Atbildētāji (kriminālprocesā)

Dānija

Šajā faktu lapā ir paskaidrots, kas notiek, ja personu tur aizdomās vai attiecībā uz to ir izvirzīta apsūdzība par noziedzīgu nodarījumu, kuru izskata kriminālt iesā. Lai iegūtu informāciju par ceļu satiksmes noteikumu pārkāpumiem, kuriem parasti piemēro sodu, kas paredzēts par maznozīmīgiem pārkāpumiem, piemēram, naudas sodu, skatīt 5. faktu lapu. Ja esat cietušais noziedzīgā nodarījumā, informāciju par savām tiesībām atradīsiet šeit.

Kriminālprocesa īss apraksts

Šeit turpmāk ir sniegts īss parasto kriminālprocesa stadiju apraksts.

Policija veic visu kriminālllietu izmeklēšanu, ieskaitot aizdomās turēto, cietušo un liecinieku nopratināšanu.

Ja policijai ir aizdomas, ka esat izdarījis noziedzīgu nodarījumu, jums izvirzīs apsūdzību. Kad ir izvirzīta apsūdzība, jums ir noteiktas pamattiesības, piemēram, tiesības uz juridiskajām konsultācijām, ja apsūdzība izvirzīta par smagu noziegumu izdarīšanu.

Par jūsu aizturēšanu lemj policija.

Ja esat izdarījis smagu noziegumu, pēc tam, kad lietu ir izvērtējis tiesnesis, jūs var paturēt apcietinājumā, kamēr lieta tiek izmeklēta.

Kad izmeklēšana ir pabeigta, lietu nosūta prokuratūrai, kura nosaka, vai izbeigt kriminālprocesu vai nodot lietu tiesai.

Ja prokuratūra nolemj lietu nodot tiesai, tai jāizsniedz paziņojums par maznozīmīgiem nodarījumiem piemērojamo sodu, apsūdzības raksts vai lūgums tiesai dot norādījumus.

Rajona tiesa izt iesā kriminālllietas kā pirmās instances tiesa. Tiesnešu skaits ir atkarīgs no nozieguma smaguma un tā, vai esat atzinis savu vainu vai ne.

Par tiesas spriedumu parasti var iesniegt apelāciju augstajā tiesā. Jūs varat lūgt atkārtoti izt iesāt lietu vai pārsūdzēt spriedumu.

Ja pret jums ierosinātā kriminālllieta tiek izbeigta vai jūs attaisno, jums ir tiesības un kompensāciju par nepamatotu turēšanu apcietinājumā.

Dānijas Ieslodzījuma vietu un probācijas dienests atbild uz jautājumiem par soda izciešanu.

Plašāku informāciju par kriminālprocesa stadijām un jūsu tiesībām atradīsiet faktu lapās. Šī informācija neaizstāj juridiskās konsultācijas un ir paredzēta tikai jūsu zināšanai.

Noteikumi attiecībā uz kriminālprocesu, ieskaitot policijas veikto izmeklēšanu, lietas sagatavošanu no apsūdzības puses un tiesas procesu, ir noteikti Dānijas Likumā par tiesu sistēmas pārvaldi.

Ņemiet vērā, ka īpašus noteikumus piemēro Grenlandē un Farēru salās.

Saskaņā ar Lisabonas Līgumu Dānija ir izvēlējusies nepiedalīties ES sadarbībā tieslietu un iekšlietu jomā, tātad tā nepiedalās šajā sadarbībā tāpat, kā citas dalībvalstis. Tāpēc katrā atsevišķā gadījumā jums ir jānoskaidro, vai konkrētie tiesību akti ir piemērojami Dānijā.

Eiropas Komisijas loma

Ņemiet vērā, ka Eiropas Komisijai nav nekādu pilnvaru kriminālprocesos dalībvalstīs, un tā nevar jums palīdzēt, ja jums ir sūdzības. Šajās faktu lapās ir sniegta informācija, kā un kam iesniegt sūdzību.

