

Fra: FMN-NIC Christoffersen, Nicolai [nic@fmn.dk]
Sendt: 15. januar 2013 13:59
Til: Mads Møller Langtved
Emne: VS: Samrådsspørgsmål vedr. Iraker-sag - forældelse og sikkerhedsstillelse
[RELEASABLE TO INTERNET TRANSMISSION]

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Kære Mads

Som lovet.

Bh
Nicolai

Fra: FMN-JAJ Johannsen, Jan
Sendt: 2. januar 2013 17:15
Til: FMN-ARJ Jacobsen, Allan Rahbøl; arj@fmn.dk; FMN-SRY Ryborg, Signe; sry@fmn.dk
Cc: FMN-NIC Christoffersen, Nicolai; 'FMN-NIC Christoffersen, Nicolai'; 'ljf@fmn.dk'; 'kfi@fmn.dk'; FMN-KFI Fischer, Kristian; 'sli@fmn.dk'; 'lil@fmn.dk'; 'maw@fmn.dk'; kbr@fmn.dk; 'rcl@fmn.dk'; FMN-KTP-SERVICETEAMET
Emne: Samrådsspørgsmål vedr. Iraker-sag - forældelse og sikkerhedsstillelse [RELEASABLE TO INTERNET TRANSMISSION]

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Kære Allan og Signe,

Vi har modtaget (endnu) et samrådsspørgsmål relateret til sagsanlægget irt. Operation Green Desert, jf. nedenfor.

Grundet at Folketinget opdaterer deres computersystemer i den første uge i januar, har vi ikke modtaget spørgsmålet i 'sædvanlig' form, ligesom spørgsmålet endnu ikke har fået et nummer. Det sker forventeligt mandag, men indtil videre hermed spørgsmålene mhp., at I kan påbegynde sagsbehandling.

Internationalt Kontor anmodes således om at udarbejde relevant håndaktsmateriale til brug for samrådet. Serviceteamet bedes oprette sag.

Der er endnu ikke aftalt en dato for afvikling af samrådet. Dato for afvikling samt MNS frist vil tilgå, så snart der er aftalt en dato for samrådet.

Venlig hilsen

Jan

X. Ministeren bedes redegøre for, hvordan kravet om forældelse og sikkerhedsstillelse af 40.000 kr. pr. iraker i sagen om de i alt 23 irakere fra Green Dessert Operationen er i tråd med

torturkonventionens krav om hjælp til sager om erstatning samt understregning af, at tortursager aldrig kan blive forældede på grund af deres meget alvorlige karakter.

akt: Samrådsspørgsmål vedr. Iraker-sag - forældelse og sikkerhedsstillelse
http://kesdh/fmn08/?frame3=showDetail.asp%3Fregister%3Dakt%26systemkey%3D421723%26template%3Dakt_layout.xml%26p%3Dscanjourlink

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Fra: FMN-NIC Christoffersen, Nicolai [<mailto:nic@fmn.dk>]

Sendt: 21. januar 2013 17:44

Til: Jens Teilberg Søndergaard; Lars Solskov Lind

Cc: FMN-ARJ Jacobsen, Allan Rahbøl

Emne: Anmodning om tekstbidrag til Forsvarsministerens besvarelse af samrådsspørgsmål L [RELEASABLE TO INTERNET TRANSMISSION]

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Kære Jens

Forsvarsministeren har som tidligere nævnt modtaget nedenstående samrådsspørgsmål fra Forsvarsudvalget:

Samrådsspørgsmål L

Ministeren bedes redegøre for, hvordan kravet om forældelse og sikkerhedsstillelse af 40.000 kr. pr. iraker i sagen om de i alt 23 irakere fra Green Dessert Operationen er i tråd med torturkonventionens krav om hjælp til sager om erstatning samt understregning af, at tortursager aldrig kan blive forældede på grund af deres meget alvorlige karakter.

Spørgsmålet er stillet efter ønske fra Nikolaj Villumsen (EL).

Da besvarelsen af spørgsmålet vil kræve en vurdering af, hvorvidt bestemmelser i den civile retspleje lever op til vores internationale forpligtelser, så skal Forsvarsministeriet anmode om et tekstbidrag til brug for forsvarsministerens besvarelse af spørgsmålet.

Der er endnu ikke fastsat en dato for samrådet, men det forventes på nuværende tidspunkt at blive efter medio februar. Jeg holder jer naturligvis orienteret om fastsættelsen af en dato, så vi kan koordinere nærmere.

Med venlig hilsen

Nicolai Christoffersen
Fuldmægtig

Forsvarsministeriet
Internationalt kontor
Holmens kanal 42, DK-1060 København K
Telefon: +45 3392 2485
E-mail: nic@fmn.dk
FIIN: FMN-NIC

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Forsvarsudvalget

Til: Forsvarsministeren

Dato: 7. januar 2013

I et kommende samråd ønsker udvalget en drøftelse af følgende spørgsmål:

FOU alm. del

Samrådsspørgsmål L

Ministeren bedes redegøre for, hvordan kravet om forældelse og stillelse af 40.000 kr. pr. iraker i sagen om de i alt 23 irakere fra Green sert Operationen er i tråd med torturkonventionens krav om hjælp til sager om erstatning samt understregning af, at tortursager aldrig kan blive forældede på grund af deres meget alvorlige karakter.

Spørgsmålet er stillet efter ønske fra Nikolaj Villumsen (EL).

