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The Chair's report

The Commission is an autonomous, independent body whose goal is to deal with its cases objectively, thoroughly and efficiently in order to arrive at decisions that are materially correct within a reasonable period of time.

For the 2015 budget year, the Commission had NOK 15,105,000 at its disposal and spent NOK 14,468,250. Most of this was spent on fixed expenses such as rent and the salaries of the secretariat's 13 employees, as well as on remuneration to the Commission's members. In addition, the Commission has some expenses relating to chapters 414 and 466 of the national budget.

The Commission's members and alternate members work independently and thoroughly on the cases. In 2015, three of the Commission's members and one alternate member left the Commission and three new members and one alternate member joined. The Commission held meetings covering a total of 15 days in 2015.

The number of petitions received by the Commission fluctuates from year to year and may be influenced by many factors. The number of cases during the first 12 years has been larger than was expected when the Commission was established. The Commission undertakes to review the petitions it receives on their merits as long as they lie within the Commission's area of authority.

In 2015, the Commission received 152 petitions to reopen cases, compared to 146 in 2014. A decision was reached on a total of 158 cases in 2015. The Commission thus achieved the goal it had set for the year that the number of decisions should not be less than the number of petitions received, so that the backlog of cases does not increase.

Of the cases decided on their merits, the Commission decided to reopen 40. These cases are referred to in further detail on page 7. An abbreviated version of the cases is included below, starting on page 10. Twenty-six petitions were disallowed. The remaining 78 petitions were rejected by the Commission or by the Chair/Vice Chair acting alone.

Whether or not the Commission has fulfilled its public service role cannot be seen from the number of cases or the outcomes of the cases but from whether sufficient light has been shed on the cases and the cases have been properly investigated and otherwise satisfactorily dealt with based on their contents and the regulations that govern this work.

The Commission's decisions include a presentation of the case, an account of the key allegations made and the Commission's discussions and reasons for the result. The decisions are public documents. They may be obtained from the Commission's secretariat according to the same rules as those applicable to judgments. The media has continuous access to all the decisions, and the decisions from 2010 onwards are in a separate Lovdata database. In addition, abbreviated versions of reopened cases and other important decisions are published on the Commission's website, www.gjenoptakelse.no. Thus, interested parties and the public have plenty of opportunity to gain insight into the Commission's activities.

Oslo, 9 February 2016

[*Signature*]

Helen Sæter

Chair

The Commission's members as at 31 December 2015

Chair



Helen
Sæter
2010–2017

Members



Sven Ole
Fagernæs
2015–2018



Anne Britt
Flemmen
2013–2016



Anders
Løvlie
2014–2017



Tor Ketil
Larsen
2015–2018

Alternate members



Trine Løland
Gundersen
2010–2016



Arne Gunnar
Aas
2015–2018



Lavleen Kaur
2015–2018

Introduction to the activities and main figures

Description of the activities and public service role

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

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

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

- There is new evidence or a new circumstance that seems likely to lead to an acquittal, the application of a more lenient penal provision or a substantially more lenient sanction.
- In a case against Norway, an international court or the UN Human Rights Committee has concluded that the decision or proceedings conflict with a rule of international law, so that there are grounds for assuming that a retrial of the criminal case will lead to a different result.
- Someone who has had crucial dealings with the case (such as a judge, prosecutor, defence counsel, expert witness or court interpreter) has committed a criminal offence that may have affected the conviction to the detriment of the convicted person.
- 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 has previously relied on and on which the conviction is based.
- There are special circumstances that cast doubt on the correctness of the conviction and weighty considerations indicate that the question of the guilt of the defendant should be re-examined.

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

The Commission is obliged to provide guidance to parties who ask to have their cases reopened. The Commission ensures that the necessary investigation into the case's legal and factual issues is carried out and may gather information in any way it sees fit. This work can be resource-demanding but it was one of the key reasons for establishing the Commission. It is thus an important task. Since its formation in 2004, the Commission has dealt with several cases that have required major investigations.

In most cases, direct contact and dialogue will be established with the convicted person. When there are special grounds for this, the party petitioning to reopen a case may have a legal representative appointed at public expense.

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

as these are applicable.

Petitions are decided on by the Commission. The Commission's chair/vice chair may reject petitions which, due to their nature, cannot lead to a case being reopened, which do not stipulate any grounds for reopening a case in accordance with the law or which obviously cannot succeed. In order to make the best possible use of the Commission's overall resources to deal with cases that require further investigation, the chair and vice chair must be allowed this opportunity to reject petitions.

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

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 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.

As at 31 December 2015, the Commission consisted of the following persons:

Chair: Helen Sæter

Vice Chair: Sven Ole Fagernæs, lawyer, Oslo

Members:

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

Tor Ketil Larsen, chief physician at Stavanger University Hospital and associate professor at the University of Bergen

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

Court, the case is to be retried by the Supreme Court.

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

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

Alternate members:

Arne Gunnar Aas, lawyer, Oslo

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

Lavleen Kaur, criminologist, doctoral fellow, Oslo

Presentation of selected main figures

Proposition to the Norwegian parliament (Storting) no. 1 (2014 - 2015) for the 2015 budget year proposed a budget of NOK 16,119,000. In the parliamentary budget decision on 12 December 2014, the Commission was granted funding of NOK 15,103,000. In Proposition to the Storting no. 22 (2015-2016), this amount was reduced by NOK 800,000.

Several 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 staff. In total, the number of FTE in the secretariat was 10.14 in 2015.

The Commission's operating expenses came to NOK 15,756,874 in 2015. Salary expenses amounted to NOK 10,320,502. However, the latter figure includes not only the salary expenses for the secretariat's employees but also the remuneration to the Commission's members

and employer's National Insurance contributions (around NOK 1.2 million) for both these groups. The remuneration to the Commission's members came to NOK 1,290,247. In addition to the appropriations relating to chapter 468, operating expenses are also debited relating to chapter 414

Conciliation Board and Other Court Expenses and chapter 466 Special Criminal Case Expenses, etc.

The year's activities and results

The Norwegian Criminal Cases Review Commission is to have objective, thorough and efficient procedures in order to reach substantively correct decisions within a reasonable time. The Commission's aim is for the number of decisions it makes to be not less than the number of cases it receives, so that the backlog does not increase.

Cases and procedures

2015

Petitions received and cases concluded

During the year, the Commission held eight all-day meetings lasting for 15 days. The Commission received 152 petitions to reopen cases in 2015, compared to 146 in 2014.

Of the 152 convicted persons who petitioned for a reopening of their case in 2015, 10 were women and 142 were men.

A total of 158 cases were concluded in 2015, of which 144 were reviewed on their merits. Of these 144 petitions reviewed on their merits, 40 cases were reopened. Of these, 30 cases were reopened due to doubt about the convicted person's criminal liability for his/her acts at the time of the offence. These 30 cases related to 12 persons. In another two cases, only the sentencing was reviewed, and this was due to the convicted persons being later found to have mild intellectual disabilities that were not clear at the time of the conviction. Two cases were reopened on the basis of other new evidence which, when compared to the evidence available to the court, seemed likely to lead to an acquittal. Three of the cases were reopened because the Refugee Convention's exonerating conditions were not considered at the time of the conviction and the Commission believed they might be relevant. Two cases were reopened because the Commission believed there were procedural errors in the court's handling of the cases that provided grounds for doubt about the correctness of the convictions. Abbreviated versions of the reopened cases are included below.

