

MINISTRY OF FOREIGN AFFAIRS OF DENMARK

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1. Introduction

In accordance with Article 52 of the European Convention of Human Rights, the Secretary General of the Council of Europe has by letter of 7

MECHANISMS EXIST IN DENMARK.

2. National Intelligence Services

There are two intelligence services in Denmark, the Danish Defence Intelligence Service (DDIS, in Danish: FE) and the Danish Security Intelligence Service (DSIS, in Danish: PET).

In the legislative preparatory work of the above-mentioned Act it is

instead the objective of The Danish Security Intelligence Service (PET).
The PET is described below in paragraph 2.2.

DDIS is subject to control in respect of a number of issues by several

DDIS and must be kept informed of important matters of security or foreign political issues that are relevant to the activities of the intelligence

Penal Code. Such actions include attacks on the Constitution, terrorism

implemented to prevent any threats from developing further. Such

actions may, among other things, consist of surveillance of target persons or target groups with the aim of assessing whether an identified

must, however, be instituted by the Minister of Justice in accordance with specific provisions in the Criminal Code. In any such matter, the Minister of Justice will make a decision on the basis of a recommendation from the Director of Public Prosecutions.

2.2.2. Control of PET

PET is subject to control in respect of a number of issues by several

2.2.5. Judicial control

called personal file or organisational file. Such files are subject to special checks by the *Members Committee* (named after the Committee's first

deletion are being kept.

2.2.7. National Audit Office of Denmark

In this connection the Committee also has to consider the question of

published.

2.2.9. Activities of foreign authorities within the Danish territory

As stated in the Danish Government's reply of 21 February 2006 to the

Warrant and the surrender procedures between Member States all of

described. It should be noted, that according to Section 21 of the Danish

mutual assistance in criminal matters between the Member States of the
European Union, which contains a provision on joint investigation

committed against them or by them.

EU 11. Document of 29 November 2002 regarding the Commission on

provided for by the law of the Member State where the joint

urgency of the situation, it is not possible to notify the competent

pursued has escaped from provisional custody or while serving a

Contracting Party to declare that pursuing officers of another Contracting Party shall not have the right to apprehend the pursued person.

Article 41 states that hot pursuit shall be carried out only under a

of Article 41 and with the law of the Contracting Party in whose territory they are operating and that they must obey the instructions issued by the

into the Danish territory and the pursuing officers cannot apprehend

extreme force against women in violation of the second paragraph
Party. According to Article 12 of the agreement police officers of

indictable offence under Danish and Swedish law. Further

within Danish territory but outside of the Øresund Connection, must

Convention. The authorities can also enter into agreements on

of the Oresund Connection.

According to Article 8 a lawsuit that is initiated within one year²

the United States of America, each Contracting State agrees to extradite to the other, in the circumstances and subject to the conditions described in the Treaty, persons, found in its territory who have been

Extradition shall according to Article 2 be granted, when the law of the requesting State, in force when the offence was committed, provides a possible penalty of deprivation of liberty for a period of more than one year and if the law in force in the requested State generally provides

grant a right to transport a person, who has been surrendered to the

Denmark has entered into an Agreement of 27 April 1951 with the

declaration on Economic and Technical Cooperation is enclosed.

2.2.15. Control of foreign agencies' activities in Denmark

of foreign intelligence agencies that take place within the Danish

activities of foreign powers or organisations, in accordance with sections

It is not illegal to gather publicly available information, but if the activities take on the character of being conspiratorial, e.g. if the actual information gathering takes place clandestinely, it may be considered a foreign intelligence activity and thus involve violating the provisions of espionage in accordance with e.g. section 107 of the Criminal Code.

Normally, foreign intelligence agents will stay in Denmark under the legal cover of business, education or research, etc. but diplomatic posts have also been used as cover. Consequently, PET is consulted on visa applications from certain countries allowing the Service to recommend to the Ministry of Foreign Affairs that the person in question be refused

Jurisdiction over transiting aircraft.

An aircraft used for so-called “rendition” purposes by foreign state agencies is a state aircraft, which in Danish law is defined as an aircraft exclusively used for state purposes of a non-commercial nature.

Please find enclosed a copy in English of the Danish Air Navigation Act