

NORWEGIAN CRIMINAL CASES REVIEW COMMISSION

## **FORM FOR PETITIONING A REVIEW**

Please send the completed form with any accompanying documents to:

**Norwegian Criminal Cases Review Commission  
PO Box 2097 Vika  
N-0125 Oslo**

If you need help in filling in the petition form, please contact the Commission at:

**Telephone: 22 40 44 00**  
**Fax: 22 40 44 01**  
**E-mail: [post@gjenopptakelse.no](mailto:post@gjenopptakelse.no)**  
**Website: [www.gjenopptakelse.no](http://www.gjenopptakelse.no)**

As a general rule we will give you the opportunity to have a meeting with us if you do not have a legal representative.

If there are questions in this form that you have not been able to answer, we can provide you with guidance in this meeting.

## **READ THIS BEFORE YOU FILL IN THE FORM**

Please try to answer all the questions on the form. Before you fill in the form, you should have thought through the following questions:

- Have you been convicted in a criminal case in Norway?
- Is the conviction/sentence final and enforceable? (i.e. the term of appeal has run out without your having appealed, you have accepted the sentence or the appeal procedure has been completed)
- Do you believe that mistakes have been made which may be of significance to the conviction or the sentence?
- Are these mistakes something new that were not mentioned during your trial?

As a general rule you do not need a legal representative to petition a review. The Commission will provide you with guidance if you need it. A legal representative will only be appointed at public expense if there are special grounds for doing so.

Once the Commission has received a completed form from you, it will register your petition for review and obtain the information necessary to decide whether there is a basis to review the case. The Commission is under a duty of confidentiality. If you do not have a legal representative, we will normally give you the opportunity to have a meeting with us.

If the petition is not rejected by the Commission and is reviewed in greater detail, the victim or surviving next-of-kin of the victim is to be informed that a petition to reopen the case has been received. The victim or surviving next-of-kin are usually entitled to see the criminal case documents, to make a written statement regarding the petition, and they are entitled to ask to make a statement to the Commission. The victim or surviving next-of-kin are also entitled to be told of the outcome of the Commission's review.

The grounds under which a convicted person may seek review of his/her cases are contained in the Norwegian Criminal Procedure Act. On the last page of this form you will find the relevant sections. Please contact the Commission if you have any questions and one of the caseworkers will give you the necessary guidance.

## Part 1: Personal information

<b>1 Name</b> <ul style="list-style-type: none"><li>• First name middle name(s)</li></ul>	
<ul style="list-style-type: none"><li>• Surname</li></ul>	

<b>2 Home address</b> <ul style="list-style-type: none"><li>• Street</li></ul>	
<ul style="list-style-type: none"><li>• Town</li></ul>	
<ul style="list-style-type: none"><li>• Tel.</li></ul>	
<ul style="list-style-type: none"><li>• Mobile</li></ul>	

<b>3 D.o.b. and identification number</b>	
<b>4 Citizenship</b>	
<b>5 Interpreter</b> <ul style="list-style-type: none"><li>• Can you tell us about your case in English?</li></ul>	
<ul style="list-style-type: none"><li>• If no, what language?</li></ul>	

<b>6 Address of any prison or other institution at which you are currently held</b> <ul style="list-style-type: none"><li>• Name</li></ul>	
<ul style="list-style-type: none"><li>• Street</li></ul>	
<ul style="list-style-type: none"><li>• Town</li></ul>	
<ul style="list-style-type: none"><li>• Tel.</li></ul>	
<b>Date of release on parole</b>	

If you are known or have been known by other names, please answer question no. 7.

<b>7 Previous name</b> <ul style="list-style-type: none"><li>• First name middle name(s)</li></ul>	
<ul style="list-style-type: none"><li>• Surname</li></ul>	

## Part 2: Are you represented by someone?

If an organisation or a person, who is not a legal representative, is applying to the Commission on your behalf, the application must be accompanied by a signed power of attorney showing that you have given permission for this.

