court's ruling unless it is manifestly incorrect. The district court shall issue a ruling within 40 days of the arrest of the wanted person. A ruling may be appealed to [National Court] <sup>1)</sup> according to the general rules on criminal proceedings, other than the fact that the time limit for appeal is one day. Appeal postpones delivery. [National law] <sup>1)</sup> shall pronounce [ruling] <sup>1)</sup> within 60 days of the arrest of the wanted person.

□If a final decision on extradition has been made, the Office of the Attorney General shall immediately notify the party that issued the arrest warrant. The delivery procedure is governed by Art. Article 30

□If a wanted person enjoys privileges or immunity in this country, cf. Article 26, for the act

specified in the Arrest Warrant, and the time limit does not begin to run until the privilege or immunity has been revoked. If the wanted person has previously been extradited or extradited to Iceland and further delivery requires the consent of the state that extradited or extradited him, the time limit shall not begin to run until the state in question has given its consent.

If it is not possible to make a decision in a case within the specified time limit, the State Prosecutor shall immediately explain to the person who issued the arrest warrant on that basis.

*»L. 117/2016, Article 82*

■ **Article 16** *Consent to proceedings for another criminal offense and for continued extradition or extradition.*

Upon request, a request from a Member State of the European Union who has received a person on the basis of a European arrest warrant may be accepted for:

a. proceedings or the execution of a sentence against the person in question for an act other than that which was a precondition for delivery and which was committed before delivery,

b. to extradite the person concerned to another Member State of the European Union or Norway for an act committed before the extradition,

c. to extradite the person in question to a state outside the Nordic countries and the European Union for an act committed before the extradition, provided that he is not an Icelandic citizen.

Request for consent in cases referred to in points (a) and (b) of paragraph 1 shall be in accordance with the provisions of Article 6. and it shall be sent to the Attorney General. Approval shall be granted if the conditions for delivery exist for the act covered by the request, in accordance with the conditions and terms that follow from this Act. Delivered person has the right to a lawyer in these cases. The provisions of Article 15 apply as appropriate. The defense counsel for a person who has been extradited may demand a ruling from the district court as to whether the conditions for extradition exist. Unless the district court decides otherwise, this written procedure shall apply. A final decision must be made within 30 days of receipt of the request.

Request for approval in respect of a case referred to in paragraph 1 (c) shall be sent to the Minister and the handling of such a request according to [Act no. 13/1984](#), on the extradition of criminals and other assistance in criminal matters.

**IV. chapter. Conditions for extradition from Iceland according to a Nordic arrest warrant.**

■ **Article 17** *Minimum penalty or sentence imposed.*

□ A person may be extradited to a Nordic country on the basis of a Nordic arrest warrant:

a. to deal with a criminal case that may involve imprisonment or other form of deprivation of liberty in the state that issued the arrest warrant, or

b. for the execution of a prison sentence or other decision on deprivation of liberty.

□ If the arrest warrant is issued for more than one criminal offense, the wanted person shall be extradited, even if the conditions for extradition are only met for one of the offenses.

■ **Article 18** *Mandatory reasons for refusal.*

□ A request for surrender of a person wanted under a Nordic arrest warrant shall be refused when the grounds for refusal referred to in paragraphs 1 to h of paragraph 1 are met. Article 9 and the second paragraph. same articles.

■ **Article 19** *Allows reasons for refusal.*

□ A request for the extradition of a wanted person under the Nordic Arrest Warrant may be rejected:

a. when the circumstances specified in the first paragraph. Article 10 are present or

b. the act has been committed in part or in full in this country or in an area that falls under Icelandic criminal jurisdiction and is not punishable under Icelandic law.

□ Before a request for delivery is rejected in accordance with the provisions of the first paragraph. shall give the wanted person an opportunity to express himself.

## **Chapter V. Procedure under the Nordic Arrest Warrant.**

■ **Article 20** *Capture and report.*

□ The Office of the Attorney General now considers that the conditions of Art. is complied with and he shall then demand the arrest of the wanted person as soon as possible. Upon arrest, the wanted person shall be informed of the arrest warrant.