På udvalgets vegne

Karsten Nonbo
formand

Fra: FMN-ARJ Jacobsen, Allan Rahbøl [<mailto:arj@fmn.dk>]

Sendt: 24. januar 2013 16:09

Til: Jens Teilberg Søndergaard

Cc: Lars Solskov Lind; FMN-NIC Christoffersen, Nicolai

Emne: Action: Bidrag til samråd d. 5/2. VS: Anmodning om tekstbidrag til Forsvarsministerens besvarelse af samrådsspørgsmål L [RELEASABLE TO INTERNET TRANSMISSION]

Prioritet: Høj

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Kære Jens,

Forsøgte at ringe for at sige, at besvarelse af samrådsspørgsmål L nu er blevet programsat til den 5. februar – et forlangende fra Folketinget. Vi har gjort, hvad vi kunne for at få det udsat, men det er ikke lykkedes. Det betyder derfor desværre også, at vi har behov for at få jeres bidrag allerede i første halvdel af næste uge. Vi har frist hos ministeren den 30. januar, og ville derfor være taknemmelig for at kunne få bidraget tirsdag den 29. januar COB, således at det kan blive integreret i det samlede talepunkt og godkendt af Departementschefen, så betids at det kan nå ministeren den 30.

Beklager at processen bliver forceret. Du er selvsagt velkommen til at ringe til mig eller Nicolai Christoffersen, hvis der er behov for nærmere drøftelse.

Bh Allan

Allan R. Jacobsen

Head of International Department

Ministry of Defence

International Department

Holmens Kanal 42, DK-1060 Copenhagen K

Denmark

Tel: ++45-3392 2480 (direct)/3392 3320

Mobile:++45-2527 4480

E mail: arj@fmn.dk

FIIN: FMN-ARJ

www.fmn.dk

Fra: FMN-NIC Christoffersen, Nicolai

Sendt: 21. januar 2013 17:44

Til: 'Jens Teilberg Søndergaard'; 'lsl@jm.dk'

Cc: 'arj@fmn.dk'

Emne: Anmodning om tekstbidrag til Forsvarsministerens besvarelse af samrådsspørgsmål L [RELEASABLE TO INTERNET TRANSMISSION]

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Kære Jens

Forsvarsministeren har som tidligere nævnt modtaget nedenstående samrådsspørgsmål fra

Forsvarsudvalget:

Samrådsspørgsmål L

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Med venlig hilsen

Nicolai Christoffersen
Fuldmægtig

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Internationalt kontor
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Forsvarsudvalget

Til: Forsvarsministeren

Dato: 7. januar 2013

I et kommende samråd ønsker udvalget en drøftelse af følgende spørgsmål:

FOU alm. del

Samrådsspørgsmål L

Ministeren bedes redegøre for, hvordan kravet om forældelse og stillelse af 40.000 kr. pr. iraker i sagen om de i alt 23 irakere fra Green sert Operationen er i tråd med torturkonventionens krav om hjælp til sager om erstatning samt understregning af, at tortursager aldrig kan blive forældede på grund af deres meget alvorlige karakter.

Spørgsmålet er stillet efter ønske fra Nikolaj Villumsen (EL).

På udvalgets vegne

Karsten Nonbo
formand

Fra: Mads Møller Langtved
Sendt: 30. januar 2013 14:42
Til: 'FMN-NIC Christoffersen, Nicolai'
Emne: Bidrag til FMN Samrådsspørgsmål L
Vedhæftede filer: SJ20130130133913680 [DOK670518].doc; fesdPacket.xml

Kære Nicolai

Vedhæftet er Justitsministeriets udkast til bidrag til samrådsspørgsmål L til brug for forsvarsministerens samråd i Folketingets Forsvarsudvalg den 5. februar 2013.

Det er godkendt af afd. chef indtil videre. Jeg orienterer dig, når det er endelig godkendt her i huset.

Med venlig hilsen

Mads Møller Langtved
Fuldmægtig



Statsrets- og Menneskeretskontoret
Slotsholmsgade 10
1216 København K
Tlf. direkte: 7226 8843
Tlf.: 7226 8400
www.justitsministeriet.dk
jm@jm.dk



JUSTITSMINISTERIET

Lovafdelingen

Forsvarsministeriet
Holmens Kanal 42
1060 København K

Dato: 29. januar 2013
Kontor: Statsrets- og Menneske-
retskontoret
Sagsbeh: Mads Møller Langtved
Sagsnr.: 2013-625/02-0001
Dok.: 670518

Bidrag fra Justitsministeriet til Forsvarsministeriet til brug for samråd i Folketingets Forsvarsudvalg den 5. februar 2013

Justitsministeriet er ved e-mail af den 21. januar 2013 blevet anmodet af Forsvarsministeriet om et bidrag til brug for forsvarsministerens besvarelse af følgende spørgsmål:

”Samrådsspørgsmål L

Ministeren bedes redegøre for, hvordan kravet om forældelse og sikkerhedsstillelse af 40.000 kr. pr. iraker i sagen om de i alt 23 irakere fra Green Dessert Operationen er i tråd med torturkonventionens krav om hjælp til sager om erstatning samt understregning af, at tortursager aldrig kan blive forældede på grund af deres meget alvorlige karakter.”

Justitsministeriet skal i den forbindelse foreslå, at følgende indgår i besvarelsen af spørgsmålet:

”1. Samrådsspørgsmålet vedrører en civil retssag, som er anlagt mod staten, og som verserer ved de danske domstole.

Jeg finder i den forbindelse, at det vil være rigtigst, at påstande og anbringender fremsættes i retten, således at domstolene kan tage stilling til dem.

