

Denmark

National Procedures for Extradition

The Central Authority responsible for extradition	The Director of Public Prosecutions Frederiksholms Kanal 16 1220 Copenhagen Phone: +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	-
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 (eg. by post, fax, e-mail ¹):	Post, fax or e-mail. Neither encryption nor electronic signature is required.
Language requirements:	Danish or English.
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 judgment has been passed. If a judgment has been passed; information about whether the sentenced person was present during the trial, which led to the judgment, must be enclosed. 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.

¹ Please indicate if encryption or electronic signature is required.

	Requests under the European Arrest Warrant must contain the information required under Article 8 of the European Framework Decision on the European Arrest Warrant.
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Provisional arrest:	Time limit for presentation of formal extradition request if the person is in provisional arrest	The limit is as a main rule 30 days. However, the court can in exceptional circumstances extend the detention. Regarding extradition under the European or Nordic Arrest Warrant, there are no specific time limits; however, national rules on detention apply.
	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)?	No

Extradition procedures:	<p>Once the request for extradition is received, the Director of Public Prosecutions will make 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 district prosecution service for further investigation, which includes an interrogation of the person wanted. Once the investigation has finished, the district prosecution service forwards its finding to the Director of Public Prosecutions.</p> <p>Based on the request for extradition and investigations made by the district prosecution service, the Director of Public Prosecutions will bring the case before the district court. It is the court who will make the final decision on whether extradition can be granted or not. This decision can be appealed to the High Court.</p> <p>Request for extradition under the Nordic Arrest Warrant are handled solely by the relevant district prosecution service.</p>
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Detention before and after the receipt of the extradition request: (deadlines, conditional release, etc)	<p>The national rules on detention (i.e. Chapter 70 of the Danish Act on Administration of Justice) apply in all cases.</p> <p>A person can be detained for 4 weeks at a time, by decision of the court. However, this period can be prolonged by the court for up to 4 weeks at a time.</p>
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<p>Statutes of limitation for the purpose of prosecution and for the execution of sentences: (general principles)</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.
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<p>Provisions concerning extradition of nationals:</p>	<p>According to the Danish Extradition Act, Section 18, a 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> <ol style="list-style-type: none"> 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 2) if the act is punishable under Danish law by a period of imprisonment of longer than four years. <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 law enforcement reasons.</p>
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<p>Surrender: (eg. deadlines)</p>	<p>Surrender must as a general rule take place as soon as possible after a final decision has been handed down by the court. The deadlines according to Danish law are:</p> <p>Nordic countries: 5 days EU-countries: 10 days Non-EU countries: 30 days</p> <p>However, surrender can be postponed in case the wanted person is awaiting a Danish trial or is serving a Danish sentence, ctr. Section 39, 2 in the Danish Extradition Act.</p>
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<p>Other relevant information: (such as specific requirements concerning double criminality)</p>	
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Links to national legislation,
national guides on procedure:

The Danish Extradition Act can be found (in Danish only)
at:
<https://www.retsinformation.dk/eli/ta/2020/117>