□ Upon questioning following the arrest, the wanted person shall be given the opportunity to accept the delivery and he shall be informed of the significance of the consent. He shall be appointed a defender.

□ If the wanted person accepts delivery according to Paragraph 2 he shall also be asked, if applicable, whether he consents to proceedings for other criminal offenses committed before delivery.

■ **Article 21** *Custody and application of other coercive measures.*

□ If the Attorney General deems it necessary for a wanted person to be detained for the handling of the case, he shall then submit a request for custody in the district court. In

assessing such a request, the court shall use the information in the arrest warrant as a basis, unless it is manifestly incorrect.

Custody shall not be extended for more than two weeks, which may be extended by the same period each time. This time limit does not apply when there are more incompatible arrest warrants or extradition requests or the person in question has been extradited to Iceland from a country outside the European Union or the Nordic countries.

Milder coercive measures may be taken when they are considered adequate to prevent the wanted person from escaping proceedings.

With a record in the parliamentary register, the district court shall confirm whether the approval according to Art. Paragraphs 2 and 3 Article 20 available. Consent can be revoked. Consent to proceedings for another criminal act will only be revoked if consent for delivery is also revoked.

Deadline for appealing a decision on custody or the application of other coercive measures to [National Court] <sup>1)</sup> is one day.

<sup>1)</sup>L. 117/2016, Article 82

**■ Article 22 Decision on delivery.**

The Office of the Attorney General decides whether to comply with the request for the delivery of the wanted person. The Office of the Attorney General shall base its decision on the information contained in the arrest warrant, unless it is manifestly incorrect. If the wanted person approves the delivery, the Office of the Attorney General shall, within three working days of the approval, decide whether the conditions for delivery exist. If the wanted person does not agree to surrender, the Attorney General shall make a decision on surrender within ten days of the arrest of the wanted person.

If the wanted person has not agreed to the delivery, he can demand a ruling from the district court as to whether the legal requirements for delivery exist. The Attorney General shall, at the same time as he informs the man of his decision and the reasons for it, inform him of this authorization. A request for a ruling shall be received by the Office of the Attorney General no later than 24 hours after the person requested to be delivered has been notified that the request for delivery has been complied with. If there are special reasons to do so, the Office of the Attorney General may allow a decision on extradition to be submitted to a court, even though the above-mentioned deadline has passed. If a ruling has been requested within the statutory deadline or an exemption has been allowed, delivery shall not take place until a final court ruling has been announced.

The information contained in the arrest warrant shall form the basis of the district court's

ruling unless it is manifestly incorrect. The district court shall issue a ruling within 20 days of the arrest of the wanted person. The ruling of a district court may be appealed to [National Court] <sup>1)</sup> according to the general rules on criminal proceedings, other than the fact that the time limit for appeal is one day. Appeal postpones delivery. [National law] <sup>2)</sup> shall pronounce [ruling] <sup>3)</sup> within 30 days of the arrest of the wanted person.

If a final decision on extradition has been made, the Office of the Attorney General shall immediately notify the party that issued the arrest warrant. The delivery procedure is governed by Art. Article 30

If a wanted person enjoys privileges or immunity in this country, cf. Article 26, for the act specified in the arrest warrant and the time limit in such cases does not begin to run until the privilege or immunity has been abolished. If the wanted person has been extradited or extradited to Iceland and the extradition continues to require the consent of the state which extradited or extradited him, the time limit shall not begin to run until the State concerned has accepted the delivery.

If it is not possible to make a decision in a case within the specified time limit, the State Prosecutor shall immediately explain to the person who issued the arrest warrant on that basis.