<b>8 Name of person, legal representative or organisation representing you.</b>	
<b>9 Addresses and tel. nos. of those representing you.</b>	

## Part 3: Information on the conviction/sentence and petition for review

**10 It would be helpful to have some information about the police district that investigated your case and the court or courts that heard your case. Please fill in as much as you can:**

<b>Police district</b>	
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<b>Court</b>	<b>Put a cross in the box</b>	<b>Date</b>	
Supreme Court			
			<b>Which one/ where?</b>
Court of Appeal			
District Court (City or County Court)			

<b>11 What crimes were you found guilty of?</b>	
<b>12 What is the length of your sentence?</b>	
<b>13 Have you been called to serve your sentence – if so, when and where?</b>	
<b>14 If there were any co-defendants in the case, please give their names.</b>	

**Describe as well as you can the reasons why you believe your case should be reviewed.**

<b>15 Your reasons for review:</b>

**If there is not enough space here, please write on a separate sheet of paper and attach it to this petition.**

## Part 4: Special reasons

**16** We would like to know whether there are any special reasons why your case should be looked at more urgently, for example concerns about your health or the health of persons involved in your case, or something affecting how long evidence may last. Please give an account of this in the box below.

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## Part 5: Legal representatives

**17** The Commission needs information concerning the names and addresses of all the legal representatives you have used in connection with your case.

Name	Address and telephone number

## Part 6: Declaration

I would like the Norwegian Criminal Cases Review Commission to assess my petition for review. I know that this means that the Commission will obtain, record and keep the necessary material and information on my case, and I give the Commission my full consent for this.

<b>Signature</b>	
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<b>Date/Place</b>	
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## Part 7: Declaration of release from duty of confidentiality

In order to examine your case fully, the Commission must be able to obtain information from the legal representative(s) you used prior to/during the trial and appeal hearings. This means that the Commission must have access to the files held by your legal representative(s), including any documents in relation to your legal representative's preparation of your case and any notes of confidential conversations between you and your legal representative(s). In order to allow the Commission access to this type of information you must release the legal representative(s) from their duty of confidentiality to you.

If you are willing to give your consent for this, please sign in the box below. This will give the legal representative(s) the right to provide necessary information to the Commission.

<b>Signature</b>	
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<b>Date/Place</b>	
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Furthermore, it may be necessary in some cases to talk with the prison chaplain or the prison social welfare officer about confidential conversations they may have had with you. The Commission may also need to talk with the social security office, the child welfare authorities, psychologists, psychiatrists and doctors, or other authorities you have confided in or been dealt with by in connection with the case. If this becomes necessary, we will contact you and ask you to give your written consent.

## **The grounds under which a convicted person may seek review of his/her cases are contained in the Norwegian Criminal Procedure Act:**

**§ 390.** Review may be demanded when a judge or a member of the jury who has participated in the hearing of the case was by law ineligible for the position of judge or disqualified and there is reason to believe that this may have been of significance to the decision.

However, review may not be demanded by a party who has or could have raised an objection to this during the proceedings.

**§ 391.** Review may be demanded in favour of the accused person:

1) when a judge, member of the jury, clerk of the court, police officer or official in the prosecuting authority, prosecutor, defence counsel, expert or court interpreter is guilty of a criminal offence in relation to the case, or a witness has made a false statement in the case, or a document that has been used in the case is false or forged; and it cannot be ruled out that this has affected the conviction/sentence to the disadvantage of the accused person,

2) when an international court or the UN Commission on Human Rights in a case against Norway has found that:

a) the decision is contrary to a rule of international law which is binding on Norway, and it is expected that a retrial may lead to a different decision, or

b) the proceedings which form the basis for the decision are contrary to a provision in international law which is binding on Norway, if there is reason to believe that the proceedings may have affected the content of the decision and a review is necessary to remedy the damage that the mistake has caused.

3) when a new circumstance is brought to light or new evidence is procured which appears likely to lead to an acquittal or the summary dismissal of the case or to the application of a less serious penal provision or a substantially lighter sanction. In cases where there is no custodial sentence, transfer to compulsory psychiatric care under Section 39 of the Penal Code, compulsory care under Section 39a of the Penal Code, or loss of civil liberties, new information or evidence which the person concerned should have presented at an earlier stage may not be pleaded.

**§ 392.** Even if the conditions in Sections 390 or 391 are not present, there may be a decision to review in favour of the accused person if the Supreme Court has departed from a legal interpretation that it has previously adopted and on which the sentence is based.

The same applies if special circumstances make it doubtful that the conviction is correct and weighty considerations indicate that the question of the guilt of the accused person should be retried.