

# **Gert Johan Kjelby**

Professor, PhD

Faculty of Law, University of Bergen

## **PERSONAL INFORMATION**

Name: Gert Johan Kjelby

Date of birth: 18.11.1968

Nationality: Norwegian

## **LEGAL EDUCATION**

2013 PhD - Faculty of Law, University of Bergen (UiB)

1989 - 1995 Law degree *Cand. jur.* Faculty of Law (UiB)

Specialization: Insurance law, University of Oslo (1993)

## **OTHER EDUCATION**

1987 - 1988 Norwegian Army Officer Candidate School, Camp Heistadmoen (BSIS).

1988 - 1989 Year of duty as sergeant at Camp Evjemoen (IØ2).

## **LEGAL EXPERIENCE**

2022 Affiliated professor (20%), The Norwegian Police University College

2021 Ad hoc General prosecutor (by Kings res. 5. November 2021)

2020 Ad hoc General prosecutor (by Prince regent res. 10. January 2020)

2018 - Professor, Faculty of Law (UiB)

2017 - 2018 Associate professor, Faculty of Law (UiB)

Course leader: Prosecution Law (Påtalerett)

Teaching: Prosecution Law, Police Law, Criminal procedure, and Legal ethics for prosecutors

2017 - 2022 Project Leader 5-year project «Police and Prosecution Law», co-funded by Trond Mohn Foundation (former Bergens Research Foundation), Faculty of Law (UiB) and the National Police Directorate in Norway.

2013 - 2017 Senior researcher on the project «The functionality of the criminal justice system», funded by Bergen Research Foundation.

2011 - 2012 Senior advisor on the project «The functionality of the criminal justice system», funded by Bergen Research Foundation. (1. Sept. 2011 - 31. March 2012)

2006 - 2009 PhD candidate, Faculty of Law, (UiB)

- 1999 - 2015 Regional Public Prosecutor, Hordaland statsadvokatembeter (*Leave of absence in 2006-2009, 2011 and 2013-2015*).
- 1997 - 1999 Police Prosecutor, Bergen police district
- 1996 - 1997 Research fellow, Faculty of Law, (UiB)  
Teaching: Criminal procedure, Criminal Law and Constitutional Law
- 1993 - 1994 Research assistant, Faculty of Law, (UiB)

### **SELECTED PUBLICATIONS 1996-2019**

- 1996 [Plea bargaining in Norwegian criminal procedure?] Forhandlinger og avtaler mellom påtalemyndigheten og siktede - straffeprosessuelle forlik? *Kritisk juss nr. 4/1996, s. 227-256.*
- 2002 [A right to cross-examine co-defendants before reading out in court their previous statements?] Opplesning av tidligere avgitte forklaringer fra en medskyldig - er det en menneskerettighet å få eksaminere den eller de man er siktet eller tiltalt for å ha begått et straffbart forhold sammen med? in: *Nybrott og odling. Festskrift til Nils Nygaard 2002, s. 547-562.*
- 2004 [Securing evidence and the use in court of previous statements by victims of domestic violence] Bevisførsel og bevissikring i familievoldsaker - særlig om adgangen til opplesning av tidligere avgitte forklaringer. *Tidsskrift for Strafferett nr. 1/2004, s. 7-43.*
- 2007 [Preventive and pro-active investigation and prosecution strategies - The Al Capone approach and Norwegian zero-tolerance approaches] Preventiv og pre-aktiv etterforsknings- og påtalestrategi - «The Al Capone approach» og hjemlig nulltoleranse, in: *Rett og toleranse. Festskrift til Helge Johan Thue 2007 s. 610-627.*
- 2013 [The legal development and legal framework of the principle of discretionary prosecution in Norwegian criminal procedure.] Mellom rett og plikt til straffeforfølgning. Den relative etterforsknings- og påtaleplikts rettslige rammer og rettslige utvikling i norsk straffeprosess. Cappelen Damm Akademisk 2013 (770 pages.). Bases on my PhD thesis.
- 2013 [Every reasonable effort? - the courts and the prosecutions duty to secure the defendants right to cross-examination according to ECHR] Every reasonable effort? - om domstolenes og påtalemyndighetens plikt til å sikre tiltaltes rett til krysseksaminasjon (co-author Ørnulf Øyen) in: *Undring og erkjennelse. Festskrift til Jan Fr. Bernt. 2013, s. 293-307.*
- 2014 [A legal policy assessment of the criminal liability for persons with mental illness in Norwegian law] En rettspolitisk vurdering av straffansvaret for alvorlig sinnslidende i norsk rett. *Tidsskrift for Strafferett nr. 3/2014, s. 262-282.*

- 2015 Some Aspects of and Perspectives on the Public Prosecutor's Objectivity according to ECtHR Case-Law. *Bergen Journal of Criminal Law and Criminal Justice, Volume 3, Issue 1, 2015, pp. 61-83.*
- 2015 [The basic principles and general rules of evidence in criminal cases] Bevisrettens grunnprinsipper og hovedregler i straffesaker, in: Ragna Aarli, Mary-Ann Hedlund og Sverre Erik Jebens (ed.), *Bevis i straffesaker. Utovalgte emner*, s. 79-152. (Chapter 3). Gyldendal Akademisk 2015.
- 2017 [Prosecution Law] Påtalerett. Cappelen Damm Akademisk 2017 (410 pages).
- 2019 [Prosecution Law] Påtalerett, Cappelen Damm Akademisk. 2nd Edition 2019 (464 pages).

### TEACHING AND LECTURES IN ENGLISH

- 2014 – 2017 Lectures at The Georgian-Norwegian Rule of Law Association. Annual Conference on the rule of law. Tbilisi State University, Georgia.  
 1<sup>st</sup> conference May 2014. *"Some aspects and perspectives on the public prosecutor's objectivity according to the ECtHR case-law"*  
 2<sup>nd</sup> conference May 2015. *"Prosecutor's accountability. Accountability to whom – a need for disciplinary bodies?"*  
 3<sup>rd</sup> conference May 2016. *"What makes a legal article good?"*  
 4<sup>th</sup> conference June 2017. *"Crime and conduct of criminal cases in Norway"*
- 2018 Lecture on *"Prosecutors functional independence in Norway"*  
 OSCE - Office for Democratic Institutions and Human Rights (ODIHR) study visit to Norway 14.-15. May 2018 (Subject: Strengthening the functional independence of prosecutors in Eastern Partnership countries).
- 2022 Lectures on *"Minimum standards for trial waiver systems and out-of-court settlement procedures in Europe"* and *"The Independent Prosecutor"*  
 Joint 25-year anniversary-seminar. Mitchell Hamline School of Law - Faculty of Law University of Bergen. At Mitchell Hamline School of Law, St. Paul Minneapolis.