Sīkāku informāciju skatiet šeit norādītajās saitēs

1. Juridiskās konsultācijas
2. Manas tiesības noziedzīga nodarījuma izmeklēšanā
Pirmstiesas izmeklēšana, t. sk. nopratināšana
Aizturēšana (t. sk. Eiropas apcietināšanas orderis)
Obligātā iepriekšējā noklausīšanās un paturēšana apcietinājumā
Piespiedu līdzekļi
Lēmums, vai pret jums izvirzīt apsūdzību vai ne
Aizstāvības sagatavošanās tiesai
3. Manas tiesības tiesas procesā
4. Manas tiesības pēc lietas izskatīšanas tiesā
5. Ceļu satiksmes noteikumu un citi maznozīmīgi pārkāpumi

Saites

Dānijas tiesu sistēma
Tiesību aktu pilna teksta datubāze
Kā Dānijā atrast advokātu
Informācija par soda izciešanu:

Lapa atjaunināta: 13/08/2019

Šīs lapas dažādās valodu versijas uztur attiecīgās dalībvalstis. Tulkojumu veic Eiropas Komisijas dienestā. Varbūtējās izmaiņas, ko oriģinālā ieviesušas kompetentās valsts iestādes, iespējams, nav atspoguļotas tulkojumos. Eiropas Komisija neuzņemas nekādas saistības un atbildību par datiem, ko satur šis dokuments, vai informāciju un datiem, uz kuriem šajā dokumentā ir atsauces. Lūdzam skatīt juridisko paziņojumu, lai iepazītos ar autortiesību noteikumiem, ko piemēro dalībvalstī, kas ir atbildīga par šo lapu.

1 - Getting legal advice

It is very important that you get legal advice if you are somehow involved in a criminal process. The factsheets tell you when and in what circumstances you are entitled to be represented by a lawyer. They also tell you what a lawyer will do for you. This general factsheet tells you how to find a lawyer and how the costs of the lawyer will be met if you cannot afford to pay for the lawyer's services.

Finding a lawyer

You have the right to be represented by a lawyer of your own choice. The lawyer must be entitled to appear before the Danish courts. You can find a list of all Danish lawyers here. On that website you can also see whether a lawyer specialises in criminal law, tax law or any other branch of law that is relevant to your case.

For each court in Denmark, the Danish Ministry of Justice has appointed a group of local lawyers with special experience in criminal cases. These lawyers are independent lawyers who run their own private law firms. The court can give you a list of these lawyers. If you do not ask for a specific lawyer, one of the lawyers on this list will be assigned to your case if the appointment of a legal representative is mandatory, for example if the police take you into custody.

Paying for a lawyer

If the court has appointed a lawyer for you, his or her fee will usually be paid from public funds. In connection with its ruling, the court will also determine the lawyer's fee. The fee will be determined on the basis of rates used by the courts in all criminal cases in which a legal representative has been appointed, whether or not it is a lawyer chosen by you.

The court will also decide who is ultimately to pay the lawyer's fee. If you are found guilty, you will usually have to pay the amount of the fee to the public authorities (the State of Denmark). The State will seek to recover as much of the amount as you can afford to pay.

If you are acquitted, or if the court's ruling is substantially more lenient than anticipated by the prosecutor, the court will typically order the authorities to pay the lawyer's fees and expenses. The court may also choose to let the authorities pay part of the lawyer's fees and expenses. This could be the case if court hearings were held in vain due to circumstances beyond your control.

You may appeal against the decision on the amount of the lawyer's fee and the ultimate liability for its payment to the high court within two weeks of the decision.

It is not possible to apply for free legal aid in criminal proceedings, and such legal aid will normally not be covered by legal expenses insurance policies.

Related links

Part 66 of the Danish Administration of Justice Act

List of lawyers in Denmark

Last update: 13/08/2019

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2 - My rights during the investigation of a crime and before the case goes to court

What are the stages of a criminal investigation?

Criminal matters are investigated by the police. The police will typically investigate a case because they have been notified that a person has been a victim of violence or theft, or because the police, or possibly a citizen, have apprehended a person in the act of committing a crime.

Preliminary charge

At first, the police will seek to establish whether a criminal offence has been committed, and whether there are one or more identifiable suspects who may be charged with the crime. In that connection, the police will typically want to question the suspect.

Arrest

The police may detain a suspect.

Preliminary statutory hearing and pre-trial detention (including European arrest warrant)

If the police wish to detain a suspect in order not to jeopardise the police investigations or for some other reason, the suspect must be brought before a court within 24 hours of his or her arrest so that the matter can be submitted to a judge.

Intrusive measures

In addition to questioning the suspect and potential witnesses, the police may obtain information during the investigation by means of intrusive measures such as searches, surveillance of telecommunications, telephone tapping, etc. Most intrusive measures must be approved by a court before they are used.

Decision as to whether or not to file charges against a suspect

The purpose of the police investigation is to provide information that makes it possible for the prosecutor to decide whether or not to file charges against a suspect. If there is insufficient evidence to prove that a suspect has committed a criminal offence, the prosecution will drop the case.

