

Denmark – National Procedures for Extradition
Updated 11/11/2016

The information contained in this table should be updated on a yearly basis.

The Central Authority (name of the institution, address, telephone, fax and e-mail where available) responsible for extradition:	The Director of Public Prosecutions Frederiksholms Kanal 16 1220 København K Denmark Telephone: + 45 72 68 90 00 Fax: + 45 72 68 90 04 E-mail: rigsadvokaten@ankl.dk
If different from the Central Authority the authority to which the request should be sent (name of the institution, address, telephone, fax and e-mail where available):	
Channels of communication for the request for extradition (directly, through diplomatic channels or other):	Directly, through diplomatic channels or through INTERPOL/SIS.
Means of communication (e.g. by post, fax, e-mail ¹):	Post, fax or encrypted e-mails
Language requirements:	Danish, in one of the official languages of the Council of Europe, or in Norwegian, Swedish or German.
Documentation required:	Requests for extradition must contain information on the time, place and nature of the act committed as well as the applicable penalty clauses and information on whether an order for arrest or detention has been issued or whether a

¹ Please indicate if encryption or electronic signature is required.

	<p>judgment has been passed.</p> <p>The request must be accompanied by a copy of the decision to arrest or detain the wanted person or the judgment passed on the wanted person.</p> <p>Requests under the European Arrest Warrant must contain the information required under Article 8 of the European Framework Decision on the European Arrest Warrant.</p>	
Provisional arrest:	<p>Time limit for presentation of formal extradition request if the person is in provisional arrest</p>	<p>The limit is as a main rule 30 days. However, the court can in exceptional circumstances extend the detention.</p> <p>Regarding extradition under the European or Nordic Arrest Warrant, there are no specific time limits; however, national rules on detention apply. Therefore, it will usually not be possible to keep the person detained for more than 4 weeks.</p>
	<p>Is there a need for an explicit request for prolongation of the provisional arrest beyond the 18 days mentioned in Article 16, paragraph 4 of the European Convention on Extradition (ETS No.24)?</p>	<p>No.</p>
<p>Extradition procedures: Please describe shortly the different types of procedure (e.g. normal, simplified, other) indicating the main differences:</p>	<p>Once the request for extradition is received, the Director of Public Prosecutions makes a preliminary assessment of the request. Unless the request can be refused without further investigation, the Director of Public Prosecutions forwards the request to the competent police district for further</p>	

	<p>investigation, which includes an interrogation of the person wanted. Once the investigation has finished, the police district forwards its finding to the Director of Public Prosecutions. Based on the request for extradition and the findings by the police, the Director of Public Prosecutions decides whether or not extradition can be granted.</p> <p>Request for extradition under the Nordic Arrest Warrant are handled solely by the relevant police district.</p>
<p>Detention before and after the receipt of the extradition request, (deadlines, conditional release, etc.):</p>	<p>The national rules on detention (i.e. Chapter 70 of the Danish Act on Administration of Justice) apply in all cases. A person can be detained for 4 weeks at a time. However, this period can be prolonged with up to 4 weeks at a time.</p>
<p>Statutes of limitation for the purpose of prosecution and for the execution of sentences (general principles):</p>	<p>Prosecution</p> <p>The statutes of limitation in relation to prosecution are found in Section 93 of the Danish Criminal Code and are (with certain exceptions/modifications) as follows:</p> <ol style="list-style-type: none"> 1) 2 years for crimes with a maximum penalty of 1 year 2) 5 years for crimes with a maximum penalty of 4 years 3) 10 years for crimes with a maximum penalty of 10 years 4) 15 years for crimes with a maximum penalty of life imprisonment. <p>Execution of sentences</p> <p>The statutes of limitation in relation to execution of criminal sentences are (with certain exceptions/modifications) found in Section 97 of the Danish Criminal Code and are as follows:</p> <ol style="list-style-type: none"> 1) 5 years for sentences imposing imprisonment for 1 year or less 2) 10 years for sentences imposing imprisonment for more than 1 year but less than 4 years 3) 15 years for sentences imposing imprisonment for more than 4 year but less than 8 years 4) 20 years for sentences imposing imprisonment for more than 8 years.
<p>Provisions concerning extradition of</p>	<p>According to the Danish Extradition Act, Section 2, a</p>

nationals:	<p>Danish national can be extradited under an agreement with a state outside the European Union, e.g. under the European Convention on Extradition, if:</p> <p>1) the person in question has in the two years preceding the criminal act resided in the state seeking his extradition and the act constituting the offence for which the extradition is sought is punishable under Danish law by a period of imprisonment of at least one year, or</p> <p>2) if the act is punishable under Danish law by a period of imprisonment of longer than four years.</p> <p>If no agreement applies, extradition of a Danish national may be granted if the conditions mentioned above are otherwise met and extradition is indicated by special lawenforcement reasons.</p>
Surrender (e.g. deadlines):	<p>Surrender must as a general rule take place as soon as possible. However, the person subject to a decision to extradition has the right to bring this decision before the courts within 3 days. Therefore, surrender cannot take place before the end of these 3 days unless the person concerned has renounced this right.</p>
Other particularly relevant information (such as, specific requirements concerning double criminality):	
Links to national legislation, national guides on procedure,	<p>The Danish Extradition Act can be found (in Danish only) at:</p> <p>https://www.retsinformation.dk/Forms/r0710.aspx?id=2161</p> <p>Please note that this edition is not updated with all amending acts. Amending acts can be found in the right side of the text.</p>