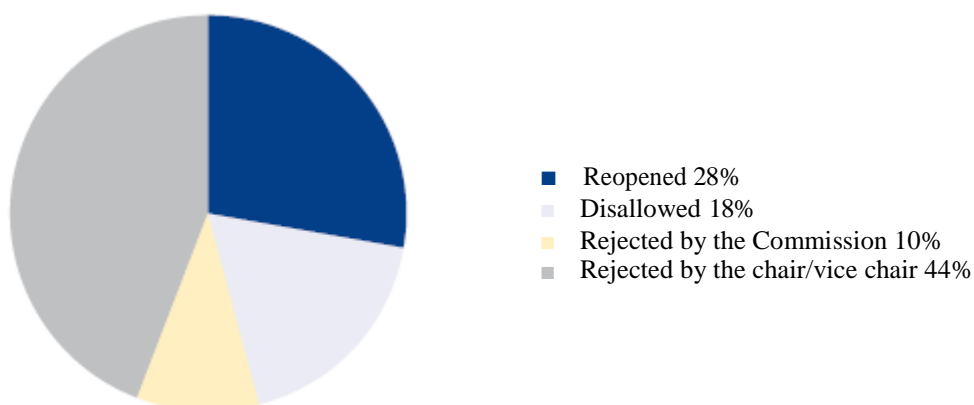
Twenty-six petitions were disallowed. The remaining 78 petitions were rejected by the Commission or the chair/vice chair because they could obviously not succeed. There was a dissenting vote in four cases. The decisions to reject petitions were unanimous.

The other 14 cases that were concluded were not reviewed on their merits. In 2015, this concerned, among other things, petitions to reopen civil cases, interim exclusion orders, fines, and one foreign conviction.

A complete overview of the number of received petitions and concluded cases in 2015 is provided by the table below:

	Received	Concluded	Reopened	Disallowed	Rejected by the Commission	Rejected by the chair/ vice chair	Not reviewed on their merits
General	3	4		1			3
Sexual offences	25	22	2	4	6	10	
Violence, threats	55	63	17	10	5	29	2
Drugs	16	14	3	2	1	5	3
Crimes of gain	21	24	10	6	2	6	
Miscellaneous crimes	23	20	5	1	1	8	5
Miscellaneous misdemeanours	9	11	3	2		5	1
Discontinued prosecutions							
Temporary rulings							
Seizures or annulments							
Inquiries							
Fines							
Civil cases							
Other, concerning professional cases							
Total	152	158	40	26	15	63	1

The figure below shows the outcome of the cases reviewed on their merits in 2015:



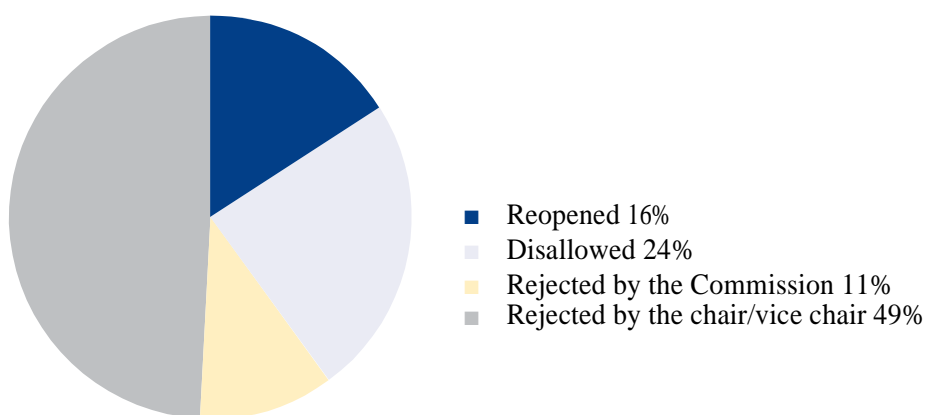
2004 - 2015

Since being established on 1 January 2004, the Commission has received 1,973 petitions and 1,861 of the cases have been concluded. A total of 251 cases have been reopened and 380 petitions have been disallowed. The Commission or chair/vice chair has rejected 952 of the petitions because they obviously could not succeed, while the remainder, 278 petitions, have been rejected without the cases being reviewed on their merits.

The table showing the total figures for the Commission's first 12 years in operation is thus as follows:

	Received	Concluded	Reopened	Disallowed	Rejected by the Commission	Rejected by the chair/vice chair	Not reviewed on their merits
General	48	50	2	1	1	11	35
Sexual offences	346	319	30	75	39	152	23
Violence, threats	590	552	67	128	48	262	47
Drugs	209	198	33	45	17	91	12
Crimes of gain	361	349	77	80	38	116	38
Miscellaneous crimes	147	127	18	27	12	51	19
Miscellaneous misdemeanours	182	176	24	24	13	97	18
Discontinued prosecutions	13	13					13
Temporary 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
Other, concerning professional issues	7	7					7
Total	1973	1861	251	380	169	783	278

The figure below shows the outcome of the cases reviewed on their merits in the 2004-2015 period:

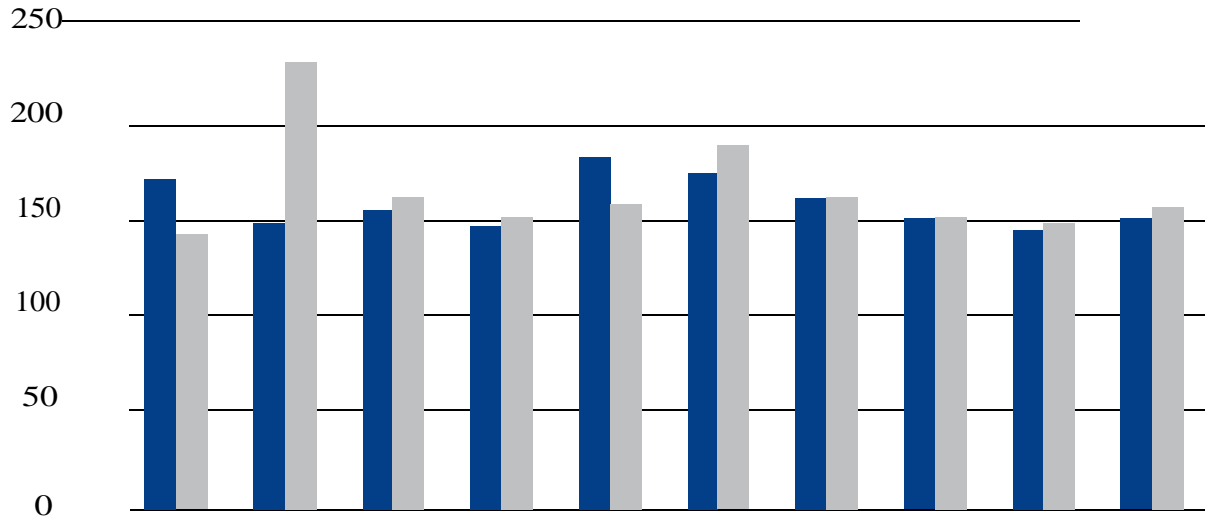


2006 - 2015

The volume of cases has been greater than that expected when the Commission was established.

