

Intro

The following is a brief walkthrough of your basic legal rights in Denmark. Also included are a few pieces of advice, which can come in handy if you are confronted by the Danish police and judicial system.

On your person

Being in possession of ammunition shelters (even empty ones), gas sprays, slingshots, clubs or drugs (including hashish) are considered a crime in Denmark. The only kind of knife it is legal to bear in Denmark is a folding knife with a blade no longer than 7 cm, which cannot be opened with one hand and cannot be locked in open position. Police have also arrested people for carrying a screwdriver. Violation of the weapon law results in very large fines or worse.

The mask prohibition

It is illegal to use any form of mask at demonstrations in Denmark. Furthermore, the law has been formulated in such a way that you can get arrested for “attempting to break the prohibition”. This means that you can get arrested for carrying a scarf in your pocket. You don’t have to actually attend a demonstration to get arrested, it is enough that the police “estimate” that you’re on your way to one. Normally the cops only enforce the prohibition at demonstrations though.

When stopped by the cops

You are only obliged to tell the police your full name, nationality, address and date of birth. Nothing more! If in doubt of your identity the cops have the right to take you in for further questioning.

Body search

The cops are only allowed to perform a body search on you if they have a validated suspicion (and they usually do) that you possess something illegal (drugs, weapons).

The head of the Copenhagen police department have recently made zones in the inner city and in Christiania where the police are allowed to search everybody without giving a reason for it. These zones can be made from one day to the next, and it is therefore impossible to say exactly where they are.

You have the “right” to be body searched by a police officer of your own gender, when the police present deterrents that it's possible...

The arrest

If you get arrested then you still only have to give the cops your name, address, nationality and date of birth, that's it. You have the right to know the reason for your arrest, so demand that they tell you. You will most likely be taken to a police station and locked in a detention cell. You have the right to a phone call, but the cops will usually deny you this or offer to make the call for you. You also have the right to medical attention if you are hurt or need medicine. The cops will want to interview you, but do NOT tell them anything, remember that they're only trying to gather evidence against you and maybe your friends. You have the right to remain silent, use it.

You are not obliged to acknowledge the charges against you, and you don't have to sign anything.

After 24 hours (72 hours for foreigners), you must be put in front of a judge or set free. The Judge can decide to sentence you to stay in custody for min. 1 and max. 4 weeks, uphold the arrest for 72 hours or let you free.

If you're under 18 the police are obliged to take contact to your parents and have a person from the social authorities present at the interview. This person is NOT your friend, he or she will most likely tell you to answer the cops' questions. Don't do it. If you're under 15 the cops can detain you, "if no other way is possible" in a detention cell, normally not for more than 6 hours, but under "special circumstances" they can keep you for 24 hours.

It cannot be said too many times; never talk to cops, never make a statement, you can only make things worse for yourself and your friends.

Preventive arrest

The cops can make preventive arrests if they estimate that you are a potential troublemaker. This means that they can arrest you BEFORE you have done anything illegal. They can keep you for up to 6 hours, longer if they consider it necessary.

Unlawful arrest

If they police arrest you and for one reason or another drop the charges against you or you are found not guilty in court, you have the right to get compensation for unlawful arrest. Always demand to get this compensation, the amount varies depending on how long you were detained but it's always worth making an effort to get the police to pay up.

Lawyers

It's always a good idea to have the names of one or more good lawyers in your possession. Ask around for names when you're in a new place.

You have the right to have a lawyer present at the police interview, but as long as you don't say anything, you won't need one. If you have the impression that the police will put you in front of a judge, then insist on having the name of the lawyer you wish to defend you, written in the police

report. If the police “are not able to contact” the lawyer you wish to defend you, you will be assigned a lawyer by the state for the preliminary hearing. If this is the case, you can always change your lawyer in time for the next hearing. To be able to pick your own lawyer makes a big difference, maybe not so much in the preliminary hearing; because the police prosecutors usually get what they want (latest statistics say 9 out of 10 times). But it is very important to have a decent lawyer, especially at the following court dates.

Expenses

If you lose a case, you’ll have to pay all expenses, including your own lawyers fee. If you win, the state pays all expenses.

Preliminary Hearing

The preliminary hearing will be held in the police-district where you were arrested. You will be put before a judge, and you still have the right to remain silent. It is almost always the best idea to use this right, because you have all the odds against you at the preliminary hearing (no witnesses to verify your story, no documentation etc). The police prosecutor on the other hand, will have police reports and possibly other hard evidence against you. If your lawyer advises you to break the silence, consider the situation carefully. Anything you say will be used against you at later court hearings. If you have the least bit of mistrust towards the lawyer you have been appointed, don't say anything. In virtually all preliminary hearings the police prosecutor gets their will, no matter if you talk or not. If you're sentenced to stay in jail the judge will ask you if you wish to appeal the decision to a higher court. It's always best to say no to that question, but tell the judge to make a note that you want the right to appeal to the higher court at any time before your next hearing. After having talked to your lawyer and the two of you together have considered your chances of getting a positive response from the appeal you can decide if you wish to do so. The reason for considering the appeal carefully is that unless you have VERY good reasons the higher court will nearly always agree with the judge you stood before at the preliminary hearing and at the next hearing this judge will use the decision of the higher court to keep you in prison.