At the local level, the police and the prosecution service are under the same management, so the prosecution service will often be involved at an early stage of the case, including the planning of the investigation.

Preparing for trial by the defence

For more information about the right to be informed about the investigation and to influence it, see here.

My rights during the investigation

Click on one of the following links for further information about your rights at each stage of the case.

Preliminary charge, including questioning (1)
Arrest (2)
Preliminary court hearing and pre-trial detention (including European arrest warrant) (3)
Intrusive measures, including searches (4)
Decision whether or not to bring charges against a suspect (5)
Preparation of the case by the defence (6)

Preliminary charge, including questioning (1)

Why am I being charged?

You are charged because the police strongly suspect that you have committed a crime and that the police investigation will from now on focus on you and not some other person.

What does it mean that I am charged?

It means that you will be told what kind of crime the police believe you have committed. The police must tell you which provision of law they believe you have violated. You have the right to follow the investigation of your case through a lawyer, and in case of serious criminal offences you have the right to a court-appointed lawyer.

Why do the police want to question me?

The police want to question you to find out whether their suspicion that you have committed a criminal offence is correct or not. The police will use your statement in their further investigations. Later, the prosecutor will use your statement to decide whether the case should be tried as a guilty plea case.

Where and when may the police question me?

There are no special rules as to where and when the police may question you. The questioning must be conducted so that your rights are not unduly violated. The police are generally not allowed to contact you at your place of work. The police will typically start asking you questions at the crime scene. In many cases, the police will ask you to go to the police station for a more detailed interview.

What if I don't speak the language?
If you don't speak the local language, you have the right to an interpreter who can interpret to and from your own language. The police will provide the interpreter, and you do not have to say anything until the interpreter arrives.
Do I have to make a statement to the police?
You must state your name, address and date of birth to the police. You do not have to say anything else. You do not have to tell the truth. The police must inform you of these rights before the interview. It depends on your case and the gravity of the charges whether it would be favourable to your case that you make a statement to the police. If you don't know whether you should answer questions, you should ask your lawyer.
Will I be able to speak to a lawyer?
You have the right to speak to a lawyer of your own choice before you decide whether you will agree to a police interview. If you don't know a lawyer, the police will find one for you.
Your lawyer has the right to be present during the interview but may not advise you on how to answer specific questions.
Can I check that the police have understood my statement correctly?
The police must write down your statement. You may read the report or have it read to you and then comment on it. It is up to you to decide whether or not you want to sign the report. Many lawyers will advise you not to do so if you do not understand the language.
What happens if I say something which is bad for my case?
If you have said anything that may harm your case, the police may use the information in their investigations. As a general rule, a police report is not evidence and cannot be used against you at trial on its own. The prosecutor may ask questions about details of the report. Changing your statement may harm your credibility.
Arrest (2)
Why am I being arrested?
You can be arrested when the police have reason to suspect that you have committed a criminal offence, if arrest is necessary to prevent you from committing other criminal offences, to ensure your presence or to ensure that you do not speak to others. You may also be arrested on the basis of a European Arrest Warrant issued by another EU Member State.
Can the police arrest me in all types of cases?
You will not be arrested if arrest would be disproportionate to the gravity of the offence with which you are charged. For example, it is highly unlikely that you will be arrested if you are suspected of having committed an offence for which the maximum penalty is a minor fine.
Where will the arrest be made?
The arrest will usually be made at the local police station. You will normally be held in a waiting cell until the police can question you (see Preliminary charge, including questioning (1)).
Can I see a doctor if I need one?
If you are ill, injured or under severe influence of alcohol or drugs, you have the right to see a doctor. You should tell the police that you need to see a doctor, also if you need special medication.
Can I contact a lawyer?
If you have been arrested, you have the right to contact a lawyer of your own choice before you decide whether you want to agree to a police interview. In certain cases, the police may refuse to let you have a specific lawyer. You may complain about this to the court.
Both the police and your lawyer must explain to you that you can have a court-appointed lawyer and who will have to pay for him or her.
Can I contact my embassy if I am from another country?
If you are a foreign national, you have the right to contact your country's embassy. The police can help you contact the embassy.
Can I contact my family?
You have the right to let your family or employer know that you have been arrested. The police may refuse to comply with your request to contact them if they believe that such contact could interfere with the case. The police may choose to inform your family on your behalf.
For how long can I be held under arrest?
You must be released as soon as the grounds for your arrest no longer apply. If you have not been released within 24 hours, you must be brought before a court (preliminary statutory hearing) so that a judge can decide whether you should be released, whether your arrest should be extended (which is possible for up to 3 x 24 hours), or whether you should be held in custody (Preliminary statutory hearing and custody (3)).
When may an arrest be extended beyond 24 hours?
If the judge who hears the case at the preliminary statutory hearing finds that the evidence produced is inadequate for deciding whether you should be held in custody, your arrest may be extended for 3 x 24 hours from the time when the first hearing ended.
Preliminary statutory hearing and custody (3)
Why am I being held in custody?
You are held in custody because the police believe that it is necessary to detain you for a while or as long as the investigation is ongoing. You may also be held in custody to ensure that you will be available for extradition to another Member State under a European Arrest Warrant.
Who decides whether I must be remanded in custody?
A judge decides whether the conditions for holding you in custody are met. Before the judge decides whether you should be held in custody as requested by the police, a hearing is held (preliminary statutory hearing). During that hearing, the prosecutor will present the police's understanding of the case, and you will also have an opportunity to present your point of view. The judge will decide whether to remand you in custody, but not whether you are guilty as charged.
Can I be remanded in custody in all types of cases?
You may be remanded in custody on the following conditions:
The police must be able to explain why they suspect that you have committed an offence for which you may be sentenced to imprisonment for 18 months or more.
The potential sentence must be more than 30 days of imprisonment.
The police must be able to satisfy the judge that it is important that you are not released as long as the police investigation is ongoing, for one of the following reasons:
The police believe you will evade punishment.
There is reason to believe that you will continue to commit the same type of crime.
There is reason to believe that you will impede the investigation if released.
The crime is so serious that it would be offensive to others if you were allowed to go free while awaiting trial.