Apart from in the start-up year, 2004, the number of petitions received has fluctuated from 140 (in 2005) to 184 (in 2010).

Received petitions and concluded cases 2006 – 2015:



	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015
Received	173	150	157	148	184	176	163	152	146	152
Concluded	144	234	164	153	160	190	164	153	150	158

Appointment of a defence counsel

The law allows the Commission to appoint a defence counsel for a convicted person when there are special reasons for doing so. A specific assessment of whether or not a defence counsel is to be appointed is conducted in each case. The Commission always appoints a defence counsel when there is reason to assume that the convicted person may not have been criminally liable for his/her acts at the time of the offence, see section 397 subsection 2 and section 96 last subsection of the Criminal Procedure Act. Otherwise, a defence counsel may be appointed in especially comprehensive or complicated cases or if providing guidance to the convicted person would be particularly onerous for the secretariat. The appointment is in most cases limited to a specific number of hours, for example to provide a more detailed explanation of the petition's legal and factual basis. In 2015, the Commission appointed a defence counsel for 26 convicted persons.

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

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

In 2008, the Criminal Procedure Act was amended to strengthen the aggrieved person's and surviving next of kin's positions in criminal cases. These amendments mean, among other things, that the aggrieved person or surviving next of kin has a better opportunity to be heard, receives more information and is entitled to counsel to a greater extent than before. The Commission appointed five counsel for aggrieved persons/surviving next of kin in five cases in 2015.

Appointment of expert witnesses

Pursuant to section 398b subsection 2 of the Criminal Procedure Act, the Commission is authorised to appoint expert witnesses in

accordance with the rules stated in chapter 11. In some cases, the Commission appoints expert witnesses abroad. Since its formation, the Commission has appointed expert witnesses in the fields of forensic medicine, forensic psychiatry, forensic toxicology, economics, history, photo/film techniques, fire technicalities, vehicles and traditional forensic techniques, etc. In 2015, the Commission appointed 17 expert witnesses in cases concerning nine convicted persons. These were experts in the fields of forensic psychiatry, forensic psychology and fire technicalities.

Use of interpreters

The Commission used an interpreter in three cases. This concerned interpreting from Tagalog, Polish and Lithuanian.

Relevant decisions by the Commission in 2015

Below are abbreviated versions of all the cases where the Commission has allowed a petition to reopen a case. In conclusion, abbreviated versions are provided of three cases where the petitions were rejected because they related to decisions that, due to their nature, could not be reopened.

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

25.02.2015 (2014/147) Assault and molestation - section 391 no. 3 of the Criminal Procedure Act (new expert opinion, criminal liability). Petition from the prosecuting authority.

In 2010, a district court convicted a man of assault and of having molested or endangered other people while in an intoxicated state. The offence took place on 20 April 2010 and consisted of him, in a drunken state, hitting a doorman in the face with a closed fist and placing his knee in the doorman's stomach region. He was fined NOK 14,500 and ordered to pay costs.

In connection with his application for a pardon on 31 March 2011, the convicted person submitted a medical note from a doctor at Ullevål University Hospital with the same date. This note stated that the convicted person had been admitted to hospital in October 2010 suffering from a psychosis – a psychosis that he was considered to have also had

at the time of the offence a year earlier. The prosecuting authority petitioned to reopen the case on 28 August 2014 following a request and information in a statement from the Director General of Public Prosecutions on 7 February 2014. The Commission appointed a defence counsel for the convicted person and the defence counsel submitted comments in a letter dated 19 January 2015. The defence counsel supported the prosecuting authority's petition to reopen the case.

The Commission found that it had received sufficient information on the case and that the medical note provided evidence that the convicted person had had a mental disorder at the time of the offence which meant that he should not have been punished, cf section 44 of the General Civil Penal Code. There was new information that seemed likely to lead to an acquittal and 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 unanimously decided to allow the petition to reopen the case.

26.03.2015 (2013/61) Rape - section 391 no. 3 (new expert opinion). Dissenting vote.

In September 2011, the Court of Appeal convicted a taxi driver of raping a female passenger after driving her home. The convicted person and aggrieved person disagreed on the course of events and the aggrieved person stated that she could not remember some of what had happened. The convicted person petitioned to reopen his case in January 2013 and claimed, as previously alleged to the police and court, that the sexual intercourse had been consensual. Based on the aggrieved person's statement of partial amnesia, the Commission obtained an expert report from a specialist in psychiatry and neurology in order to shed light on the situations in which a loss of memory may occur. The aggrieved person was also interviewed again.

The Commission was divided into a majority and a minority view. The majority found that the conditions for reopening the case had been met, in that there was a reasonable chance that the case could have ended in an acquittal if the expert opinion and the aggrieved person's information on

previous "black-out" experiences had been known to the sentencing court. The minority referred to the fact that the case had been heard by two courts with immediate presentation of the evidence and that the expert opinion could not be given such weight in the overall evidence picture as to provide a reasonable chance of acquittal.

The Commission decided to allow the petition to reopen the case. (Dissenting vote 3-2.)

26.03.2015 (2014/185) Forgery – article 31 no. 1 of the Refugee Convention –section 392 subsection 2 (special circumstances) of the General Civil Penal Code.

In 2014, a Syrian man was convicted in district court of contravening section 182 subsection 1 second penal alternative (forgery). He had shown a false ID card to the police in connection with an immigration control in Norway. The convicted person petitioned for his case to be reopened with reference to article 31 no. 1 of the Refugee Convention and alleged that he met all the conditions for exemption from prosecution pursuant to the Convention.

The Commission found that the Convention's condition of "present themselves without delay", as explained in greater detail in Rt. (Supreme Court Law reports) 2014 page 645, had been met in this case. The condition "coming directly" had also been met, even though the convicted person had also submitted an application for asylum in Greece. The Commission had no basis for deciding on the other conditions for exemption from prosecution according to the Convention. The case situation meant that this had to be assessed by the court. The case was reopened pursuant to section 392 subsection 2 of the Criminal Procedure Act in that the Commission found there were special circumstances which made it doubtful that the conviction was correct.

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

**17.06.2015 (2015/62) Fraud - section 391 no. 3 (new expert opinion, criminal liability).
Petition from the prosecuting authority.**

In 2011, a district court sentenced a man to a 21-

day suspended sentence for six cases of fraud. He was also ordered to pay damages of NOK 569 and NOK 1,369 to two of the aggrieved persons. The Director of Public Prosecution petitioned for the case to be reopened in the convicted person's favour due to doubt about his criminal liability for his actions. Reference was made to a forensic psychiatry report in which the expert witnesses assumed that the convicted person had a serious mental disorder and that he was psychotic on the date of the acts in question, cf section 44 of the General Civil Penal Code.

