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BELGIEN



## JUSTITSMINISTERIET

Ministry of Justice  
Civil and Police Department

**19 DEC. 2007**

Date:  
Office: International Division  
Contact: Morten Niels Jakobsen  
Our ref.: 2005-3310-0019  
Doc.: MNJ40467

Dear Franco,

As you know, Denmark has made great efforts to have Søren Kam extradited to Denmark to be prosecuted for the crimes he is suspected of having committed in this country during the Second World War.

Thus, on the basis of a request from the local police, the Danish Ministry of Justice issued a European Arrest Warrant on 17 March 2005 for Søren Kam for the purpose of prosecution in Denmark for the murder of the Danish editor Clemmensen on 30 August 1943 in Lyngby.

However, the request for extradition was denied by the German authorities on 27 July 2005, referring to the fact that on 18 July 2005, the German constitutional court had overruled the German implementation law with regard to the framework decision on the European Arrest Warrant, with the result that German nationals could (still) not be extradited.

On 8 August 2006, the Ministry of Justice reissued the European Arrest Warrant concerning Søren Kam to the German authorities, as the new German implementation law with regard to the framework decision on the European Arrest Warrant had come into force on 2 August 2006.

As it is known, the German High Court in Munich made an Order on 31 January 2007 denying Denmark's plea for extradition of Søren Kam to stand trial. The reason given was that according to German law the crime – the murder of editor Carl Henrik Clemmensen – was time-barred, meaning that pursuant to the German extradition law there is no case for extradition.

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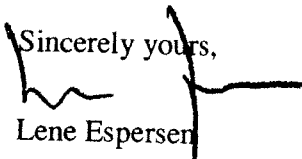
The Danish news media quoted you as having said at the press conference in connection with the Justice and Home Affairs Council meeting on 6-7 December 2007 that a new arrest warrant should be issued, and that this time it should be drafted differently from the arrest warrant previously issued by Denmark in order to have Søren Kam extradited to stand trial in Denmark.

In light of the statements you are reported to have made, the Ministry of Justice has again considered whether it is possible on the basis available to issue a new arrest warrant that could lead the German authorities to extradite Søren Kam to stand trial in Denmark for the murder of editor Clemmensen. However, after reviewing the case once again, it is still the Ministry of Justice's opinion that taking into account the order of 31 January 2007 made by the High Court in Munich, there does not seem to be grounds to believe that Søren Kam would be extradited to Denmark to stand trial for the murder of editor Clemmensen under a new warrant of arrest.

However, with full respect for the order made by the German court, it is my fervent wish to fully explore all options to have Søren Kam extradited to stand trial in Denmark for the murder of editor Clemmensen.

Therefore, I am very interested in learning which specific considerations about the drafting of a possible new warrant of arrest underlie the opinion you are reported to have expressed according to which a redrafted arrest warrant would make it possible to have Søren Kam extradited to stand trial in Denmark for the murder in question.

Sincerely yours,

  
Lene Espersen