



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

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SECOND SECTION

Application no. 10319/26
Ásbjörn SIGURÐSSON and Bessi KARLSSON
against Iceland
lodged on 5 March 2026
communicated on 6 July 2026

SUBJECT MATTER OF THE CASE

The application concerns sexual-offence proceedings against the applicants, in which the victim's testimony before the Court of Appeal was taken by video link while she was abroad.

The case arose from events at a party at which the applicants had allegedly jointly subjected the victim to sexual acts without her consent. The District Court initially acquitted them of charges of rape, giving them the benefit of doubt.

On appeal, the applicants and the victim gave supplementary testimony before the Court of Appeal. The applicants were in the courtroom, while the victim joined by video link from elsewhere. On 5 December 2024 the Court of Appeal reversed the acquittal, convicted both applicants of rape, and sentenced each of them to three years' imprisonment. It found the victim's account credible and consistent with other evidence and considered that the applicants' accounts lacked credibility in several respects.

On 12 November 2025 the Supreme Court upheld the convictions. It rejected the applicants' argument that the taking of the victim's testimony by video link had breached domestic law and their Convention right to a fair trial. It noted that the victim had been visible, that the applicants' counsel had been able to put questions to her, that there had been no doubt about her identity, and that there had been no indication of external influence or disturbance.

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SUBJECT MATTER OF THE CASE AND QUESTIONS

The applicants complain under Article 6 §§ 1 and 3 (d) of the Convention that the taking of the victim's testimony by video link impaired the fairness of the proceedings. They submit, in particular, that insufficient reasons were given for allowing her to testify remotely and that no adequate measures were taken to establish where she was or to ensure that she was free from undue influence while giving evidence.

QUESTIONS TO THE PARTIES

1. Have the applicants exhausted the effective domestic remedies, as required by Article 35 § 1 of the Convention? In particular, did they raise, either expressly or in substance, the question of the conditions at the remote location from which the victim gave testimony by video link and the alleged absence of safeguards against pressure, prompting or influence from third parties?

2. Did the applicants have a fair hearing in the determination of the criminal charges against them, in accordance with Article 6 §§ 1 and 3 (d) of the Convention? In particular:

(a) Did the taking of testimony from the victim by video link serve a legitimate aim (see *Severin v. Romania*, no. 20440/18, § 90, 8 October 2024, and compare *Marcello Viola v. Italy*, no. 45106/04, §§ 67 and 72, ECHR 2006-XI (extracts))?

(b) Were the conditions under which she gave her testimony compatible with the requirements of respect for due process (see *Severin*, cited above, § 91)? Were sufficient safeguards put in place to ensure that the victim was not subject to pressure, prompting or influence from third parties at the location from which she testified?