The Commission decided that the forensic psychiatry report was a new circumstance that seemed likely to lead to an acquittal, cf section 391 no. 3 of the Civil Procedure Act.

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

17.06.2015 (2015/23) Robbery - section 391 no. 3 (new expert opinion, sentencing).

In 2013, a district court sentenced a man to imprisonment and to pay damages for robbery. He alleged as a new circumstance that a recent forensic psychiatry assessment had found him to be slightly mentally retarded. He petitioned to have the sentencing reviewed with reference to section 56c of the General Civil Penal Code.

The Commission found that the conditions for reopening the case pursuant to section 391 no. 3 of the Criminal Procedure Act had been met and stated that the forensic psychiatry report was a new circumstance that could lead to a reopening of the case. The Commission also referred to a later conviction of the convicted person in which the application of section 56c of the General Civil Penal Code had led to a not insignificant reduction in the sentence.

The Commission unanimously decided to allow the petition to review the sentencing.

17.06.2015 (2015/24) Assault, etc - section 392 subsection 2 (special circumstances – a question of whether the convicted person had been lawfully summoned to court).

In 2013, a district court convicted a man of assault and of participating in a fight/breach of the peace.

He was sentenced to pay a fine of NOK 9,600. The convicted person did not attend the main hearing and the case was heard in his absence, cf section 281 of the Civil Procedure Act. As grounds for reopening the case, the convicted person alleged that he had not been summoned to the main hearing and that it was another person who had committed the violent act.

The prosecuting authority alleged that it had to be assumed that the District Court had ensured that the convicted person had been lawfully summoned before the case was heard in his absence. The fact that the court has a duty to make sure that the summons has been lawfully served cannot, however, on its own be sufficient evidence of this having been done. Whether or not the court checked that the convicted person had been lawfully summoned was not stated in either the judgment or court records. The prosecuting authority confirmed there was no documentation of the convicted person responding to the notice of the main hearing. There was no signed receipt in the case documents. The police had also not noted in the records, or in any other way ensured a means of checking, that a receipt had actually been received from the convicted person. Nor was any documentation submitted showing that the summary of the evidence had been sent to the convicted person in accordance with section 267 of the Criminal Procedure Act, cf section 268.

The Commission found that the convicted person had not been lawfully summoned to court. The case should not, therefore, have been heard by the court. The fact that the case was nonetheless heard breaches key legal safeguards stipulated in the Criminal Procedure Act and European Human Rights Convention. The procedural errors were so serious that there was reason to doubt the correctness of the judgment. According to the evidence available, the convicted person's presence could clearly have been important to the court's assessment of the question of guilt. On the whole, there were weighty considerations indicating that the question of the guilt of the person charged should be retried, cf section 392 subsection 2 of the Criminal Procedure Act.

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

18.06.2015 (2015/79) Violation of the right to privacy and breach of an interim exclusion order – section 392 subsection 2 (special circumstances).

In 2014, a district court convicted a man of contravening section 390a of the General Civil Penal Code and of breaching section 342 subsection 1 letter c of the General Civil Penal Code. This was a summary trial on a plea of guilty and he received a 60-day suspended sentence, as proposed by the prosecuting authority.

The grounds for the petition to reopen the case were that the indictment referred to section 390 of the General Civil Penal Code instead of section 390a, that the court had changed the subsumption to section 390a without allowing the parties an opportunity to state their views, and that there was doubt as to whether the admission of guilt was unreserved. Based on the sentencing framework for section 390a, the convicted person had received advance warning of deportation.

The Commission referred to that alleged by the convicted person and the fact that, in contravention of section 99 subsection 2 of the Criminal Procedure Act, he had also not had a defence counsel appointed for him. The Commission decided that the case had been brought before the court and adjudicated on in contravention of key legal safeguards stipulated in the Criminal Procedure Act and European Human Rights Convention and that the conditions for reopening the case pursuant to section 392 subsection 2 had been met.

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

27.08.2015 (2013/80) Threats and assault – section 391 no. 3 (new expert opinion, criminal liability).

In 2007, a district court convicted a man of making threats and committing assaults, cf sections 227 and 228 of the General Civil Penal Code. In 2011, he was again prosecuted for violent offences. The district court appointed forensic psychiatry experts who, in their statement in 2012, diagnosed the convicted man as suffering from paranoid schizophrenia. The district court found,

on this basis, that the convicted person was exempt from criminal liability, cf section 44 of the General Civil Penal Code. In 2012, the convicted person petitioned to reopen the 2007 conviction with reference to the new information on his criminal liability for his actions. The Commission appointed expert witnesses who concluded that the convicted person was also assumed to have been psychotic when the offences for which he was convicted in 2007 took place.

Based on the information in the experts' statement, the Commission found that there were new circumstances which seemed likely to lead to an acquittal, cf section 391 no. 3 of the Civil Procedure Act, cf section 44 of the General Civil Penal Code.

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

27.08.2015 (2015/96, etc.) Robbery, etc - section 391 no. 3 (new expert opinion, criminal liability).

In 2012, a man was convicted of carrying out three robberies and of two cases of false imprisonment, etc. He was sentenced to carry out 420 hours of community service. Following an appeal, the Supreme Court sentenced him to imprisonment for two years and three months. The District Court convicted the man of two new offences in January 2014. In the first, he was convicted of car theft and the wilful destruction of property, etc and given a 30-day suspended sentence. In the second, he was convicted of burglary and attempted burglary, etc, and sentenced to 45 days in prison. The convicted person petitioned to reopen all three convictions. The grounds stated were that he was currently psychotic and that there was doubt about his criminal liability for his actions on the date of the three offences. He had not previously been examined by a forensic psychiatrist.

After obtaining a forensic psychiatry statement, the Commission found there was no doubt about the convicted person's criminal liability for his actions relating to the first conviction, but that there was doubt whether he was in a state covered by section 44 of the General Civil Penal Code when the offences covered by the next two convictions took place. The last two convictions were therefore

reopened pursuant to section 391 no. 3 of the Civil Procedure Act.

The Commission unanimously decided to partially allow the petition to reopen the convictions.

27.08.2015 (2015/25 etc) Drugs, assault – section 391 no. 3 (new expert opinion, criminal liability).

In 2011, a district court convicted a man of three offences involving drugs crimes and assault. The offences had taken place in 2009, 2010 and 2011. He petitioned to have the three convictions reopened and alleged as a new circumstance that he had been diagnosed as psychotic as early as in 2007 and that a previous criminal case had been dropped due to doubt about his criminal liability for his actions. The court had not known about this. He also submitted documents from several treatment institutions, especially from the period after the spring of 2011, which also indicated a lack of criminal capacity.

The Commission's investigation also showed that, in April 2015, the convicted person had been found to be psychotic in a new forensic psychiatry statement. This statement also provided information on the development of the convicted person's mental problems over the previous 10-15 years. The Commission found that the new material indicated there was considerable doubt about the convicted person's criminal liability for his actions, cf section 44 of the General Civil Penal Code, including at the time when the offences for which he was convicted in 2011 took place.

The Commission therefore found that the conditions for reopening the case pursuant to section 391 no. 3 of the Criminal Procedure Act had been met.