Custody

If you are sentenced to remain in custody, you will be imprisoned for at least 1 and maximum 4 weeks before you again will be put in front of a judge. You run the risk of getting letter and visit control, which means visits from the outside will be under surveillance and that the cops will read all your mail (in and out going) to see if they can find something that can incriminate you even further. This also means that it will take some time, 5 days or more, for letters to get through to you.

Even if you don't have letter control, always assume that the cops are reading your mail. You usually have the right to make a single phone call a week. This phone call is sometimes monitored by the prison guards, who’ll call the police if they think you’re saying things that can be of interest in your case.

The judge can, under certain circumstances, decide to put you in total isolation, which means you don't even have contact with other prisoners. This is the hardest form of imprisonment.

Prison

If you are sentenced to remain in custody it is extremely important that you don't lose hope. Remember there are friends on the outside, waiting for you and working for your release. The system uses isolation, boredom and uncertainty to break you. So stay cool and focused, even though it's not an easy task. Try to do as much as you can to kill the time in a meaningful way. Ask to be taken to the library, write letters, ask to be allowed to go to the workout room, sign up for school, sign up for gym class. Ask the guards and the other prisoners what your possibilities are. Even things that on the outside would be a terrible waste of life, like going to the prison church or talking to a priest, can be a halfway meaningful thing when you are locked up. Especially since the teachers and priests are not guards. If you don't have visit and letter control, ask the guards to give you visiting applications and then send them to your friends as fast as possible, so they can apply for a visit. The process is also long and bureaucratic, but a visit from the outside is something that is worth fighting for. If you have visit and letter control you have to apply to the police for visits to be allowed.

Try to get a daily routine on the inside, the prison system is a machine and it wants you to be institutionalized as fast as possible. Don't fall into what seems to be the "easy" path through the prison system. People who conform to the prison way of life are the ones that have the hardest time to function in real life when they get out. Make your own routines; stay up all night sometimes, communicate with the prisoners in the nearby cells, find the loopholes in the prison rules and use them, insist (in a friendly way if necessary) that the guards speak to you and treat you with respect (not that it always has any effect, but at least you've tried).

Talk to other prisoners, most are not as unfriendly as they might seem, after all, you have a common adversary in the guards and the police. What you must never do is to take loans from other prisoners and especially those who push drugs. Debt in the prison system quickly gets doubled and doubled again, until you're up to your neck in shit.

House raid

If you're charged with a crime, imprisoned or just under suspicion in a case, which the cops estimate has involved some sort of planning; it's likely that your home address will be raided.

As roommate or resident of an address which is the same as a suspect/prisoner, it is important to be aware of the risk of the cops showing up with a search warrant. If they are not let in, they can legally break down your door.

You should always demand to see the search warrant BEFORE you let cops inside your home. You have to be aware though, that they under certain circumstances can perform a house raid without a warrant and then go to a judge within the next 24 hours and obtain a warrant "with retroactive effect". If this happens you should meet up in court with a lawyer and protest to the raid.

You have the right to be present while the cops perform the search. You also have the right to an impartial witness (this could be a neighbor). It is important that you use this right, as it can help to minimize the amount of vandalism the cops will inevitably exercise on your home.

Deportation

The Danish authorities are very keen on shipping non-Danish citizens out of the country, even for minor offences. They have been known on several occasions to arrest people, give them a warning for some ridiculous misdemeanor and then deport them. They can do this because of Denmark's extremely harsh and rightwing immigration laws. If you get deported you will usually not be allowed to enter the country again for a period of 1-5 years. The cops have recently started to demand that people arrested for minor offences (like shoplifting or traffic violations) pay their fines before they can get released.

Keep your eyes open

At big demonstrations and actions it is a good idea to keep an eye on your friends and have them to keep an eye on you. Then you will be able to help each other if potentially dangerous situations arise. It's also easier to find out later who is arrested, and who are maybe just lost in the crowd.

Mobile phones

Be aware that if you're arrested with your phone on you, the police will have easy access to all your contacts, phone calls and sms activity you've had prior to your arrest. Understand that your whereabouts on any given time can be determined by which phone mast you're using when you're operating your phone. This is pretty accurate (depending how many masts are in the area); from a few hundred meters to a dozen or less. The information is stored by the phone companies for (at least) a year, so the police can map where you've been a year back if they need to. Another thing to be aware of is that the police prosecutor sometimes use as an excuse for imprisonment that the police "need time" to investigate your phone activities.

Computers

Some of your internet activities in DK are stored for one year. This means that homepages and servers you visit to some extent can be mapped. Also recipients of emails you send and receive can be tracked, at least to the server they've sent to and from. If your home is raided you can be sure that your computer will be confiscated. Remember that even deleted files and programs can be recovered from a hard disk by people who know what they are doing.

Last Words

All of the above is not written to scare you, on the contrary: knowing what you're up against can only make you stronger and better capable to deal with cops and judicial system. Yes, you have some rights. They are supposed to be respected by the police, courts and prison system, more than often they are not. Police use excessive violence, charge you with crimes you haven't committed and lie in court. Judges will convict you, not by the evidence against you, but by prior felonies, the way you look and who your friends are. Sometimes prison officials will try to make a near hopeless situation even more desperate. Don't give in to their terror.

Remember that they're breaking their own rules to make their shitty system work. It's their justice, not ours.