In rare cases you may avoid custody even though the conditions for holding you in custody are met, that is if imprisonment would be extremely burdensome for your personal circumstances. It is important that you inform your lawyer of such circumstances.

Where will the preliminary statutory hearing be held?

The preliminary statutory hearing will be held at the local court. You will normally be held in a waiting cell until you enter the courtroom.

Must I testify during the preliminary statutory hearing?

You do not have to make a statement or tell the truth. It depends on the nature of your case and the gravity of the charges whether it would be favourable for you to make a statement before the court. You should consult your lawyer to determine whether it would be best for you to testify or not.

Will I be able to speak to a lawyer?

The court will appoint a lawyer to represent you in court. If you do not ask for a particular lawyer, the court will appoint the lawyer on duty that particular day. For more information, see Factsheet 1.

You have the right to discuss the case with your lawyer before the hearing. If you and the lawyer do not speak the same language, you are entitled to the help of an interpreter. Your lawyer will protect your interests during the hearing and may also ask you questions.

Can I check that the court has understood my testimony correctly?

The judge will enter the essential elements of your testimony in the court records. Your statement will be read out loud to ensure that it has been understood correctly.

What happens if I say something which is bad for my case?

Your testimony in court may be used as evidence in the case.

For how long can I be remanded in custody?

The judge will decide during the hearing whether you should be released or remanded in custody. In some cases, the judge will rule that your period of detention must be extended by 3 x 24 hours (see Arrest (2)).

If you are imprisoned, the judge will fix a maximum time limit of four weeks. This means that you must either be released before the expiry of that period, or your case must be brought before a judge again to ensure that the conditions for continued imprisonment are met. There is no maximum limit for the time you may be kept in custody. This will depend on the nature of the case.

You must be released as soon as the reason for your arrest no longer applies.

What is solitary confinement?

Sometimes the police will request that you be kept in solitary confinement so that you have no contact with other prisoners. You may only write to or telephone others under police supervision. It is the judge who decides whether you should be kept in solitary confinement.

Can I appeal against the ruling on custody and solitary confinement?

You can appeal against a ruling on custody or solitary confinement to the high court. The usual way to do this is to say that you want to appeal at the hearing where your case is heard.

Can I avoid custody if I surrender my passport or post bail?

The criminal code makes it possible for you to avoid being detained if you surrender your passport or post bail. However, this rarely happens in practice.

Intrusive measures (4)

During their investigation, the police may obtain information by using various intrusive measures, some of which are described below.

Are the police allowed to take my fingerprints and a photo of me?

The police may take your fingerprints and a photo of you on the following conditions:

You are suspected of having committed an offence and the measure is necessary for the police investigation.

The police have good reason to suspect that you have committed an offence for which you may be sentenced to imprisonment for 18 months or more.