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

27.08.2015 (2014/198, etc) Violence, criminal damage, threats, etc – section 391 no. 3 (new expert opinion, criminal liability).

In 2011 and 2012, a district court sentenced a man to imprisonment for five months and one year respectively. The offences related to, i.a., violence,

criminal damage, threats and car theft committed in 2010 and 2011. He alleged that he had been diagnosed as a schizophrenic, cf the Supreme Court civil case judgment in 2014 that was based on this.

The Commission appointed expert witnesses who had also given a statement to the court in connection with the 2012 case and at that time concluded that the convicted person was not psychotic. The expert witnesses now concluded that the convicted person was psychotic at the time of the offences in question.

The Commission found that there were new circumstances or evidence in the case which seemed likely to lead to an acquittal. Reference was made, i.a., to the fact that the new expert opinion had to be given more weight than the previous one because the expert witnesses did not have access to medical information the first time. In addition, the same expert witnesses had examined the convicted person both times, and had a good basis for comparison.

The Commission found that the conditions for reopening the case had been met pursuant to section 391 no. 3 of the Criminal Procedure Act.

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

07.10.2015 (2015/123) False testimony to a public authority – article 31 no. 1 of the Refugee Convention– section 392 subsection 2 (special circumstances) of the General Civil Penal Code.

In 2012, a district court convicted a Syrian woman of contravening section 166 of the General Civil Penal Code by giving false testimony to a public authority. The criminal offence consisted of her, in connection with a Norwegian immigration control, presenting the police with a stolen passport. She was sentenced to 45 days' imprisonment. The convicted person petitioned for the case to be reopened with reference to article 31 no. 1 of the Refugee Convention and alleged that she met all the Convention's conditions for exemption from punishment.

The Commission found that the Convention's condition "present themselves without delay", as this is explained in further detail in Rt. (Supreme

Court law reports) page 645, had been met in this case. The Commission referred to the further course of events during the immigration control, in which the convicted person had stated her correct name and applied for asylum. The case heard by the Supreme Court concerned a contravention of section 182 of the General Civil Penal Code relating to forgery. This case concerned a contravention of section 166 of the General Civil Penal Code, giving false testimony to a public authority. This too was a form of "illegal entry" that was protected by the Convention. The Commission had no basis for deciding on the other conditions for exemption from punishment pursuant to the Convention. According to the case circumstances, this had to be assessed by the court.

The case was reopened pursuant to section 392 subsection 2 of the Criminal Procedure Act in that the Commission found that there were special circumstances which made it doubtful that the conviction was correct and weighty considerations indicated that the question of guilt should be retried.

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

07.10.2015 (2015/116) Breach of the peace – section 391 no. 3 (new expert opinion, criminal liability). Petition from the prosecuting authority.

In 2013, a district court sentenced a woman to pay a fine of NOK 7,200 for contravening section 350 subsection 1 of the General Civil Penal Code. The prosecuting authority petitioned for the case to be reopened in the convicted person's favour after new circumstances had been discovered which seemed likely to lead to an acquittal pursuant to section 44 of the General Civil Penal Code relating to criminal liability for actions. The conditions for reopening the case pursuant to section 391 no. 3 of the Criminal Procedure Act had been met.

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

08.10.2015 (2015/144, etc). Threats, violence, drugs, etc – section 391 no. 3 (new expert

opinion, criminal liability). Petition from the prosecuting authority.

Between 1997 and 2013, a man received eight convictions for different criminal offences. In 2014, he was subjected to a forensic psychiatry assessment. The experts were in doubt as to whether he was mentally retarded to a high degree at the time of the offences, cf section 44 of the General Civil Penal Code. On this basis, the prosecuting authority petitioned to have the eight previous convictions reopened. The experts concluded negatively, as stipulated by the rules for expert witnesses when the convicted person scores above the level for mental retardation to a high degree, but at the same time pointed out that they were very doubtful about their conclusion. The doubt was linked to the differences between the convicted person's level of functioning on the dates of the offences and that on the examination dates, when conditions were considered to be optimal.

The Commission found that the expert opinion was a new circumstance that was likely to lead to an acquittal, cf section 391 no. 3 of the Criminal Procedure Act, cf section 44 of the General Civil Penal Code.

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

08.10.2015 (2015/124) Forgery – article 31 no. 1 of the Refugee Convention – section 392 subsection 2 (special circumstances) of the General Civil Penal Code

In 2010, a district court convicted an Eritrean man of contravening section 182 subsection 1 second penal alternative (forgery), etc. The criminal offence consisted of him presenting a false Italian passport in connection with an immigration control in Norway. He was sentenced to 45 days' imprisonment.

The convicted person petitioned to have the case reopened with reference to article 31 no. 1 of the Refugee Convention and alleged that he met all the conditions for exemption from punishment stipulated by the Convention.

The Commission found that the Convention's condition "present themselves without delay", as

explained in further detail in Rt. 2014 page 645, had been met in this case. The Commission referred to the further course of events during the immigration control, when the convicted person had applied for asylum. The Commission had no basis for deciding whether the protection afforded by article 31 no. 1 of the Refugee Convention could be invoked and whether the other conditions for exemption from punishment stipulated in the Convention had been met. The case situation meant that this would have to be assessed by the court.

The case was reopened pursuant to section 392 subsection 2 of the Criminal Procedure Act, in that the Commission found there were special circumstances which made it doubtful that the conviction was correct and weighty considerations indicated that the question of guilt should be retried.

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

11.11.2015 (2015/39 etc). Breaches of the peace, etc – section 391 no. 3 (new expert opinion, criminal liability).

Between 2001 and 2012, a man was convicted five times of various types of offences. In connection with a new criminal case in 2014, he was subjected to a forensic psychiatry examination. The expert witnesses concluded that he was mentally retarded to a high degree. Based on this, the convicted person petitioned to have the five previous convictions reopened. This petition was endorsed by the prosecuting authority.

The Commission found that the expert opinion was a new circumstance. The conclusion that the convicted person was mentally retarded to a high degree raised doubts as to whether he had been criminally liable on the dates when the offences for which he had been convicted had taken place, cf section 44 of the General Civil Penal Code of 1902. In the Commission's view, the expert opinion was a new circumstance that seemed likely to lead to an acquittal.

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

11.11.2015 (2014/92) Breach of the peace - section 391 no. 3 (new expert opinion, criminal liability).

In January 2014, a district court convicted a man of committing a breach of the peace. He was sentenced to pay a fine of NOK 6,000 and legal costs. The convicted person petitioned to have the case reopened after the Control Commission at Lovisenberg Diakonale Hospital reached a decision in May 2014 following a complaint from the convicted person against the upholding of a decision to give him mandatory psychiatric health treatment. The Control Commission's decision showed that the convicted person had been diagnosed as a paranoid schizophrenic in 2002 and that this diagnosis had been upheld following several admissions to hospital and examinations since then.

The Commission found that the new information created doubt about the convicted person's criminal liability for his actions and seemed likely to lead to an acquittal. The conditions for reopening pursuant to section 391 no. 3 of the Criminal Procedure Act had been met.