Sagen bør ikke procederes i Folketinget.

2. Når det er sagt, kan jeg samtidig oplyse, at jeg til brug for dette samråd har indhentet en generel udtalelse fra Justitsmini-

Slotsholmsgade 10
1216 København K.

Telefon 7226 8400
Telefax 3393 3510

www.justitsministeriet.dk
jm@jm.dk

steriet om Torturkonventionens forhold til den relevante danske lovgivning.

Justitsministeriet har i den forbindelse oplyst, at den danske lovgivning om sikkerhedsstillelse for sagsomkostninger og forældelse af civile krav efter ministeriets opfattelse er i overensstemmelse med Torturkonventionen.

Torturkonventionen indeholder bestemmelser om personers adgang til at kunne få behandlet en klage over tortur og få oprejsning, hvis tortur har fundet sted.

Men Torturkonventionen indeholder ikke specifikke bestemmelser om sikkerhedsstillelse eller om forældelse i civile sager vedrørende erstatning eller godtgørelse i sager om tortur.

3. Det er korrekt, at FN's Torturkomité over for Danmark har anbefalet, at strafansvar for torturhandlinger ikke bør kunne forældes. Men komitéens anbefaling angår strafansvar og *ikke* civilretligt erstatningsansvar. Den verserende retssag angår civilretligt erstatningsansvar.

For så vidt angår den strafferetlige forældelse, kan jeg i øvrigt oplyse, at der – efter en lovændring, som trådte i kraft den 1. januar 2008 – ikke indtræder forældelse af strafansvar for tortur.”

Det kan i øvrigt til baggrund oplyses, at efter forældelseslovens § 3, jf. § 2, stk. 4, er forældelsesfristen for fordringer på erstatning eller godtgørelse for skade forvoldt uden for kontaktforhold som udgangspunkt 3 år fra tidspunktet for skadens indtræden.

Var fordringshaveren ubekendt med fordringen eller skyldneren, regnes forældelsesfristen først fra den dag, da fordringshaveren fik eller burde have fået kendskab hertil, jf. § 3, stk. 2. Forældelse indtræder dog senest 30 år efter den skadevoldende handlingens ophør for fordringer på erstatning eller godtgørelse i anledning af personskade.

Torturkomitéen udtalte i sin 2. periodiske rapport vedrørende Nepal, at en forældelse på 35 dage var for kort. Komitéen anbefalede derfor, at der ikke burde være forældelse for registrering af klager over tortur, og at erstat-

ningsssager skulle kunne anlægges inden for 2 år efter, at undersøgelseskonklusioner bliver tilgængelige.

Det kan ikke udelukkes, at komitéen også har afgivet udtalelser vedrørende andre lande, hvori der indgår overvejelser og anbefalinger vedrørende civilretlig forældelse.

Hertil bemærkes, at komitéens anbefalinger angår de konkrete forhold i de pågældende stater, at der er tale om anbefalinger, og at komitéen under alle omstændigheder ikke har mulighed for at afgive udtalelser om fortolkning af konventionen, der er bindende for stater, der har tilsluttet sig konventionen.

Der vedlægges udskrift af Torturkonventionen, hvor der navnlig henvises til artiklerne 13 og 14, Torturkomitéens udtalelse af 13. april 2007 vedrørende Nepal, hvor der henvises til pkt. 28, og Torturkomitéens udtalelse af 16. juli 2007 vedrørende Danmark, hvor der henvises til pkt. 11.

Med venlig hilsen

Morten Bødskov

Fra: Mads Møller Langtved
Sendt: 30. januar 2013 14:45
Til: 'FMN-NIC Christoffersen, Nicolai'
Emne: Bilag til bidrag
Vedhæftede filer: G0741143.pdf; G0743154.pdf

Du får også lige de bilag vi henviser i bidraget

Torturkonventionen:

<https://www.retsinformation.dk/Forms/R0710.aspx?id=71593>

Med venlig hilsen

Mads Møller Langtved
Fuldmægtig



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**Convention against Torture
and Other Cruel, Inhuman
or Degrading Treatment
or Punishment**

Distr.
GENERAL

CAT/C/NPL/CO/2*
13 April 2007

Original: ENGLISH

COMMITTEE AGAINST TORTURE
Thirty-fifth session
7-25 November 2005

**CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES
UNDER ARTICLE 19 OF THE CONVENTION**

Conclusions and recommendations of the Committee against Torture

NEPAL

1. The Committee considered the second periodic report of Nepal (CAT/C/33/Add.6) at its 669th and 672nd meetings (CAT/C/SR.669 and 672), held on 9 and 10 November 2005, and adopted, at its 687th meeting held on 22 November 2005, the following conclusions and recommendations.

A. Introduction

2. The Committee welcomes the submission of the report and the opportunity it afforded to resume the dialogue with the State party. While appreciating the constructive dialogue established with the delegation of the State party, the Committee notes that the report does not fully conform to the Committee's guidelines for the preparation of periodic reports and lacks information on practical aspects of the implementation of the Convention.

3. The Committee welcomes the additional information provided to the list of issues (CAT/C/35/NPL) by the State party in writing, by the delegation in its introductory remarks and in the answers to the questions raised.

B. Positive aspects

4. The Committee welcomes the adoption of the Compensation Relating to Torture Act, 1996 and the Human Rights Commission Act, 1997, aimed at enhancing the implementation of the Convention.

* Reissued for technical reasons

5. The Committee notes the establishment of a number of human rights coordination and monitoring mechanisms, such as the National Human Rights Commission, the National Commission on Women and the National Dalit Commission, the Human Rights Protection Committee and the National Coordination Committee, and the human rights cells in the Police, the Armed Police Force and the Royal Nepalese Army.