Are the police allowed to take DNA or blood samples from me?

The police may take a DNA sample or blood sample from you on the following conditions:

There are reasonable grounds to suspect that you have committed an offence for which you may be sentenced to imprisonment for 18 months or more, and the measure is considered to be very important to the investigation.

A blood sample may be taken if alcohol or drug intake is an element of the crime of which you are suspected.

Are the police allowed to search me and my clothes?

The police may search your outer clothing on the same conditions as those applying to the taking of photographs.

Are the police allowed to check my mobile phone and search my car?

The police may check your mobile phone to find your telephone number and the IMEI number of your telephone and may also search your car on the following conditions:

The police have good reason to suspect that you have committed a prosecutable offence.

The search is assumed to be very important to the investigation.

Are the police allowed to search my home?

The police may search your home on the following conditions:

The police have good reason to suspect that you have committed an offence that can be prosecuted.

The search is considered to be very important to the investigation.

The offence may lead to imprisonment.

The police can substantiate that they are likely to find evidence relating to the crime or objects that the police should seize for other reasons.

Who decides that an intrusive measure is to be used?

The court decides whether your home may be searched. If there is reason to fear that evidence may disappear if the search is not conducted immediately, the police may conduct the search without having obtained a search warrant. The search must be brought before the court within 24 hours after it has been conducted. If you give your written consent to a search of your home, the police can make the decision to search your home.

The police decide whether to take your fingerprints, DNA and blood samples and a photo of you. The police also have the right to check your mobile phone, search your car, etc.

Can I complain?

If you want to complain about the investigation carried out by the police you can file such a complaint with the court.

Court decisions concerning searches and the planning of the investigation may be appealed against to the high court within two weeks of the court's decision.

Can I demand that the police destroy the fingerprints, photographs, DNA traces and blood sample results?

If the prosecution drops the case, or if you are acquitted, the police must destroy their photo of you. The police may keep your fingerprints and DNA samples but must destroy them after a certain period of time.

Can I claim compensation?

If you have been detained, imprisoned or exposed to an intrusive measure, and it subsequently turns out that the detention, imprisonment or intrusive measure was unjustified, you will generally be entitled to compensation. The Director of Public Prosecutions issues an annual notice about the rates to be used when determining the amount of such compensation.

Decision on whether or not to bring charges against you (5)

Once the police have concluded their investigation, your case will be sent to the prosecution service, who will decide how to proceed.

Can I plead guilty to all or some of the charges before the trial?

If you have admitted during the police investigation that you are guilty of the most serious charges against you, the prosecution will usually try to have the case treated as a guilty plea.

What is an indictment?

The indictment forms the basis of the hearing of the case in court. The indictment must specify the statutory provisions that you are accused of having violated and must contain a description of how you have committed the offence(s). The description must be so precise that you can to prepare your defence on the basis of it.

Can I be charged with offences other than those the police have charged me with?

The prosecution service prepares the indictment. If the prosecution service has a view on the case that differs from that of the police, the indictment may contain new or different counts.

Can new counts be added to the indictment?

The prosecution must try to collect all pending charges against you so that a collective verdict can be delivered. The indictment may therefore contain new counts if you have been charged with an offence on several occasions.

Special rules apply if you have been extradited to Denmark under a European Arrest Warrant or under an extradition agreement. If you are indicted on new counts, you should consult your lawyer about them.

Can the indictment be changed?

An indictment can be changed or extended if a new indictment is prepared and served, which can be done until the date on which the court proceedings begin.

If the prosecutor in the case believes that the sentence for a count should be stricter than stated in the indictment, such a change is only possible if the Public Prosecution Service agrees to change the indictment. If it is changed, you must be notified within two months.

Once the court proceedings have started, only very limited changes may be made to the indictment. The court decides whether a change will be allowed.

Can I be charged with an offence that I have already been charged with in another Member State?

It cannot be ruled out that you may be charged with an offence which you have already been charged with in another country. However, you cannot be found guilty of a charge if you have already been sentenced for or acquitted of it in another country.

Will I receive information about the witnesses against me?

The prosecutor must file the indictment with the court together with a list of evidence stating the names of witnesses. Your lawyer will receive a copy of this list. You usually have a right to know the identity of the witnesses.

Preparation of defence (6)

On what basis can my lawyer and I prepare my defence?

Your lawyer will normally receive copies of all reports prepared by the police during their investigation. You have a general right to see the material. Your lawyer may only give you a copy of the material if permitted to do so by the police.