<sup>1)</sup>L. 117/2016, Article 82

■ **Article 23** *Consent to proceedings or execution of a sentence for another criminal offense.*

If the wanted person has been extradited under a Nordic arrest warrant, the requested State asks for consent to the proceedings or the execution of a sentence for another act committed before the arrest warrant was issued, and such a request shall be accepted unless there is a mandatory Reason for refusal according to Article 18 A request may also be rejected when an optional reason for refusal pursuant to Art. paragraph 1 (b) Article 19 is available.

A request for approval shall be in accordance with the provisions of Article 6. and it shall be sent to the Attorney General. The provisions of Article 22 apply as appropriate. Delivered person has the right to a lawyer in these cases. The defense counsel for a person who has been extradited may demand a ruling from the district court as to whether the conditions for extradition exist. Unless the district court decides otherwise, this written procedure shall apply. A final decision must be made within 30 days of receipt of the request.

■ **Article 24** *Consent to continued delivery or extradition.*

It may be agreed that a person extradited to a Nordic country under a Nordic arrest warrant will continue to be extradited to a Member State of the European Union outside the Nordic countries for the act committed before the extradition. Such a request shall be accepted if the

request for extradition for the act had been accepted in accordance with the European Arrest Warrant. In these cases, the provisions of the second paragraph shall apply. Article 23

☐ Requests for approval for continued extradition to a state outside the Nordic countries and the European Union are subject to the provisions of [Act no. 13/1984](#) , on the extradition of criminals and other assistance in criminal cases.

## **VI. chapter. Common provisions on Nordic and European arrest warrants.**

### **■ Article 25** *Receipt and forwarding of arrest warrants for delivery from Iceland.*

☐ If the authority of a participating State registers a wanted person in the Schengen Information System or another system for the prosecution of persons suspected of a criminal offense, such registration shall be equivalent to a Nordic or European arrest warrant until the arrest warrant is received, although the record does not contain all the information specified in Article 6. .

☐ An arrest warrant from another state shall be sent to the State Prosecutor. If an arrest warrant is received by another government authority in this country, it shall immediately forward it to the State Prosecutor and notify the person who issued the arrest warrant about the transmission.

### **■ Article 26** *Privileges and immunities.*

☐ If a wanted person enjoys privileges or immunity with regard to proceedings or the enforcement of sentences that the Icelandic government can lift, the Office of the Attorney General shall without delay direct the right authorities to revoke the privilege or immunity. Subject to the approval of the government of a foreign state or international organization, the public prosecutor shall immediately inform the state which issued the arrest warrant that the wanted person may not be extradited under it until the privilege or immunity has been lifted.

### **■ Article 27** *Conditional delivery.*

☐ When an arrest warrant concerns the delivery of a wanted person for proceedings and he is resident in this country or is an Icelandic citizen, the condition for delivery may be that he be sent back to Iceland to serve a possible sentence. The wanted person shall be given an opportunity to comment before such a condition is imposed.

☐ It shall be a condition for the extradition of an Icelandic citizen that the extradition of him to another State Party for an act committed before the extradition took place shall not take place without the consent of the Icelandic government. That State shall not extradite its own citizen to Iceland. At the same time, the condition shall be set that it is not permitted to

transfer the person in question to a third country.

■ **Article 28** *Arrest warrant for a wanted person who has been extradited or extradited to Iceland.*

□ If the wanted person has been extradited to Iceland on the basis of a Nordic arrest warrant, he may continue to be extradited to another Nordic country on the basis of a Nordic arrest warrant for a criminal offense committed before extradition to Iceland. Delivery on to another state in the European Union outside the Nordic countries is permitted in the cases referred to in points a, c, d and e of the second paragraph.

□ A wanted person who has been extradited to Iceland under a European arrest warrant shall not be extradited to another Member State of the European Union or Norway for an act committed before the extradition. However, it may be handed over if:

a. a person wanted at a court hearing agrees in writing to continue the delivery for the procedure for the act,

b. a wanted person has agreed to be extradited to Iceland and in that context also agreed to be subjected to a procedure or the execution of a sentence for an act committed before the delivery,

c. a wanted person has not left the country even though he has had the opportunity for 45 days,

d. a wanted person has voluntarily returned to the country after leaving it,

e. the state that extradited the wanted person to Iceland agrees to continue the extradition.