6. The Committee also welcomes the agreement entered into by the State party with the Office of the High Commissioner for Human Rights (OHCHR) on 11 April 2005, which led to the establishment of an OHCHR Office in Nepal. The Committee welcomes the continued cooperation of the State party with the OHCHR Office in Nepal.

7. The Committee notes that the State party received visits from the following special procedures of the Commission on Human Rights:

- (a) Working Group on Arbitrary Detention, in 1996;
- (b) Special Rapporteur on extrajudicial, summary or arbitrary executions, in 2000;
- (c) Working Group on Enforced or Involuntary Disappearances, in 2004;
- (d) Representative of the Secretary-General on the human rights of internally displaced persons, in 2005; and
- (e) Special Rapporteur on the question of torture in 2005.

8. The Committee commends the generosity of the State party in hosting more than 100,000 Bhutanese and 20,000 Tibetan refugees.

9. The Committee further welcomes the signature by the State party, on 8 September 2000, of the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict.

C. Factors and difficulties impeding the implementation of the Convention

10. The Committee acknowledges the difficult situation of internal armed conflict faced by the State party, and is alarmed by the high incidence of atrocities committed by the Communist Party of Nepal (CPN) - Maoist. However, it points out that no exceptional circumstances whatsoever may be invoked as a justification of torture.

11. The Committee regrets the adverse impact of the absence of the Parliament since May 2002 on the capacity of the State party to implement the Convention, and in particular in respect of the enactment or amendment of legislation, as well as the ratification of international conventions.

D. Concerns and recommendations

Definition

12. The Committee notes with concern that the definition of torture in article 2 (a) of the Compensation Relating to Torture Act of 1996, the lack of a legal provision in current domestic law to make torture a criminal offence and the draft Criminal Code are not in line with the definition of article 1 of the Convention against Torture (articles 1 and 4 of the Convention).

The State party should adopt domestic legislation which ensures that acts of torture, including the acts of attempt, complicity and participation, are criminal offences punishable in a manner proportionate to the gravity of the crimes committed, and consider steps to amend the Compensation Relating to Torture Act of 1996 to bring it into compliance with all the elements of the definition of torture provided in the Convention. The State party should provide information to the Committee on domestic jurisprudence referring to the definition of torture as per article 1 of the Convention.

Widespread use of torture

13. The Committee is gravely concerned about the exceedingly large number of consistent and reliable reports concerning the widespread use of torture and ill-treatment by law enforcement personnel, and in particular the Royal Nepalese Army, the Armed Police Force and the Police, and the absence of measures to ensure the effective protection of all members of society (arts. 2 and 11).

The State party should publicly condemn the practice of torture and take effective measures to prevent acts of torture in any territory under its jurisdiction. The State party should also take all measures, as appropriate, to protect all members of society from acts of torture.

Detention

14. The Committee is also concerned about:

(a) The number of detainees in prolonged detention without trial under the Public Security Act and the Terrorist and Disruptive (Control and Punishment) Ordinance (TADO) of 2004;

(b) The extensive resort to pretrial detention lasting up to 15 months and the lack of fundamental guarantees under the Terrorist and Disruptive (Control and Punishment) Ordinance 2005 of the rights of persons deprived of liberty, including the right to challenge arrest, resulting in numerous alleged cases of incommunicado detention.

The State party should bring the practice of pretrial detention into line with international human rights norms and ensure that the fundamental rights of persons deprived of liberty are guaranteed, including the right to habeas corpus, the

right to inform a relative, and the right of access to a lawyer and a doctor of one's choice. The State party should ensure that any measure taken to combat terrorism is in accordance with Security Council resolutions 1373 (2001) and 1566 (2004), which require that anti-terrorist measures be carried out with full respect for, inter alia, international human rights law, including the Convention. The State party should provide to the Committee information on the number of people still in pretrial detention.

National Human Rights Commission

15. While acknowledging the important role of the National Human Rights Commission in the promotion and protection of human rights in Nepal, the Committee is concerned about the frequent failure by the State party to implement the Commission's recommendations.

The State party should take the necessary measures to support the work of the National Human Rights Commission, ensuring its recommendations are fully implemented.

Independence of the judiciary

16. The Committee expresses concern about the marked weakening of the independence and effectiveness of the judiciary in the State party and the contemptuous non-compliance with court orders by members of security forces, reportedly including re-arrests, including on the premises of the Supreme Court.

The State party should make every effort to guarantee the independence of the judiciary, including ensuring that security forces comply with court orders. The State party should provide to the Committee information on the composition, mandate, methods of work and investigations of the Royal Commission for Corruption Control, including whether it exercises jurisdiction over constitutional matters in full conformity with the requirements of the Convention and whether its rulings are subject to judicial review. The State party is requested to provide the same information concerning the Justice Sector Coordination Committees.

Non-refoulement

17. The Committee regrets the absence of domestic legislation in the State party that stipulates the rights of refugees and asylum-seeking persons, and notes with concern that the State party has not acceded to the 1951 Convention relating to the Status of Refugees and other related international legal instruments. The Committee is also concerned about allegations received concerning cases of refoulement of Tibetan asylum-seekers, given the absolute nature of the prohibition against refoulement under article 3 of the Convention (art. 3).