Am I entitled to see all the material produced by the police?

The police can order your lawyer not to give you certain information about the case material if this is deemed necessary to protect the interests of foreign powers or to provide evidence. Such an order may only be issued in serious cases, and only until you have testified in court.

Who decides whether I can see all the material?

The police will submit the material and decide whether a prohibitory injunction should be issued for part of or all of the case. The police's decision can be appealed against to the court, which will then decide the matter.

Can I participate in all hearings of the case?

Generally, you have the right to be present at all court hearings where the court decides whether you should be remanded in custody, or at which accomplices or witnesses will be examined before the trial.

If requested to do so by the police, the court can decide not to allow you to be present at the hearings. In that case, you have the right to be told what happened at the hearing. The court may rule that you are not to receive such information. You have a right to be told what happened at a hearing you could not attend. At the latest, you must be told when you have testified before the court.

Can my lawyer participate in all hearings of the case?

Your lawyer is entitled to participate in all hearings of the case. This also applies to hearings where the court is to decide whether to allow bugging or telephone tapping, searches or other intrusive measures that require prior court approval.

Can my lawyer participate in the police investigation?

Your lawyer must be informed of the investigation and is entitled to participate in that part of the investigation that may serve as evidence in the case against you. Examples are identification parades, reconstructions, etc.

Can my lawyer conduct his/her own investigation?

Your lawyer will normally ask the police to make further investigations if you believe they have failed to obtain information that could help your case. If the police refuse to make such further investigations, the matter may be brought before the court, which may order the police to conduct the relevant investigations.

Your lawyer may also choose to make his/her own investigation. However, that rarely happens in practice. If your lawyer conducts his/her own investigation of the case, he or she may not obstruct the police investigation, and your lawyer's own investigation must comply with the codes of ethical conduct that apply to lawyers.

Can my lawyer summon witnesses to testify in court?

Your lawyer can ask for certain witnesses to be summoned to testify in court. If the prosecution objects to those witnesses being heard, the court will decide whether the hearing of the witnesses in question is relevant.

Related links

Danish Administration of Justice Act

Danish Act on the establishment of a central DNA register

Director of Public Prosections

Danish Extradition Act

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3 - My rights in court

Where will the trial be held?

The trial will be held in the local city court and will be open to the public. If you have admitted that you have committed the offence or offences with which you are charged, the prosecution will ask for proceedings on an admission of guilt. In that case, the court will only consist of one professional judge. The same applies if the only penalty claimed is a fine.

If you have not admitted your guilt, your case will also be heard by lay judges, and the court will then consist of one professional judge and two lay judges.

If the prosecutor demands imprisonment for four years or more, the case will be heard by a jury. The court will then consist of three professional judges and six jurors. Exceptions are cases concerning narcotics-related crime and economic crime, which are heard by professional and lay judges regardless of the sentence demanded.

Can the charges be changed during the trial?

If the case is to be heard as a guilty plea case, it can be agreed that the charges will be adjusted to fit the crime that you can plead guilty to.

As soon as the trial against you has begun, only minor elements of the charges may be changed. The charges may not be extended without your consent.

What are my rights during the trial?

You must be present during the entire trial. The court may allow you to leave a hearing when you have made your own testimony.

If you have been notified of a hearing, but fail to attend court without a lawful excuse, the court may decide that the witnesses are to be examined in your absence. The court may give its decision in your absence if the prosecution has asked for imprisonment for up to six months and you have given your consent that the trial may be concluded. If you receive an unconditional sentence of up to three months of imprisonment, the case may be concluded even without your consent.

Since 1 November 2009 it has been possible to attend legal proceedings by means of a video link if the maximum sentence asked for is a fine or imprisonment for up to one year. However, not all courts have installed the equipment needed to give you this option.

If you do not speak and understand the language of the court, you have the right to the help of an interpreter during the entire trial. The interpreter will also assist you if you need to speak with your lawyer during a hearing.

If you do not already have a lawyer, the court will appoint one for you if you plead not guilty to the charges made against you, and if the sentence asked for is more than a fine. If you plead guilty in a case in which the prosecution asks for a prison sentence, the court will appoint a lawyer for you if you ask for one. If you disagree with your lawyer or for some other reason wish to have a new lawyer, your wish will usually be granted.

You do not have to answer any questions during the trial or to tell the truth. You cannot be punished for giving untruthful evidence during the trial. Your lawyer can advise you on whether your interests are best served if you make a statement in your case.

What are my rights in relation to the evidence against me?

