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IS – 101 REYKJAVÍK

SECOND SECTION

ECHR-LE4.1iG OBS IMSI CHB
HEP/RSR/za

21/06/2018

BY E-TRANSMISSION ONLY

Application no. 26374/18
Ástráðsson v. Iceland

Dear Sir,

I write to inform you that the above application is pending before the European Court of Human Rights.

Communication of the application to the respondent Government

Following a preliminary examination of the admissibility of the application on 19/06/2018, the Vice-President of the Section to which the case had been allocated decided, under Rule 54 § 2 (b) of the Rules of Court, that notice of the application should be given to the Government of Iceland and that the Government should be invited to submit a statement of facts together with written observations on the admissibility and merits of the case.

Statement of facts

The statement of facts should be prepared in accordance with the instructions set out in the "Guidelines" annexed to the present letter, and sent by e-transmission by **16/08/2018**. The omission to submit a statement of facts could lead the Court to the conclusion that your Government accept the description of the relevant facts contained in the application form. Moreover, should your Government contest any of the applicant's factual statements, such challenge should be based on a relevant supporting document. Having regard to the circumstances of the case, the Court might decide not to accept unsubstantiated assertions. Finally, your Government should provide, by the same date, any other document relevant for the examination of the case which has not already been submitted by the applicant.

Leading case

The Vice-President of the Section considers that this application is potentially a leading case.

Observations

Your Government are requested to submit their observations (together with enclosures) by e-transmission by **16/08/2018**.

The statement of the facts and the observations should deal with the questions set out in the document appended to this letter (Subject matter of the case and Questions to the parties).

Pleas of inadmissibility

In that connection I would remind you that, under Rule 55 of the Rules of Court, any plea of inadmissibility must be raised by the respondent Contracting Party, in so far as the nature of the objection and the circumstances so allow, in its written or oral observations on the admissibility of the application. Any omission by the Government to raise such objections in their initial observations on the admissibility of the case may lead the Court to conclude that they are estopped from raising those objections at a later stage in the proceedings, notably in their additional observations and submissions on just satisfaction (see *Khlaifia and Others v. Italy* [GC], no. 16483/12, §§ 51-54, 15 December 2016).

Friendly settlement

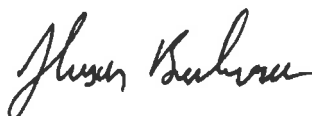
You should also inform me by **16/08/2018** of your Government's position regarding a friendly settlement of this case and any proposals they may wish to make. If the parties are interested in reaching a settlement, the Registry would be prepared to make a suggestion for an appropriate arrangement. Having regard to the requirement of strict confidentiality under Rule 62 § 2, any submissions made in this respect should be set out in a **separate document**, the content of which **must not** be referred to in any submissions made in the context of the contentious proceedings.

Enclosures

I enclose a copy of the following documents:

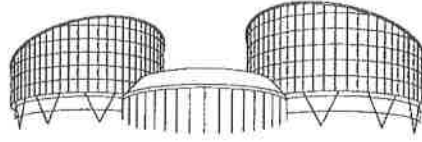
- the subject matter of the case prepared by the Registry and the questions to the parties;
- the application form submitted by the applicant;
- documents submitted by the applicant in support of the application.

Yours faithfully,



S. Naismith
Section Registrar

Enc.: Subject matter of the case and Questions
Guidelines
Application form and documents



EUROPEAN COURT OF HUMAN RIGHTS
COUR EUROPÉENNE DES DROITS DE L'HOMME

Communicated on 19 June 2018

SECOND SECTION

Application no. 26374/18
Guðmundur Andri ÁSTRÁÐSSON
against Iceland
lodged on 31 May 2018

SUBJECT MATTER OF THE CASE

The applicant was convicted of a traffic offence by the District Court of Reykjaness on 23 March 2017. The conviction was upheld by the Court of Appeal on 23 March 2018 and subsequently by the Supreme Court on 24 May 2018. The applicant invokes Article 6 § 1 of the Convention and alleges a violation of that provision on the basis that his case was not decided by a tribunal established by law as one of the three judges in the Court of Appeal, A.E, had not been appointed in accordance with the law. The applicant furthermore alleges a violation of his right to be heard by an independent and impartial tribunal under Article 6 § 1 of the Convention.

QUESTIONS TO THE PARTIES

1. Did the proceedings before the Court of Appeal violate the applicant's right to be heard by a tribunal established by law guaranteed by Article 6 § 1 of the Convention (see, for example, *Jorgic v Germany*, no. 74613/01, 12 July 2007, § 64-65, *Ilatovskiy v Russia*, no. 6945/04, 9 July 2009, §§ 36 and 40-41)? In particular, in answering this question, what is, firstly, the relevance of the Supreme Court's findings in the applicant's case that in the appointment of A.E. the procedures in Parliament for election of judges to the newly constituted Court of Appeal did not conform with Article IV § 2 (temporary provision) of the Judiciary Act No. 50/2016, and, secondly, the relevance of the Supreme Court's reference in the applicant's case to its previous judgments of 19 December 2017, in cases No. 591/2017 and 592/2017, concluding that the proceedings by the Minister of Justice for the selection and nomination of fifteen judges to the Court of Appeal, a list of which was submitted to Parliament, had violated the law?

2. Did the proceedings before the Court of Appeal violate the applicant's right to be heard by an independent and impartial tribunal under Article 6 § 1 of the Convention?