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

11.11.2015 (2015/54) Rape, committed by several people jointly, of a person under the age of 16 years - section 391 no. 3 (new expert opinion, sentencing).

In 2012, a man was sentenced to imprisonment for two years and 10 months for the rape, committed by several persons jointly, of a person under the age of 16 years, cf section 192 subsection 1 letter b, subsection 2 letter a and subsection 3 letter a of the General Civil Penal Code, cf section 206, as well as section 196 subsection 1 and subsection 2 letter a of the General Civil Penal Code.

The convicted person petitioned the Commission to reopen the case and alleged that the sentencing had to be reviewed since it had been revealed while he was serving his sentence that he was slightly mentally retarded.

Expert witnesses appointed during the Commission's work on this case concluded that the

convicted person was covered by the forensic psychiatry concept of "slightly mentally retarded" in section 56c of the General Civil Penal Code.

The prosecuting authority thereafter endorsed the convicted person's petition to have the case reopened.

The Commission found that the forensic psychiatry statement was a new circumstance, cf section 391 no. 3 of the Criminal Procedure Act. With reference to the penalty-reduction rule in section 56c of the General Civil Penal Code, the new circumstance was regarded as being of importance to the sentencing.

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

12.11.2015 (2015/90) Driving under the influence - section 391 no. 3 (new evidence).

In 2014, a district court convicted a man of driving a motor vehicle under the influence of an intoxicating substance. He was sentenced to 18 days' imprisonment and a fine of NOK 6,000. The convicted person admitted the offence and the case was adjudicated on as a summary judgment on confession, cf section 248 of the Civil Procedure Act. He petitioned the Commission to reopen the case and alleged that he had incorrectly admitted the offence and that it was another person who had driven the car.

The Commission interviewed four witnesses, including two who had been in the car when the driving took place. These two had not previously been interviewed in the case. Following an overall assessment, the Commission found that there was new evidence in the case that seemed likely to lead to the acquittal of the convicted person. The conditions for reopening the case pursuant to section 391 no. 3 of the Criminal Procedure Act had been met.

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

16.12.2015 (2013/70) Assault - section 391 no. 3 (new evidence). Expert report.

In 2007, a district court sentenced a man to two years imprisonment for assault, cf section 229

second penal alternative of the General Civil Penal Code of 1902, cf section 232. The criminal offence took place in 2006. He petitioned the Commission to reopen the case, alleging that he had not committed the violent act and that he therefore had to be acquitted. In support of this, he alleged that a witness had committed perjury in court and that this had affected the conviction in his disfavour. The Commission found no proof that false evidence had been given and decided that the conditions for reopening the case pursuant to section 391 no. 1 of the Criminal Procedure Act had not been met.

The convicted man's defence counsel alleged that the convicted person was not criminally liable for his acts at the time of the offence. The reason for this was stated to be that the convicted man had been found not criminally liable for his acts in a new conviction in 2014, when he was indicted for murder. The Commission appointed two forensic psychiatry experts to assess the convicted person's mental state at the time of the offences. Based on the experts' statement and a statement from the Norwegian Board of Forensic Medicine, the Commission found that there was doubt about the convicted person's criminal liability for his actions at the time of the offences and that the new expert opinion was new evidence that seemed likely to lead to an acquittal pursuant to section 391 no. 3 of the Criminal Procedure Act.

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

16.12.2015 (2014/119) Insurance fraud- section 391 no. 3 (new evidence).

In 2009, a court of appeal sentenced a man to imprisonment for insurance fraud following a fire, cf section 272 subsection 1 of the General Civil Penal Code, cf subsection 3. He was also sentenced to pay damages.

The Court of Appeal found it proven that the fire had been started by the convicted person and assumed, when assessing the evidence, among other things that no fault had been found in a paraffin oven used in the house when the fire started. The Court of Appeal ruled out that the oven would have exploded if used correctly.

The convicted person petitioned the Commission to reopen the case and alleged that the court's assessment of the evidence had been insufficient when the court ruled that the paraffin oven could not have exploded. He believed that the Court of Appeal should have appointed a technical expert to assess the fire risk when using this type of paraffin oven.

The Commission found that previously obtained statements in the case did not shed sufficient light on the criminal-law core of the case. The Commission appointed a fire expert in Sweden, who said in his expert statement that it was impossible to ascertain where the fire had started. The expert witness also stated that, on several occasions, fires had been started by similar ovens. The course of events in these cases resembled the course of events in this case, where fuel had been refilled and the oven had then been left unsupervised.

The Commission found that the expert opinion was new evidence in the case and could have been likely to lead to an acquittal if it had been known to the sentencing court, cf section 391 no. 3 of the Criminal Procedure Act.

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

17.12.2015 (2014/157 etc) Robbery, drugs, etc-section 391 no. 3 (new expert opinion, sentencing). Dissenting vote.

Between 2005 and 2013, a man was convicted four times of various criminal offences. In 2013, the man was diagnosed as having paranoid schizophrenia. On this basis, the convicted person petitioned to have the four cases reopened. He alleged there was a reasonable chance that he had not been criminally liable for his acts on the dates of the offences for which he had been convicted, cf section 44 of the General Civil Penal Code, or that the conditions for reduced punishment pursuant to section 56c of the General Civil Penal Code had been met.

The Commission appointed two forensic psychiatry experts who concluded that the convicted person had a psychotic breakthrough in 2012 and was psychotic pursuant to section

44 of the General Civil Penal Code at the time of the offence for which he was convicted in 2013. As regards the other three convictions, which related to offences from before 2012, the experts concluded that the convicted person was not exempt from criminal liability pursuant to section 44 of the General Civil Penal Code. The experts also decided that the convicted person could be characterised as slightly mentally retarded pursuant to section 56c of the General Civil Penal Code.

The Commission unanimously found that the forensic psychiatry statement was new evidence that provided grounds for reopening the 2013 conviction pursuant to section 391 no. 3 of the Criminal Procedure Act. Regarding the question of reviewing the question of guilt in the other three convictions, the Commission was divided into a majority and a minority. The majority of three members accepted the experts' assessment and found that the conditions for reviewing the question of guilt in the three convictions had not been met. The minority of two members believed there was evidence that the convicted person had also been psychotic during the 2004-2011 period, so that there was new evidence which seemed likely to lead to an acquittal, cf section 391 no. 3 of the Criminal Procedure Act, cf section 44 of the General Civil Penal Code.

The entire Commission decided that the experts' conclusion regarding the convicted person's slight mental retardation meant that the conditions stipulated in section 391 no. 3 of the Criminal Procedure Act for the reopening of the sentencing issue in the three convictions from before 2012 had been met.

The Commission decided, with the dissenting vote stated above, to partly allow the petition to reopen the case.

26.02.2015 (2014/191) Conviction to re-imprison a person to complete a prison sentence

The Commission found that the rules in chapter 27 of the Criminal Procedure Act were not applicable to a conviction to re-imprison a person to carry out the unserved portion of a previous sentence following a breach of a suspended sentence. It was stated that the Act's conditions did not seem to suit

such decisions very well. It was also stated that re-imprisoning a person to complete the unserved portion of a previous sentence was formerly determined by a court order and that such a court order could not be reopened pursuant to section 401 of the Criminal Procedure Act. There was no basis in the Act's preparatory works to show that, by changing from a court order to a conviction, the legislature had also wanted to expand the opportunity to reopen cases. The petition was rejected because it applied to a decision that, according to its nature, could not be reopened, cf section 397 subsection 3 of the Criminal Procedure Act.