The use of written evidence during trial is governed in detail by law. Other than that, there are almost no rules, and you are free to produce any kind of evidence. You and your lawyer can challenge the admissibility of witnesses or evidence, in particular if they are irrelevant to your case or if evidence has been unlawfully obtained. The court decides whether or not to admit such witnesses or evidence challenged by you. In most cases, unlawfully obtained evidence will be declared inadmissible in court. The court will consider the weight of the evidence in question after having heard the other evidence.

You can ask for certain witnesses to be called to testify at a hearing or for a certain piece of evidence to be produced in support of your case. This could for example be a passenger list which shows that you were not at the scene of the crime when it was committed. If the prosecution disagrees with the relevance of certain evidence, the court will decide on the matter.

The party who called a witness will examine the witness first. Afterwards, the other party will have an opportunity to cross-examine the witness. When deciding on its verdict, the court will assess the certainty and reliability of the witness statements given during the trial.

Will my criminal record be taken into account?

Information about previous convictions will be taken into consideration if it follows from the description of the offence that it is a repeat offence. In rare cases, information about the mode of operation used in a previous case can be invoked to substantiate guilt or innocence in the pending case. It will normally affect the length of your sentence if you have previously been convicted of a similar offence, or if you committed the offence during the probation period following a suspended sentence or during release on parole.

Normally, no inquiries will be made about any previous convictions you may have in another Member State.

What happens at the end of the trial?

The case ends with the court's ruling. The outcome can be one of the following:

Acquittal

Fine

Suspended sentence, which may also be an order for treatment or an order for community service

Unconditional prison sentence

In case of a suspended sentence, the court will normally fix a prison sentence that you will not be required to serve if you do not commit another offence during the probation period, which is typically one or two years. As conditions for probation, the court may require that you remain under the supervision of a probation officer, are treated for alcohol abuse or other types of abuse, receive psychiatric treatment and/or perform a certain number of hours of unpaid community service determined by the court.

There are special sanctions for juvenile offenders (offenders under the age of 18).

What is the role of the victim during the trial?

The victim is considered a witness like all other witnesses. However, in certain cases the victim has the right to a lawyer who is separately appointed by the court and/or to be awarded damages during the trial, provided that the claim for damages is simple and well documented and that the court's award of damages does not cause any material inconvenience.

Related links

Danish Administration of Justice Act

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4 - My rights after the court has made its decision

Can I appeal?

The court makes its decision at a hearing. You can appeal against the decision, verdict or sentence to the high court. You can either ask for acquittal or reduction of your sentence. If you believe that serious mistakes were made during the trial of your case before the district court, you can ask for the case to be sent back to the district court for a retrial with new judges.

You can appeal orally against the conviction, verdict or sentence at the hearing at which the decision is pronounced. You can also appeal in writing to the district court or the prosecution service. Your appeal must be filed within two weeks. If you have a lawyer, he or she will typically take care of the practicalities in connection with your appeal. If your sentence is a fine of DKK 3,000 or less, you need permission from the Danish Board of Appeal Permission to appeal the decision. Your application to the Board of Appeal Permission must be submitted within two weeks of the decision.

What happens if I appeal?

If you appeal against the court's decision, the case will be heard by the high court. This hearing, too, is open to the public. There is no time limit as to when the case must be heard by the high court.

If you have been remanded in custody, the high court must hear your case before any other cases. The high court must also decide whether you should remain in custody until and during the appeal proceedings.

If you appeal for acquittal, your case will be retried by the high court. In that case, you are entitled to produce new evidence. You should discuss with your lawyer as quickly as possible what new evidence should be introduced in the appeal case. As soon as the prosecution has disclosed what evidence it will rely on in the high court proceedings, your lawyer will normally have 14 days to disclose your evidence. You may be able to obtain an exemption from the 14-day time limit.

If you only appeal for a reduction of your sentence, the high court will only consider the sentence. In such cases the parties will not produce any evidence to the high court, but your lawyer may ask the court to obtain additional information about your personal circumstances which is relevant to the fixing of the sentence or the question of extradition.

What happens at the appeal hearing?

If you have appealed for acquittal, the case will be retried by the high court. In practice, the high court will often begin by reading out the statements made by you and the witnesses in the district court proceedings. However, if you and your lawyer disagree with this procedure, the statements must be given anew.

If you have appealed for a reduction of your sentence, the high court will take the evidence presented in the district court into account and will decide on the sentence on that basis.