The Committee recommends that the State party consider acceding to the Convention relating to the Status of Refugees and other related international legal instruments. In addition, the Committee recommends that the State party enact

legislation aimed at prohibiting refoulement of persons without an appropriate legal procedure. The State party should provide to the Committee information on the number of cases of extradition, removal, deportation, forced return and expulsion that have occurred since 1994, as well as information on cases in which deportation was not effected for fear of torture.

Universal jurisdiction

18. The Committee regrets the absence of universal jurisdiction in domestic legislation for acts of torture, as well as the fact that certain provisions of the draft Criminal Code are not in line with articles 5 to 9 of the Convention.

The State party should take the necessary measures to ensure that acts of torture are made subject to universal jurisdiction under the draft Criminal Code, in accordance with article 5 of the Convention. The State party should also make every effort to ensure compliance with articles 6 to 9 of the Convention.

Education on the prohibition against torture

19. While welcoming the State party's efforts in educating and informing State officials about the prohibition against torture, the Committee regrets the lack of information on the impact of such education and training efforts. The Committee is also concerned about reports that the length of training provided to Royal Nepalese Army officers and new recruits has been shortened (art.10).

The State party should intensify its education and training efforts relating to the prohibition against torture, and introduce evaluation and monitoring mechanisms to assess their impact.

Interrogation and detention

20. The Committee is deeply disturbed by the continuing reliable allegations concerning the frequent use of interrogation methods by security forces that are prohibited by the Convention (art. 11).

The State party must ensure that no recourse is made, under any circumstances, by law enforcement personnel to interrogation methods prohibited by the Convention. In addition, the State party should provide to the Committee information, including examples, on measures adopted to review interrogation rules, instructions, methods and practices applicable to law enforcement officials.

21. The Committee is concerned about:

- (a) The number of prisoners on remand in places of detention;
- (b) The systematic use of army barracks for detainees awaiting trial or in preventive detention;

- (c) The lack of systematic and official records regarding the arrest and detention of persons;
- (d) A provision in the Compensation Relating to Torture Act of 1996 empowering the concerned officer at places of detention to medically examine a detainee, at the time of arrest and upon release, in the event a doctor is not available. In particular, the Committee is concerned about reports that medical examinations at the time of arrest and upon release are not performed regularly;
- (e) Serious allegations of continued use of incommunicado detention and the lack of information on the exact numbers of detention places and other detention facilities;
- (f) Allegations of non-compliance with writs of habeas corpus issued by courts;
- (g) The lack of a well-functioning juvenile justice system in the country, with children often being subjected to the same procedures, laws and violations as adults. In particular, the Committee is concerned about allegations of children being held under TADO for prolonged periods.

Therefore, the State party should:

- (a) Adopt the necessary measures to reduce pretrial detention wherever possible;**
- (b) Immediately transfer all detainees to legally designated places of detention that conform to international minimum standards;**
- (c) Take immediate steps to ensure that all arrests and detentions are systematically documented, in particular of juveniles. The State party should consider creating a central register for persons deprived of liberty, to be made accessible to national and international monitors;**
- (d) The State party should consider amending the relevant section of the Compensation Relating to Torture Act of 1996, to ensure that all detainees have access to a proper medical examination at the time of arrest and upon release;**
- (e) Prohibit the use of incommunicado detention. The Committee recommends that persons held incommunicado should be released, or charged and tried under due process. The State party should provide to the Committee information on the exact number and location of detention places and other detention facilities used by the Royal Nepalese Army, the Armed Police Force and the Police, and the number of persons deprived of liberty;**
- (f) The State party should take measures to ensure compliance by security forces of all orders of the courts, including habeas corpus;**

(g) The State party should take the necessary steps to protect juveniles from breaches of the Convention, and ensure proper functioning of a juvenile justice system in compliance with international standards, differentiating treatment according to age.

Systematic review of all places of detention

22. The Committee is concerned about the lack of an effective systematic review of all places of detention, including regular and unannounced visits to such places by national and international monitors.

The State party should consider setting up a national system to review all places of detention, and react to findings of the systematic review.

23. The Committee is also concerned that in a number of instances, national and international monitors were not granted either access to places of detention or sufficient cooperation in their fact-finding visits. The Committee is further concerned about the adoption of the new Code of Conduct for Non-Governmental Organizations, which will, inter alia, severely limit the monitoring capacity of NGOs.

The Committee recommends that the State party consider amending the Code of Conduct for Non-Governmental Organizations so that it is in line with international human rights standards on the protection of human rights defenders. The State party should ensure that national and international monitors are granted permission to carry out regular, independent, unannounced and unrestricted visits to all places of detention. The State party should facilitate visits by, for example, the International Committee of the Red Cross, OHCHR, the National Human Rights Commission, and national and international NGOs.

Impunity

24. The Committee is concerned about the prevailing climate of impunity for acts of torture and ill-treatment and the continued allegations of arrests without warrants, extrajudicial killings, deaths in custody and disappearances (art. 12).

The State party should send a clear and unambiguous message condemning torture and ill-treatment to all persons and groups under its jurisdiction. The State party should take effective legislative, administrative and judicial measures to ensure that all allegations of arrest without warrants, extrajudicial killings, deaths in custody and disappearances are promptly investigated, prosecuted and the perpetrators punished. In connection with prima facie cases of torture, the accused should be subject to suspension or reassignment during the investigation.

25. While acknowledging the establishment of human rights cells in the security forces, the Committee is concerned about the lack of an independent body able to conduct investigations into acts of torture and ill-treatment committed by law enforcement personnel.

The State party should establish an independent body to investigate acts of torture and ill-treatment committed by law enforcement personnel. The State party should provide to the Committee information on the mandate, role, composition and jurisprudence of the special police courts.