□ When a state that has extradited a wanted person to Iceland imposes conditions on its approval for continued extradition, the public prosecutor shall send the state in question a request for it to accept the extradition. The request shall be in accordance with the provisions of Article 32. and shall be sent to the State authority which handed it over to the person concerned and who is competent to make the decision.

□ Continued delivery shall not take place if it is in conflict with the special conditions set for delivery.

□ When the wanted person is extradited to Iceland from a country outside the Nordic countries and the European Union, the person in question shall not be extradited in violation of the conditions set for the extradition. When delivery continues to require the consent of the State which extradited the person, the competent authorities shall ensure that such request is promptly sent to that State.

■ **Article 29** *Delivery decision when requests are announced.*

□ There is now more than one arrest warrant for the same person, and the Attorney General

will then decide what request will be granted.

When a request for extradition from a non-Nordic country and the European Union has been submitted in addition to one or more arrest warrants, the Minister shall decide which request will be granted or, where appropriate, rejected. The Office of the Attorney General examines whether the conditions for delivery exist before the case is sent to the Ministry for a decision.

In assessing the order of arrest or extradition request, account shall be taken of the seriousness of the offense, where it was committed, when the arrest warrants or extradition requests were issued and whether they are issued for procedural or enforcement purposes.

■ **Article 30** *Deadline for delivery.*

When the final decision on extradition on the basis of a European arrest warrant is available, the wanted person shall be extradited as soon as possible and no later than ten days after the decision was taken. In the case of a Nordic arrest warrant, the deadline is five days. If, due to special circumstances, it is not possible to extradite a wanted person within the above-specified time limits, the Office of the Attorney General shall immediately agree on a new deadline with the person who issued the arrest warrant.

Delivery may be postponed if there are compelling reasons to do so. When these reasons no longer exist, the Attorney General agrees on a new deadline for delivery with the person who issued the arrest warrant. Delivery shall then take place within ten days of the reasons that prevented delivery no longer being present.

A wanted person who is in custody due to a declaration in an arrest warrant shall be released if delivery does not take place within the time limit of the first and second paragraphs.

■ **Article 31** *Deadline and temporary delivery.*

The delivery of a wanted person may be postponed due to proceedings in this country against him due to another criminal act or due to the execution of a sentence due to another offense.

Instead of postponing delivery, the wanted person may be temporarily transferred in accordance with the conditions agreed in a written agreement between the State Prosecutor and the issuer of the arrest warrant.

**VII. chapter. Delivery to Iceland.**

■ **Article 32** *European arrest warrant issued.*

The Attorney General issues a European arrest warrant:

a. for proceedings against a wanted person, provided that an arrest warrant has been issued by a court for an act which may involve imprisonment for at least one year or

b. for the execution of a sentence, provided that a final sentence has been handed down which includes imprisonment or other deprivation of liberty for at least four months.

☐ An arrest warrant may specify acts that do not meet the conditions of the first paragraph, if one act satisfies them. In such a case, it is sufficient for the issuance of an arrest warrant for proceedings that a court arrest warrant for one of the acts is available.

☐ The content and form of the arrest warrant shall be in accordance with paragraph 1. Article 6 When the act may be punishable by at least three years' imprisonment and is an act referred to in points (a) to (f) of paragraph 3 Article 8 it shall be stated. The same applies when the provisions of para. Article 8 apply.

☐ The Arrest Warrant shall be written or translated into the language of the State to which it is sent or into another language accepted by that State.

■ **Article 33** *Version of the Nordic Arrest Warrant.*

☐ The Attorney General issues a Nordic arrest warrant:

a. for proceedings against a wanted person when it is suspected that he has committed a criminal offense which may involve imprisonment or

b. for the execution of a sentence when there is a final sentence which includes imprisonment or other deprivation of liberty.