26.08.2015 (2013/161) Judgment to change over from the former type of preventive supervision to the new one and a judgment that rejects a petition for a conditional release from preventive detention

The Commission found that a judgment to change from the former type of preventive detention to the new one could be dealt with by the Commission pursuant to the rules in chapter 27 of the Criminal Procedure Act. A written statement from a psychologist who had treated the convicted person was submitted. The statement was not regarded as being a new circumstance that was likely to lead to a substantially more lenient sanction and the petition was rejected because it obviously could not succeed.

The Commission's majority found that a judgment which refused a conditional release from preventive detention could not be dealt with by the Commission pursuant to the rules in chapter 27 of the Criminal Procedure Act. The petition was rejected because the majority found that this was a decision which, according to its nature, could not be reviewed. The minority also found that the petition was to be rejected but their reason for this was that there were no circumstances that seemed likely to lead to a substantially more lenient sanction.

11.09.2015 (2015/9) Judgment rejecting a petition to terminate mandatory psychiatric medical treatment

A petition to reopen a judgment that refused to terminate mandatory psychiatric medical treatment

was rejected by the Chair of the Commission, who found that this was a decision which, according to its nature, could not be reviewed.

The Commission's other activities

Contact with authorities

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

Comments on consultation documents

In 2015, the Commission submitted comments to the Ministry of Justice and Public Security in connection with the "Proposed trial project in Oslo to ensure the more rapid completion of criminal cases (fast track)".

International contact

In June 2015, the Commission welcomed a group of four representatives of Poland's EFIC (European Forensic Initiatives Centre). The organisation was visiting the Commission because it was working on a project called "Miscarriages of justice caused by wrong delivery of forensic science and invalid scientific evidence".

Information activities

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

In order to promote knowledge about the Commission's activities and give affected parties real access to the legal remedy of having a case reopened, the Commission's goals are to provide correct information on the Commission's activities, and clear and supplementary information and guidance on the regulations governing the reopening of cases and the Commission's procedures.

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

Electronic communication is an effective channel for such information.

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

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

Since 2010, all the Commission's decisions based

on the merits of a case have been published on the Lovdata website. These are decisions made by the Commission and by the Commission's Chair or Vice Chair in accordance with section 397 subsection 3 sentence 3 of the Criminal Procedure Act. Some decisions relating to the 2006-2010 period are also published on the Lovdata website.

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



A visit from the European Forensic Initiatives Centre, Poland

The management and control of the activities

Efforts to remove time-wasters

One of the elements of this work has been to simplify the Commission's application form for reopening cases. This has now been completed and is assumed to make it easier for convicted persons to apply in writing to the Commission, thus reducing the time that the Commission spends on providing guidance on filling in the form. The routines linked to the electronic processing program have also been changed. The aim is to reduce the processing time, thus benefiting applicants.

Personnel policy

The Commission's secretariat has the correct staffing and expertise for the tasks to be carried out in the best possible way. The secretariat is led by a woman and otherwise consisted of nine women and three men in 2015. Women thus comprised 75% of the Commission's staff. The secretariat's administrative deputy head and office manager are women, so that all the management positions in the organisation are held by women. The secretariat has thus more than achieved the state's goal of a 40% share of female managers. A diversity declaration is included in the wording of job adverts.

Measures to prevent discrimination, bullying and harassment are contained in the Commission's HSE plan.

Civil protection – risk and vulnerability analyses

The Commission, including its secretariat, is a modest size. The nature of its activities means that any limited stoppage of its operations cannot be regarded as being of great importance to society. The risk of the Commission's members or secretariat's employees dying or having medical problems as a result of an extraordinary event is also not believed to be especially great.

The Commission has regularly conducted risk and vulnerability assessments, most recently in 2013.

Assessment of the outlook

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

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

Annual accounts

The Chair's comments on the 2015 annual account

The Commission was established in 2004 and reports to the Ministry of Justice and Public Security. The Commission's main task is to deal with petitions to reopen criminal cases that have been finally determined. A brief description of the Commission's activities and some of the main figures are provided on pages 5-6 above

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

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

Assessment of some important factors

The Commission was allocated total appropriations of NOK 15,103,000 for 2015. In addition, the amount of NOK 732,000 in unused appropriations was transferred from 2014. To compensate for the pay settlement in 2015, the Commission was allocated NOK 70,000. Proposition to the Storting (parliament) no. 22S (2015-2016) reduced the Commission's funding by NOK 800,000. Thus, the total funding allocated to the Commission for 2015 was NOK 15,105,000.

Of this, NOK 636,749 was not utilised. This equals 4.2% of the total available funds.

In addition to chapter 468 appropriations, appropriations according to chapter 414 Conflict Resolution Board and Other Court Expenses and chapter 466 Special Criminal Case Expenses are made available to the Commission.

Explanation of the under-utilisation:

In 2015, the Commission received NOK 150,170 in refunds and contributions from the Norwegian Labour and Welfare Service. In addition, the Commission made savings as a result of temporary vacancies and the fact that several investigating officers employed in full-time positions had temporarily reduced working hours.

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 2015 in budgets for later years.

The Commission also made savings as a result of one Commission member not taking part in the work in the autumn of 2015.

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

Oslo, 9 February 2016



Helen Sæter
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"), determined on 12 December 2003, with amendments, most recently on 5 November 2015. The annual accounts comply with item 3.4.1 of the regulations, more detailed provisions stated in the Ministry of Finance circular R-115 and any additional requirements stipulated by the Ministry in charge of the Commission.

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

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

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

The appropriation reporting and general ledger accounts reporting statements have been prepared in accordance with the same principles, but are grouped according to different charts of accounts. The principles correspond with the requirements stated in item 3.5 of the regulations regarding how enterprises are to report to the central government accounts. The

total "Net amount reported to the appropriation accounts" is the same in both statements. All state-owned enterprises are linked to the state's group account scheme in Norges Bank in accordance with the requirements stipulated in item 3.7.1 of the regulations. Ordinary administrative bodies (gross-budgeted enterprises) are not given any funding during the year. At the year-end, the balance of the individual settlement account is set at zero.

