

## §134a?

Recently a lot of people have heard of the "§134a". If not on their own behalf, then by a friend or relative being charged with this paragraph...or through the media.

According to the present minister of justice the contents of §134a is as follows:

*According to "straffelovens § 134a; participants in a fight or other serious disturbance of the peace and order in a public place can be punished with imprisonment up to a year and a half, if they acted by agreement or several in community"*

The paragraph got it's current form in June 2002. According to the Minister of Justice, the reason for giving the law this content is "the serious riots that happened in 2001, for instance during the EU-summit in Gothenburg and the G8-summit in Genoa". You can by that conclude, that this paragraph is intended to silence those who are opposed to the current social order.

In 2002, the maximum punishment was increased from 6 months of imprisonment to the current 18 months of imprisonment. That gives the police the chance to put people in custody if they think the charged person would disturb the investigation or if they suspect the person would continue to commit crimes. It was also added to a paragraph concerning custody called "retsplejelovens § 762, stk. 2, nr. 2. The consequences of that is, that a person charged with §134a can be put in custody, if the police succeeds to convince the judge (see "your rights") that there is 'a strong suspicion', that you have broken the law so seriously, that it is expected to give a sentence of at least 2 months of imprisonment.

The bottom line is, that if charged with §134a the maximum sentence is 18 months, and if put in custody you can expect, that the police is going for a minimum sentence of 2 months - in other words being charged with 134a, does **not** mean that you will get a sentence of 18 months of imprisonment!

A part from the above, a charge with §134a gives the police the right to take a sample of your DNA and have it registered. The DNA is not deleted if the charge against you is dropped, it will stay in a register until you turn 80.

As a last remark, it can not be stressed enough, that a charge is **not** the same as a sentence. The charge alone gives the police several advantages so they might charge you and hope to find evidence afterwards. It is also very likely that they will charge you with this paragraph just to get your DNA registered.