Marginalized and disadvantaged groups or castes

26. Despite the State party's acknowledgment that caste discrimination exists in the country and the creation of the National Dalit Commission, the Committee is gravely concerned about the continued deeply rooted discriminatory practices committed on a large scale against marginalized and disadvantaged groups or castes such as the Dalits. The Committee is also concerned that the long-standing pattern of caste discrimination is being further entrenched by the current conflict in the country.

The Committee reaffirms that it is the duty of the State party to protect all members of society, in particular citizens belonging to marginalized and disadvantaged groups or castes, such as the Dalits. The State party should take specific steps to safeguard their physical integrity, ensure that accountability mechanisms are in place guaranteeing that caste is not used as a basis for abuses, unlawful detention and torture, and take steps to ensure more diverse caste and ethnic representation in its police and security forces. The State party should include information on caste discrimination in its next periodic report.

Gender-based violence

27. The Committee is concerned about continued allegations of gender-based violence and abuse against women and children in custody, including acts of sexual violence by law enforcement personnel.

The State party should ensure that procedures are in place to monitor the behaviour of law enforcement officials, and should promptly and impartially investigate all allegations of torture and ill-treatment, including sexual violence, with a view to prosecuting those responsible. The State party should provide to the Committee a list of cases of gender-based violence and abuse against women and children in custody that have been investigated and prosecuted, and the perpetrators punished.

Right to complaint

28. The Committee is concerned about:

(a) The fact that the burden of proof is on the victims of acts of torture, under rules provided for in the Compensation Relating to Torture Act of 1996, and that the statute of limitation for complaining about acts of torture and instituting proceedings for compensation under TADO is 35 days;

(b) Alleged reprisals against and intimidation of persons reporting acts of torture, in the forms of re-arrests and threats, and the lack of witness protection legislation and mechanisms (art. 13).

Therefore, the State party should:

(a) Make available to victims of torture the conclusions of any independent inquiry in order to assist them in pursuing compensation claims. The State party should amend its current and planned legislation so that there is no statute of limitation for registering complaints against acts of torture and that actions for compensation can be brought within two years from the date that the conclusions of inquiries become available;

(b) Consider adopting legislative and administrative measures for witness protection, ensuring that all persons who report acts of torture or ill-treatment are adequately protected.

Compensation to torture victims

29. While acknowledging that the judiciary has issued a number of decisions to award compensation, the Committee regrets that to date in only one case has compensation been paid. In addition, the Committee is concerned about undue delays in the awarding of compensation ordered by the courts or the National Human Rights Commission (art. 14).

The State party should ensure that compensation awarded by the courts or decided upon by the National Human Rights Commission is paid in a timely manner. The State party should provide to the Committee information on the total amount paid in compensations to victims of torture.

Use of statements made as a result of torture

30. The Committee is concerned about allegations of statements obtained as a result of torture being used as evidence in legal proceedings (art. 15).

The State party should provide to the Committee information on both legislation and jurisprudence that exclude statements obtained as a result of torture being admitted as evidence.

Ill-treatment

31. The Committee is concerned about allegations of poor conditions of detention, in particular overcrowding, poor sanitation, staffing shortages and lack of medical attention for detainees (art. 16).

The Committee recommends that the State party take all necessary measures to improve conditions of detention.

Trafficking

32. The Committee is concerned about persistent reports of trafficking in women and children and the alleged involvement of officials in acts of trafficking.

The State party should reinforce international cooperation mechanisms to fight trafficking in persons, prosecute perpetrators, and provide protection and redress to all victims.

Child soldiers

33. The Committee is concerned about allegations of children being used by security forces as spies and messengers. The Committee is also concerned about reports of recruitment and abduction of children by CPN-Maoist (art. 16).

The State party should take effective measures to prevent security forces using children as spies and messengers. The State party should also take the necessary steps, as a matter of urgency and in a comprehensive manner, to prevent the abduction of children by CPN-Maoist and to facilitate the reintegration of former child soldiers into society. The State party should also consider ratifying the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict.

34. The Committee further recommends that the State party:

- (a) Consider making the declaration under articles 21 and 22 of the Convention;
- (b) Consider becoming party to the Optional Protocol to the Convention;
- (c) Consider becoming party to the Rome Statute of the International Criminal Court;
- (d) Consider becoming party to Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of Non-International Armed Conflicts (Protocol II).

35. The State party should provide to the Committee information on the composition, mandate and methods of work of and the investigations and results obtained by the Human Rights Protection Committee, the National Coordination Committee for the Protection and Promotion of Human Rights, as well as the human rights cells established within the Police, the Royal Nepalese Army and the Armed Police Force.

36. The Committee requests the State party to provide in its next periodic report detailed statistical data regarding cases of torture and other forms of cruel, inhuman or degrading treatment or punishment reported to administrative authorities and the related investigations, prosecutions and penal and disciplinary sentences, including details of courts martial, disaggregated by, inter alia, gender, ethnic group, caste, geographical region, and type and location of place of deprivation of liberty, where it occurred, paying particular attention to juveniles in detention. In addition, information is also requested on any compensation and rehabilitation provided to victims.

37. The State party is encouraged to disseminate widely its second periodic report and the conclusions and recommendations, in appropriate languages, through official websites, the media and non-governmental organizations.

38. The Committee requests the State party to provide, within one year, information on its response to the Committee's recommendations contained in paragraphs 13, 14, 21 (b), 21 (c), 21 (e), 25, 27 and 29 above.

