

DENMARK

Definition and Prosecution of Terrorist Acts

The Anti-Terrorism Act adopted by the Danish Parliament is intended to combat terrorism in all its forms, whether or not the individual was actually responsible for carrying out the attack. The new bill includes a special section regarding terrorism which provides a definition of terrorism and punishment a term up to life imprisonment. Recruitment to terrorist groups is punishable as a contribution to terrorist acts committed or contemplated and can be punished as contribution to violation of the new provision on terrorism. The bill also includes provisions making the financing of terrorism punishable for any term up to 10 years. Under this new section on terrorism, of offenses typically regarded as terrorist acts are punishable under specific provisions of the criminal code. For example, homicide is punishable under section 237 of the Criminal Code regardless of what motives the perpetrator had. Aggravated violations of the Arms Act can also be connected to terrorism. To impose heavier sentences for particularly aggravated violations, “the maximum penalty in section 192(a) of the Criminal Code in respect of aggravated violations of the Arms Act is increased from four years’ to six years’ imprisonment. Section 192(a) of the Criminal Code clarifies that the development of chemical and biological weapons on research to that effect falls within that provision.

Prevention of Terrorism – Security Measures

The Danish Civil Security Service is responsible for the internal security of Denmark. Its functions include safeguarding, preventing, and suppressing the commission of punishable acts and any other activity, which could pose a danger to national security. “The functions of the Civil Security Service comprise countering espionage, terrorism, certain forms of organized crime and serious cases concerning international arms traffic and countering proliferation of weapons of mass destruction.” The police in Denmark, The Faroe Islands and Greenland, including the National Security Service, constitute a national force employed by the State. Only police and prosecution services have authority to investigate offenses, including drug offenses, financial tracking and security. “Danish police collects information from a variety of different sources, e.g. open sources, international law enforcement co-operation partners and from the different levels of the police force. The information is analyzed, collated and evaluated by the National Commissioner of Police. Essential to this system is the close day-to-day contact between local, regional and national police and the National Security Service as well as strategic level.”

To strengthen investigative opportunities for the police, there is newly enacted authorization for telecommunications companies and Internet service providers to record and store for one year the information on telephone and Internet communications of relevance to the police. The recording and storage only applies to traffic data, not the actual contents of the communication. Furthermore, only the companies have the right to record and store that traffic data, which bars the police from extended access to the data in question. The police have access to the nation-wide directory inquiry service, which contains name and address data concerning all telephone subscribers listed by name in Denmark as well as unlisted telephone numbers.

Another new provision, under circumstances of very serious offenses, authorizes the police to “obtain a court warrant allowing them to capture data in an information system not available to the public by means of software or other equipment without being present at the location where an information system (i.e., a computer or another data system) is used. This will make it possible to permit measures whereby, by means of a so-called ‘sniffer program’, the police will receive a copy of all data input by the data system user.” The police now have authority to conduct secret searches in cases of aggravated arson, explosion of bombs, hijacking and addition of toxic substances to the water supply or foodstuffs, etc. Finally, an extension has been

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made to the provision on the seizing of aircraft and ships in section 183(a) to include other means of public or goods transport as well.

Weapons Control

The supply of weapons to terrorists can be punished as contributions to the terrorist acts committed or contemplated or as a violation of the Act on Weapons and Explosives.” Under new legislation extreme violations of the Act on Weapons and Explosives and transport for terrorist purposes will be covered by the new provision on terrorism. A similar clarification has also been made to section 5 of the Arms Act. Furthermore, a new provision on non-proliferation of weapons of mass destruction, etc. has been inserted in Part 13 of the Criminal Code with a maximum penalty of imprisonment for up to six years.

Laws Pertaining To Biology

Most Danish laws focusing on biology address potential workplace dangers of hazardous biological substances. In order to protect workers, whenever a harmful biological agent can be substituted by a less harmful one, the more harmful agent may not be used. Work must generally be planned in such a way that no hazards occur. If this is not possible, the employer must take other safety measures. Safety instructions must be provided in writing. If employees are exposed to harmful biological agents, a record must be kept of this for 40 years. Employees have the right to medical examination before employment and regularly thereafter. Work with harmful agents must be reported to the Work Environment Service. Any accident that might lead to the contamination of workers must be reported to the local Work Environment Service.

The Labour Inspectorate Directives Concerning Hazardous Substances and Preparations, May 1978 guide plant management and safety services on the links between the legislation concerning toxic substances and the law concerning the working environment. These Directives provide: rules for identifying substances and give information on hazards, precautions, storage, permits to buy toxic substances). They also establish occupational safety and health (OSH) rules for using regulated products in workplaces.

Work with genetically modified organisms is regulated by Notification No. 684 on genetic technology and the working environment, 1991. Laboratories and production plants where such organisms are handled must obtain a classification and clearance from the "Occupational Safety and Health Services". Research projects involving such organisms must be registered before they start. Large-scale research plans using potentially harmful organisms must also be registered. . Employers must provide written safety instructions to staff and apply safety measures. Classifications and clearances can be withdrawn if the conditions are not complied with.