Appropriation reporting

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

Authorisations received to debit another enterprise's combination of 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

The general ledger accounts reporting statement shows the accounting figures that the enterprise

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

has the following notes:

- Note 1 Salaries
- Note 2 Other operational payments
- Note 3 Investments and share purchases
- Note 4 Link between the settlement with the public treasury and outstanding accounts with the public treasury

The general ledger accounts reporting statement

Appropriation reporting statement 31 December 2015

Expense chapter	Chapter name	Item	Item text	Note	Total allocation*	Accounts 2015	Additional expense (-) and shortfall in expense
0468	Operating expenses	01	Operating expenses	A,B	15 105 000	13 954 250	1 150 750
0414	Conflict Resolution Board op. expenses	01	Op. expenses			317	
0466	Special criminal case op. expenses	01	Operating expenses			1 910 029	
1633	Net govt. VAT scheme	01	Operating expenses			562 990	
Total amount charged to expenses					15 105 000	16 427 587	

Revenue chapter	Chapter name	Item	Item text	Total allocation	Accounts 2014	Additional revenue and shortfall in revenue (-)
5309	Misc. revenues	29	Miscellaneous		15 602	
5700	National Insurance revenues	72	Employer's contributions		1 281 335	
Total amount taken to income				0	1 296 937	
Net amount reported to the appropriation account					15 130 650	
Capital accounts						
60087201	Norges Bank GA/payments received				153 791	
60087202	Norges Bank GA/payments made				-15 290 074	
704485	Change in outstanding account with the public treasury				5 633	
Total amount reported					0	
Balances reported to the capital accounts (31.12)						
Account	Text			2015	2014	Change
6260	Shares			0	0	0
704485	Outstanding account with the public treasury			-527 606	-533 239	5 633

* The total allocation shall not be reduced to take account of any debit authorisations granted. Refer to note B 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	This year's allocations	Total amount allocated
0468 01	732 000	14 373 000	15 105 000
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	Key words	Additional expense(-)/smaller expense	Expensed by others in accordance with granted debit authorisations	Additional expense (-)/smaller expense after granted debit authorisations	Additional revenues/smaller revenues (-) according additional revenue authorisations (adjusted for any VAT)
0468 01		1 150 750	-514 000	636 750	
xxxx21					
xxxx21	"may be utilised under item 01"			0	
xxxx45				0	
xxxx45	"may be transferred"			0	
xxxx70				0	N/A
xxxx75	"estimated appropriation"			0	N/A

Reallocation from item 01 to 45 or to item 01/21 from next year's appropriations	Savings	Total basis for transfer	Max. transferrable amount *	Possible transferrable amount calculated by the enterprise
		636 750	718 650	636 750
		0	[5% of the year's appropriations in note A]	
		0	[5% of the year's appropriations in note A]	
		0		
		0	[Total of this year's and last year's appropriations]	[Total of this year's and last year's appropriations]
N/A	N/A	N/A		
N/A	N/A	N/A		

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

Explanation of the use of budget authorisations

Granted debit authorisations (charged to expenses by others)

The Commission has granted a debit authorisation to the Secretariat for the Conflict Resolution Boards equal to NOK 514,000, registered to chapter/item 0468 01. The enterprise has reported NOK 514,000 to chapter/item 0468 01. The entire amount has been spent by the Secretariat for the Conflict Resolution Boards.

Possible transferrable amount

The Commission's unused appropriation for chapter/item 048 01 amounts to NOK 636,749.

Appropriations relating to other budget chapters

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

General ledger accounts reporting statement dated 31 December 2015

	Note	2015	2014
Operating revenues reported to the appropriation accounts			
Payments received from charges		0	0
Payments received from subsidies and transfers		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	10 320 502	9 982 917
Other payments made relating to operations	2	5 436 372	4 257 492
Total payments made relating to operations		15 756 874	14 240 409
Net reported operating expenses		15 756 874	14 240 409
Investment and financial income reported to the appropriation accounts			
Financial income received		0	0
Total investment and financial income		0	0
Investment and financial expenses reported to the appropriation accounts			
Investment payments	3	107 723	47 000
Share purchase payments		0	0
Financial expenses		0	0
Total investment and financial expenses		107 723	47 000
Net reported investment and financial expenses		107 723	47
Collection operations and other transfers to the state			
Taxes, fees, charges, etc received		0	0
Total collection operations and other transfers to the state		0	0
Grant management and other transfers from the state			
Payments made of grants and benefits		0	0
Total grant management and other transfers from the state		0	0
Revenues and expenses reported for common chapters *			
Group life insurance account 1985 (ref. chapter 5309, revenue)		15 602	14 539
Employer's NI contributions account 1986 (ref. chapter 5700, revenue)		1 281 335	1 225 986
Net bookkeeping scheme for VAT account 1987 (ref. chapter 1633, expenses)		-562 990	0
Total revenues reported for common chapters		733 946	1 240 525
Net amount reported to the appropriation accounts		15 130 650	13 046

Overview of outstanding accounts with the public treasury **

	2015	2014
Assets and liabilities		
Receivables	0	0
Cash	0	0
Bank accounts outside Norges Bank with state funds	0	0
Withholding tax due	-534 903	-533 239
Public taxes due	0	0
Other liabilities	7 297	0
Total outstanding account with the public treasury	4	-533

* 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

	31.12.2015	31.12.2014
Salaries	7 851 817	7 566 892
Employer's NI contributions	1 281 335	1 225 986
Pension expenses*	0	0
Sickness benefit and other refunds(-)	-150 170	-185 039
Other benefits	1 337 521	1 375 078
Total salary payments	10 320 502	9 982 917
* This line is to be used by enterprises that pay a pension premium to the Norwegian Public Service Pension Fund		
No. of FTE:	10	10

Note 2 Other payments relating to operations

	31.12.2015	31.12.2014
Rent	1 836 099	1 827 757
Maintenance of own buildings and facilities	0	0
Maintenance and modification of rented premises	9 382	33 856
Other expenses relating to the running of properties and premises	239 056	234 260
Repair and maintenance of machinery, equipment, etc	0	0
Minor equipment acquisitions	56 003	18 454
Rental of machinery, fixtures and fittings, etc	5 646	14 749
Purchase of services from external parties	1 984 667	897 183
Travel and per diem allowances	550 949	496 711
Other operating expenses	754 571	734 522
Total other payments relating to operations	5 436 372	4 257 492

Note 3 Payments relating to investments and share purchases

	31.12.2015	31.12.2014
Investment payments		
Intangible assets, etc	0	0
Plots of land, buildings and other real property	0	0
Emergency-preparedness acquisitions	0	0
Infrastructure assets	0	0
Machinery and vehicles	107 723	47 000
Operating equipment, fixtures, fittings, tools, etc		
Total investment payments	107 723	47 000
Share-purchase payments		
Contributions of capital	0	0
Bonds	0	0
Investments in shares and units	0	0
Total share-purchase payments	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

	31.12.2015 Specification of the recorded settlement with the public treasury	31.12.2015 Specification of the reported outstanding account with the public	Difference
Fixed-asset investments			
Investments in shares and units*	0	0	0
Bonds	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	-9 298	0	-9 298
Withholding tax due	-534 903	-534 903	0
Public taxes due	0	0	0
Other current liabilities	7 297	7 297	0
Total	-536 904	-527 606	-9 298
Total	-536 904	-527 606	-9 298

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

Part B Specification of investments in shares and partnership percentages

	Acquisition date	No. of shares	Ownership %	Voting %	Firm's profit/loss for the year	Capitalised equity in the firm	Capitalised value in the accounts*
Shares							
Firm 1							
Firm 2							

Capitalised value 31.12.2015 **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 which is responsible for deciding whether convicted persons should have their cases retried in a different court.

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