39. The State party is invited to submit its next periodic report, which will be considered as the combined third, fourth and fifth report, by 12 June 2008, the due date of the fifth periodic report.



**Convention against Torture
and Other Cruel, Inhuman
or Degrading Treatment
or Punishment**

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Thirty-eighth session
30 April-18 May 2007

**CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES
UNDER ARTICLE 19 OF THE CONVENTION**

Conclusions and recommendations of the Committee against Torture

DENMARK

1. The Committee considered the fifth periodic report of Denmark, including Greenland, (CAT/C/81/Add.1 (Part I) and CAT/C/81/Add.2, Part II) at its 757th and 760th meetings, held on 2 and 3 May 2007 (CAT/C/SR.757 and CAT/C/SR.760), and adopted, at its 773rd meeting on 14 May 2007 (CAT/C/SR.773), the following conclusions and recommendations.

A. Introduction

2. The Committee welcomes the submission of the State party's fifth periodic report which was submitted on time and follows the Committee's guidelines for reporting. The Committee welcomes the information provided on the measures taken to follow-up to the Committee's previous recommendations and on Greenland's judicial system and its reform in the second part of the State party's report (CAT/C/81/Add.2, Part II). The Committee also welcomes the State party's thorough written replies to the list of issues (CAT/C/DNK/Q/5/Rev.1/Add.1), which provided additional information on the legislative, administrative, judicial and other measures taken by the State party in order to prevent acts of torture and other cruel, inhuman or degrading treatment or punishment.

3. The Committee notes with satisfaction the constructive efforts made by the multisectoral delegation of the State party to provide additional information and explanation during the dialogue.

B. Positive aspects

4. The Committee welcomes the State party's ongoing efforts to improve conditions in prisons, including the additional resources allocated to administer the daily occupancy rates. In particular, the Committee welcomes the State party's efforts to introduce alternative measures to custodial ones, such as the use of electronic monitoring, so called "tagging".

5. With regard to traumatized refugees and their families residing in Denmark, the Committee notes with appreciation funds allocated to special projects, which are set to run until 2010, to facilitate their rehabilitation and improve their living conditions.

6. The Committee also notes with appreciation the State party's decision to allocate additional funds to improve the living conditions in asylum centres, in particular the living conditions of families with children.

7. The Committee welcomes the State party's cooperation with non-governmental organizations engaged in eradicating torture and providing assistance and rehabilitation to victims of torture in Denmark and internationally.

8. The Committee commends the State party for its global efforts to promote respect for human rights, in particular to combat and eradicate torture, such as:

(a) Being one of the world's largest bilateral donors in terms of development assistance per capita, and in this context developing a national framework for bilateral cooperation against torture;

(b) Contributing to United Nations agencies, programmes and funds, including the United Nations Voluntary Fund for the Victims of Torture;

(c) Promoting the universal ratification of the Optional Protocol to the Convention, including the State party's early ratification of the Optional Protocol in 2004, and supporting its implementation;

(d) Presenting a draft resolution against torture to the Third Committee of the General Assembly of the United Nations as well as the former Commission on Human Rights, and taking initiatives to structure and strengthen the newly established Human Rights Council's action against torture;

(e) Playing an active role in the implementation of the Guidelines to European Union policy towards third countries on torture and other cruel, inhuman or degrading treatment or punishment.

C. Principal subjects of concern and recommendations

Incorporation of the Convention

9. The Committee regrets that the State party has not changed its position with regard to the incorporation of the Convention into Danish law. The Committee is of the view that the incorporation of the Convention into Danish law would not only be of a symbolic nature but that it would strengthen the protection of persons allowing them to invoke the provisions of the Convention directly before the courts.

The Committee recommends that the State party incorporate the Convention into Danish law in order to allow persons to invoke it directly in courts, to give prominence to the Convention as well as to raise awareness of its provisions among members of the judiciary and the public at large.

Definition of torture

10. The Committee notes that the Ministry of Justice has recently requested the Standing Committee on Criminal Matters to consider the possibility of inserting a special provision on

torture in the Criminal Code. Notwithstanding the State party's ongoing efforts to review this issue and the existing provisions of the Criminal Code, the Committee reiterates the concern expressed in its previous conclusions and recommendations (CAT/C/CR/28/1, para. 6 (a)) with regard to the absence of a specific offence of torture, consistent with articles 1 and 4, paragraph 2, of the Convention. While noting the introduction of a Defence Command Directive on the prohibition of torture and other cruel, inhumane or degrading treatment or punishment in the Armed Forces, the Committee regrets the State party's decision to exclude a special provision of torture from the new Military Criminal Code. (art. 1 and 4)

The Committee calls upon the State party to incorporate a specific offence of torture, as defined in article 1 of the Convention, in its Criminal Code as well as in the Military Criminal Code making it a punishable offence as set out in article 4, paragraph 2, of the Convention.

Statute of limitations

11. The Committee notes with concern that the offence of torture, which as such does not exist in the Danish Criminal Code, is punishable under other provisions of the Criminal Code, and is, therefore, subject to the statute of limitations. While noting that acts of torture that amount to a war crime or a crime against humanity, according to the Rome Statute of the International Criminal Court, ratified by the State party on 21 June 2001, will not be subject to any statute of limitations due to section 93a of the Criminal Code, the Committee is concerned that the statute of limitations applicable to those other provisions of the Criminal Code may prevent investigation, prosecution and punishment of these grave crimes, in particular when the punishable act has been committed abroad. Taking into account the grave nature of acts of torture, the Committee is of the view that acts of torture cannot be subject to any statute of limitations. (art.s 1 and 4)

The State Party should review its rules and provisions on the statute of limitations and bring them fully in line with its obligations under the Convention so that acts of torture, attempts to commit torture, and acts by any person which constitute complicity or participation in torture, can be investigated, prosecuted and punished without time limitations.