☐ The content and form of the arrest warrant shall be in accordance with paragraph 1. Article 6 and it shall be written in Icelandic, Danish, Norwegian, Swedish or English.

☐ An arrest warrant may specify acts that do not meet the conditions of the first paragraph, if one act satisfies them.

■ **Article 34** *Sending of an arrest warrant.*

☐ An arrest warrant must be registered in the Schengen Information System or another system for detecting persons suspected of having committed a criminal offense. The information specified in the first paragraph, Article 6 and it is not possible to register in the Schengen Information System shall, as soon as possible, be sent to the authority of the State where the person has been found and who is competent to receive the arrest warrant.

☐ In addition, when the whereabouts of the wanted person are known, the arrest warrant may also be sent to the competent authority of the State of residence to receive the arrest warrant.

■ **Article 35** *Deduction of custody upon execution of sentence.*

☐ If a wanted person is sent to Iceland for the execution of a sentence in this country, the sentence shall be deducted from the time he was deprived of his liberty due to the processing

of the request for extradition in the state that received the arrest warrant. The same applies when a wanted person is extradited for proceedings if he is sentenced to imprisonment in this country for the act specified in the arrest warrant.

■ **Article 36** *Proceedings for another criminal act.*

□ A person may not be prosecuted or executed against a person who has been extradited to Iceland by a Member State of the European Union for a search warrant in a European arrest warrant for a criminal offense committed before the extradition other than that specified in the arrest warrant.

□ The provisions of the first paragraph. do not apply when:

a. the person in question agrees after the delivery of the procedure or the execution of a penalty for the specified act committed before the delivery; approval shall be given in court, registered in a parliamentary register and signed,

b. the person in question agreed to be extradited to Iceland and in that context also agreed to be subject to proceedings or the execution of a sentence against him for an act committed before the extradition,

c. a wanted person has not left Iceland even though he has had the opportunity to do so for 45 days,

d. a wanted person has voluntarily returned to Iceland after leaving the country,

e. the act committed before the delivery is only punishable by a fine or

f. the State which delivered the wanted person to this country agrees to the procedure or the execution of a penalty for an act committed before delivery.

□ A person who has been extradited to Iceland from another Nordic country for prosecution in a Nordic arrest warrant may be prosecuted or enforced for a different criminal act committed before the extradition than the one specified in the arrest warrant, except:

a. in the State which delivered the person concerned, the items specified in sub-paragraphs a – f of the first paragraph are present. Article 9 or if information is available on items specified in g or h of the same article, or

b. the act is committed in part or in full on the territory of the State which delivered it to the person concerned or in a place comparable to it, and the act is not punishable under the law of that State unless that State agrees to the procedure.

□ Although the conditions of paragraph 3 (b) are fulfilled, the person who is extradited to Iceland may be prosecuted for an offense committed before the extradition when the provisions of points c and d of para. apply or he has before or after the delivery approved a procedure for another act.

□Request for approval according to paragraph 2 (f) and paragraph 3 (b). shall be sent to the competent authority of the State which handed it over to the person concerned in accordance with the provisions of Articles 32 and 33.

■ **Article 37** *Continued extradition.*

□If a person is extradited to Iceland on the basis of a European arrest warrant, he shall not be extradited to a state outside the Nordic countries and the European Union for an act committed before the extradition without the consent of the state which extradited him, unless otherwise agreed.

□A wanted person who has been extradited to Iceland on the basis of a Nordic arrest warrant may only be extradited to a state outside the Nordic countries and the European Union for an act committed before the extradition if he or she agrees to the extradition or the provisions of paragraph 2 (c), (d) and (f). Article 36 apply.

□The Minister decides on continued transfer in accordance with the provisions of [Act no. 13/1984](#), on the extradition of criminals and other assistance in criminal matters.

■ **Article 38** *Return of a person who is delivered to Iceland.*

□If the wanted person is extradited to Iceland for proceedings on the condition that he be transferred back to the state that handed him over after the proceedings, the Office of the Attorney General shall ensure that this is done.