Money Laundering – Prevention and Prosecution

A special section on the financing of terrorism has been inserted into the Danish Criminal Code making it an offense to provide or arrange for financial support to a terrorist organization or otherwise to contribute to the promotion of its criminal activities. The maximum penalty for such an offense is 10 years imprisonment. An amendment to section 77(a) of the Criminal Code has also been to authorize confiscation of money and other property if it is feared it will be used to commit crimes. Another new bill contains two new sections according to which, aside from criminalizing persons or entities who directly or indirectly finance terrorism, assistance granted with the aim of furthering the general criminal activity of a group of persons intending to finance terrorist acts is punishable with imprisonment for a term not exceeding 6 years. This provision is applicable if it is not possible to punish the financing as contribution to specific terrorist acts.

The new provisions regarding the criminalization of the financing of terrorism also include the criminalization of the willful collection of funds in order to carry out terrorist acts.

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Moreover, the Code criminalizes direct or indirect provision or collecting of money or other assets or financial services at the disposal of a terrorist group or an individual who commits or intends to commit terrorist acts. The maximum sentence for all these offenses is 10 years imprisonment.

Under the amended Money Laundering Act, all advisors and intermediaries are required to report suspicious transactions to the proper authorities. The penalty if such a natural or legal person fails to report suspicious activity is a fine according to the amended Money Laundering Act. Also, alternative money transfer agencies must register at the Public Prosecutor for Serious Economic crimes when carrying out their respective businesses. If there is suspicion that a transaction is or has been related to the financing of terrorism then the enterprise shall carry out a more definite investigation. If the suspicion cannot be disproved, then the institution has the obligation to freeze or suspend the transaction and inform the Public Prosecutor for Serious Economic Crimes. Transactions from the account or person in question may only be carried out after agreement with the Public Prosecutor for Serious Economic Crimes who decides whether a seizure shall be undertaken.

Currently, the concept of “freezing” does not exist in Danish criminal law. However, according to the Danish Money Laundering Act, where there is suspicion of money laundering, the financial institution must suspend a transaction. This transactional suspension gives time for authorities to decide whether to seize and confiscate the money. New legislation authorizes the seizure and confiscation of assets, including money, which are thought likely to be used to commit a criminal act, even if the act of terrorism or the financing thereof has not yet been carried out.

Information Sharing

Denmark has already enacted all the global legal instruments against international terrorism that are in force and also the European Convention against terrorism. Furthermore, Denmark has already signed the International Convention for the Suppression of the Financing of Terrorism, and intends to ratify the Convention as soon as the enabling legislation is in place. Denmark has also implemented all relevant Security Council Resolutions against global terrorism and regimes that provide support to terrorists. Denmark has also ratified the European Convention of 1959 on mutual legal assistance in criminal matters and the additional Protocol to the Convention.

The Danish Civil Security Service works closely with foreign police, security, and intelligence agencies. However, bilateral cooperation is conducted informally and is not set out in treaties or agreements. Furthermore, the Civil Security Service works closely with foreign police, security and intelligence services. Cooperation between police forces takes place both on a general level, closely monitoring existing threats and in connection with concrete investigations. “International cooperation on combating terrorism is carried out both bilaterally and multilaterally, including in the EU, Europol and NATO.” Following the September 11th attacks a number of steps have been taken in order to help further the international struggle against terrorism. “Such initiatives have included both increased mutual cooperation between national authorities and increased international cooperation, including increased exchange of information.”

BIBLIOGRAPHY OF DANISH LEGISLATION

Definition and Prosecution of Terrorist Acts

1. Danish Administration of Justice Act, Section 799 – Secret Searches.
2. Danish Administration of Justice Act, Section 806 – The surrender of documents by third parties.
3. Danish Criminal Code, Section 183(a) – Seizing of aircraft and ships.
4. Danish Criminal Code, Section 192(a) – Development of chemical and or biological weapons.
5. Danish Criminal Code, Article 237 – Homicide.
6. Danish Criminal Code, Section 13 – Proliferation of weapons of mass destruction.
7. Danish Criminal Code, Section 23 – Participation in terrorist acts.

Prevention of Terrorism – Security Measures

1. Danish Criminal Code, Section 192(a) – Development of chemical and or biological weapons.
2. Danish Administration of Justice Act, Section 786 – Abuse of telecommunications and internet.

Weapons Control Measures

1. Executive Order No. 468 on exports of dual-use goods, technologies and know-how about ratification of the Legislation of European Union, 13 June 1995

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2. Act on Environment and Genetic Engineering No. 356, 6 June 1991
3. Notification No. 684 on genetic technology and the working environment, 1991.
4. Notification No. 864 on biological agents and the work environment, 20 November 1993
5. Labour Inspectorate Directives Concerning Hazardous Substances and Preparations, May 1978

Money Laundering – Prevention and Prosecution

6. Danish Criminal Code, Section 77(a) – Confiscation of money and other property.
7. Danish Criminal Code, Section 114 – Financing of terrorist acts.
8. Danish Money Laundering Act, Section 10(a).
9. Danish Administration of Justice Act, Section 802 – Confiscation of money and other property.
10. Danish Administration of Justice Act, Section 803 – Confiscation of money and other assets.