

Your legal rights in Denmark

The following is a short review of legal rights in Denmark. Everyone participating in demonstrations in connection with COP15 should know their legal rights in Denmark.

Your rights

In Denmark it is illegal to possess the following objects:

- All sorts of weapons and parts of weapons. An offence can lead to prison sentence.
- It is however allowed to possess a knife with a blade less than 7 cm long if it can not be opened with one hand only and if it is not a clasp knife with a blade which can be fastened to the knife with a lock.
- All sorts of euphoric substances. An offence will in mild cases lead to a fine. In other cases it will lead to prison sentence.

In Denmark the following is illegal:

- To mask in a demonstration or near by a demonstration. An offence can lead to a fine.
- To attempt to mask in or near by a demonstration. This means that you can be sentenced for carrying objects fit for masking.
- To be in a demonstration dissolved by the police. An offence can lead to prison sentence.

If the police contact you, you must tell them:

- Your name
- Your birthday
- Your address
- Nothing else!

If you are not Danish, you also need to:

- Show the police documentation about your purpose with your stay in Denmark and the details about your stay.
- Show documentation that you have the necessary means for your maintenance during your stay and for your journey home
- Carry your passport and show it to the police, if they want to see it.

If the police think that there is any doubt about your identity, they can take you to the police station to establish your identity.

The police have the right to:

- Body search you and your belongings such as clothes and bags if they have “reasonable suspicion” that you possess something illegal. You have the right to know the reason for the body search.
- To body search you without suspicion if you are in a search zone but only to find weapons.
- As a starting point you have the right to be body searched by an officer of your own sex. The police are however allowed to deny you this right, if it is not possible to call in a female police officer. A search must always be as lenient as possible.
- To make a preventive arrest although you have done nothing illegal to prevent unlawful acts from happening. In these situations the police can detain you for maximum 6 hours (12

hours if a new bill is passed before the demonstrations) and even longer if they find it necessary.

Your rights if you are arrested

What happens if I am arrested?

- You will probably be taken to the police station and placed in a holding cell.
- The police will eventually want to interrogate you. Tell them, that you do not wish to say anything. Remember that the police are only interested in collecting evidence against you and your associates. You have the right to remain silent. Use that right!
- You are not obligated to take a stand to your charge or sign anything.
- If you are younger than 18 years, the police will contact your parents and during the interrogation a person from Social Services will often be present. The person from Social Services is not there to guide you during the interrogation. You still have the right to remain silent. If you have been beaten or threatened by the police, you must tell the person from Social Services.
- If you are younger than 15 years, the police are not allowed to lock you up. They often do it anyway, if they find that nothing else is possible.
- Within 24 hours after your arrest, you have the right to be released or put before a judge in a preliminary statutory hearing. If you are not Danish you can be held arrested for 72 hours, before you are put before a judge.

If you are arrested you must:

- You are always obligated to tell the police your name, birthday (excluded social security number) and address. Nothing else!

If you are arrested you have the right to:

- Know your charge
- Make necessary telephone calls. The police have the right to make these calls for you.
- Medical assistance or medicine if you need it.
- Legal assistance. If you are sentenced later, you must pay your lawyer yourself.

If you are unlawfully arrested:

- If you are arrested and the police drop the charges against you or you are found not guilty by a court, you can file a claim for compensation. The deadline for filing a compensation claim is 2 months.
- The amount varies depending on how long, you have been detained. It is always worth the effort to try to file for compensation.
- If you want help to make a complaint about unlawful arrest or claim for compensation call 0045xxxxxxx (exact number will be communicated later) as fast as possible.

What happens in a preliminary statutory hearing?

- You will be put before a judge
- Counsel will be assigned to you. You can change lawyer later, if you are not satisfied with the counsel which has been assigned.
- You still have the right to remain silent. It is hard to say, if it is wise not to say anything at the preliminary statutory hearing. If you choose to make representations, you must tell the

court that you wish to comment every single proof one at the time. You have this right according to “retsplejeloven” § 866, stk. 2.

- In the preliminary statutory hearing 3 things can happen:
 - 1) The judge can renew the arrest for 3x24 hours.
 - 2) The judge can set you free
 - 3) The judge can take you into custody for maximum 4 weeks.

- If you get into preliminary statutory hearing, there is a big risk that you will be taken into custody.
- If the judge chooses to take you into custody, you have the possibility to appeal the ruling to the appeal court. You should tell the judge that you reserve yourself the right to appeal. Then you can ask your lawyer, if it will be a good idea to appeal.
- If you are between 15 and 18 years old, you must not be put into custody together with adults. As a substitute for custody you can be placed in a secured institution or a prison department, with people under 18 years.