□If the person to be returned is not remanded in custody, he may be arrested and remanded in custody if this is deemed necessary in order to be able to send him back. The person in question shall not be remanded in custody for more than ten days and not for more than five days if he is to be extradited back to another Nordic country. When special circumstances prevent delivery within the time limits specified here, custody may be extended by ten days, but five days if the person in question is to be returned to another Nordic country.

**VIII. chapter. Other provisions regarding delivery.**

■ **Article 39** *Detention and delivery of memorabilia.*

□The Office of the Attorney General shall have the difference seized and handed over when the difference is deemed to be relevant as evidence in the case specified in the arrest warrant or is the proceeds of the criminal act. The same applies to other items or proceeds that may be confiscated in accordance with the provisions of VII. Chapter A of the General [Penal Code, no. 19/1940](#) , when the state that issued the arrest warrant demands it and they would be subject to confiscation according to the law of the state that issued the arrest warrant.

□The provisions of the first paragraph. apply even if the wanted person is dead or missing.

The Office of the Attorney General may maintain a difference according to Art. Paragraph 1 or handed over to him temporarily when he is deemed to be relevant for proof in connection with a case conducted in this country.

Delivery does not affect existing rights regarding the difference. Conditions for delivery may be imposed if necessary to protect such rights.

■ **Article 40** *Temporary delivery.*

If there is an arrest warrant for the arrest and delivery of a wanted person for the purpose of the proceedings, the Office of the Attorney General may then, upon request, approve a temporary delivery of him for questioning in the state that issued the arrest warrant.

Temporary delivery may not be accepted when it is clear that the delivery of the wanted person will be refused or it is considered necessary for the person in question to be in this country due to the handling of a criminal case or the handling of the arrest warrant. In assessing whether to accept a temporary delivery, account shall be taken, among other things, of whether the delivery will extend the deprivation of liberty of the wanted person. The wanted person has the right to comment on the matter before a decision is made.

The Office of the Attorney General decides on the time of delivery and sets the conditions he deems necessary.

■ **Article 41** *Transmission.*

The person delivered may be transferred from Denmark, Finland, Norway or Sweden to one of these countries via Icelandic territory without special consent.

The Minister shall authorize the transfer of a wanted person on the basis of a European Arrest Warrant on Icelandic territory, provided that the Icelandic government has received information on the personal identity and citizenship of the wanted person, the nature of the crime and what penalties apply, under what circumstances the crime was committed, including where and when . When delivery is to a state that does not deliver its own citizen to Iceland, transit shall be refused if the wanted person is an Icelandic citizen. In other cases where the wanted person is an Icelandic citizen, the consent may be subject to conditions.

The provisions of para. apply as applicable when transferring a person from a state outside the Nordic countries and the European Union to a member state of the European Union or Norway.

**IX. chapter. Entry into force.**

■ **Article 42** *Entry into force.*

This law, with regard to the Nordic Arrest Warrant, enters into force immediately. ...

□ This Act, as regards the European Arrest Warrant, enters into force upon the entry into force of the Agreement between the European Union and the Republic of Iceland and the Kingdom of Norway on extradition procedures between the Member States of the European Union and Iceland and Norway. The Minister shall publish an advertisement in the Government Gazette regarding the entry into force of the Act in this respect.

■ **Article 43** *Amendments to other laws. ...*

■ **Temporary provisions.**

□ If a request for the extradition of a criminal to Denmark, Finland, Norway or Sweden is received before the entry into force of this Act, it will be dealt with in accordance with [Act no. 12/2010](#) , on the arrest and extradition of persons between the Nordic countries for criminal offenses (Nordic Arrest Warrant).

□ If a request for the extradition of a criminal to a state in the European Union is received before the entry into force of this Act, it will be dealt with in accordance with [Act no. 13/1984](#) , on the extradition of criminals and other assistance in criminal cases.