The high court will announce its decision at the hearing. The high court can decide to uphold the district court judgment, to increase or reduce the sentence, or to acquit you. If you are acquitted or if the sentence is reduced, the costs of the appeal will be paid for out of public funds. The same applies if the prosecution appealed against the judgment and the high court only affirms it. In all other circumstances you are likely to be ordered to pay the costs of the appeal proceedings.

What happens if the appeal is successful/unsuccessful?

The high court judgment will supersede the district court judgment and will generally be final and conclusive. The case may extraordinarily be brought before the Supreme Court with permission from the Board of Appeal Permission. Such permission is normally granted only if the case is a matter of principle and therefore a test case, or for other special reasons. The Board only grants permission for a few criminal cases to be brought before the Supreme Court. Your lawyer can advise you on your chances of obtaining such permission.

If you are acquitted and if intrusive measures such as arrest, detention or search were used in the investigation, you can claim damages. Your claim must be made in writing to the regional public prosecutor no later than two months after the court's ruling. Your lawyer will normally take care of the practicalities in connection with raising the claim. Don’t forget to let your lawyer know where you can be contacted in your own country.

I am from another Member State. Can I be sent back there after the trial?

You can normally be sent to another Member State to serve your sentence. Usually, this will only happen if you ask to be sent back to your own country to serve your sentence. You must send your application for serving your sentence in your own country to the Danish Ministry of Justice.

If I am convicted, can I be tried again for the same crime?

In Denmark, you cannot be sentenced twice for the same crime. The same principle applies in other European countries. Since the penalty provisions can be different from country to country, you have to ask about this in the country that might pursue the crime as well.

Information about the charges/conviction

As soon as a case has been decided, the decision will be reported to the Central Crime Register. Decisions concerning violations of the Danish Criminal Code will be entered in the decision part of the register. Decisions concerning violations of other legislation will be registered if you are given a prison sentence or a disqualification sentence (sentence depriving you of a right). The decision will be registered with specification of the name of the court that issued the judgment, the date of the judgment, the statutory provisions that were violated, and the sentence.

There are restrictions as to which decisions will be included in the criminal record that can be issued for your personal use. The data are stored electronically, and deletion of the data depends on the seriousness of the sanction. You can make a complaint about registration or deletion errors, but not about the actual registration of a decision. Complaints about registration must be submitted to the Office of the National Commissioner of the Danish Police, which is the data authority in relation to criminal records.

Related links

The Danish Administration of Justice Act

Executive order on the processing of personal data in the Central Crime Register

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5 - Minor offences

How are minor road traffic offences dealt with?

If you are stopped by the traffic police, who are concerned with enforcement of road traffic laws, you can either admit or deny your guilt. The police must charge you with the offence they believe you committed. You have the rights of a defendant and do not have to make a statement to the police.
The penalty for a road traffic offence is normally a fine. Road traffic offences are dealt with in the same way as other offences for which the penalty claimed is a fine. The police will send you a bill for the fine. If you pay the bill, it means that you admit the charges. If you do not pay the bill, the case will be sent to court. You will be summoned to appear at a hearing where evidence concerning the offence can be produced.
The Director of Public Prosecutions has issued a penalty catalogue for traffic offences where you can check that your fine matches the fines usually given for the type of traffic offence you have committed.
The Road Traffic Act allows the police to impound your vehicle if you are resident outside Denmark and your car is registered in a country other than Denmark. The vehicle may be impounded until the fine is paid or until security is provided for payment of the fine. If you don't agree that you committed a road traffic offence, you will therefore in certain cases have to provide security for payment of the fine and ask for the case to be heard in court. The police frequently use the right to impound vehicles.
There are special rules for vehicles and drivers from other Scandinavian countries.

How are parking offences dealt with?

Parking restrictions are normally enforced by traffic wardens working for a local authority or a private enterprise, and not by the police. If you park illegally, you will receive a parking fine. The parking fine will be put on your car.
If you meet the traffic warden before he or she records the parking offence, you can raise your objection directly to the traffic warden. The traffic warden may decide not to record the offence or make a note about your objection. If you receive a parking fine, the fine must be accompanied by guidelines on how you can complain about the fine. There is no central complaints body.

Parking fines are collected in the same way as other civil claims. This means that the claim will be sent to a collection agency in your country of residence if you do not pay the fine.

Will this type of offence appear from my criminal record?

Your criminal record will normally not include fines. However, fines for criminal offences will be included in your criminal record.
Parking fines are not regarded to be a criminal sanction and are therefore not included in your criminal record.

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