Non-refoulement

12. The Committee takes note of the information received that the Danish Special Forces captured 34 men and handed them over to allied forces during a joint military operation in Afghanistan in February-March 2002, in circumstances where allegations later emerged of ill-treatment while the men were in allied forces' custody. The Committee also notes the State party's assurance that it undertook a full investigation of the incident reaching the conclusion that it did not violate article 12 of the Third Geneva Convention by handing over the detainees. Finally, the Committee takes note of the State party's assurances that all detainees were released shortly after their transfer to allied forces' custody and that none of them were ill-treated while in the said custody.

13. The Committee recalls its constant view (CAT/C/CR/33/3, paras.4 (b)and (d), and 5 (e) and (f) and CAT/C/USA/CO/2, paras. 20 and 21) that article 3 of the Convention and its obligation of non-refoulement applies to a State party's military forces, wherever situated, where they exercise effective control over an individual. This remains so even if the State party's forces are subject to operational command of another State. Accordingly, the transfer of a detainee from

its custody to the authority of another State is impermissible when the transferring State was or should have been aware of a real risk of torture. (art. 3)

With regard to the transfer of detainees within a State party's effective custody to the custody of any other State, the State party should ensure that it complies fully with article 3 of the Convention in all circumstances.

Solitary confinement

14. The Committee notes with appreciation that the upper limit for solitary confinement of persons under the age of 18 is reduced from eight weeks to four weeks. Despite the amendments of the Administration of Justice Act to limit the use of solitary confinement in general, and in particular with respect to persons under the age of 18, the Committee remains concerned at the placement of persons in prolonged solitary confinement during pre-trial detention. It notes with particular concern that persons, including persons under the age of 18, suspected of offences against the independence and security of the State (chapter 12 of the Criminal Code) or against the Constitution and the supreme authorities of the State (chapter 13 of the Criminal Code) may be held indefinitely in solitary confinement during their pre-trial detention. However, the Committee notes that there is a judicial review mechanism in place to review the need to continue the solitary confinement. (art. 11)

The State party should continue to monitor the effects of solitary confinement on detainees and the effects of the 2000 and 2006 amendments to the Administration of Justice Act which have reduced the number of grounds that may give rise to solitary confinement and its duration. The State party should limit the use of solitary confinement as a measure of last resort, for as short a time as possible under strict supervision and with a possibility of judicial review. Solitary confinement of persons under the age of 18 should be limited to very exceptional cases. The State party should aim at its eventual abolition (CRC/C/DNK/CO/3, paras. 58-59).

With regard to persons suspected of offences against the independence and security of the State (chapter 12 of the Criminal Code) or against the Constitution and the supreme authorities of the state (chapter 13 of the Criminal Code) who may be held indefinitely in solitary confinement during their pre-trial detention, the State party should ensure respect for the principle of proportionality and establish strict limits on its use. In addition, the State party should increase the level of psychological meaningful social contact for detainees while in solitary confinement.

Prompt and impartial investigations

15. The Committee notes that the State party has responded to the criticism raised by the case of the death in police custody of Jens Arne Ørskov in June 2002, and other individual cases, by setting up a broad-based committee to review and evaluate the current system for handling complaints against the police and processing criminal cases against police officers. Nevertheless, the Committee is concerned at allegations of violations committed by law enforcement officials and, in particular, at the fact that the impartiality of subsequent investigations has been questioned. (art.s 12, 13 and 14)

The State party should ensure that all allegations of violations committed by law enforcement officials, and in particular any deaths in detention, are investigated promptly, independently and impartially. It should also ensure the right of victims of police misconduct to obtain redress and fair and adequate compensation, as

provided for in article 14 of the Convention. The State party should expedite the ongoing review process and provide the Committee with detailed information on the results of this process.

Excessive use of force, including killings, by law enforcement officials

16. The Committee is concerned at reports emerging of alleged excessive use of force, such as the use of physical violence and tear gas, by law enforcement officials during the “Ungdomshus” Youth House riots in Copenhagen in March 2007. The Committee also notes with concern reports suggesting that a number of persons had been killed by Danish law enforcement officials over the past two years. (arts 10, 12, 13, 14 and 16)

The State party should review the existing framework to handle allegations of excessive use of force, including the use of weapons, by law enforcement officials to ensure its compliance with the Convention. The State party should ensure prompt and impartial investigations into all complaints or allegations of misconduct, in particular when a person dies or is seriously injured following contact with law enforcement officials. In addition, the State party should review and strengthen its education and training programmes relating to the use of force, including the use of weapons, by law enforcement officials in order to ensure that the use of force is strictly limited to that required to perform their duties.

Long waiting periods in asylum centres

17. Despite the measures taken to improve the living conditions and activities in asylum centres, in particular the conditions for asylum-seeking families with children, the Committee is concerned at unduly long waiting periods in asylum centres and the negative psychological effects of long term waiting and of the uncertainty of daily life on asylum-seekers. (art. 16)

The State party, while improving the living conditions in asylum centres, should take into consideration the effects of long waiting periods and provide both children and adults living in asylum centres with educational and recreational activities as well as adequate social and health services.

Reform of Greenland’s judicial system

18. The Committee notes with interest the proposals and recommendations of the Commission on Greenland’s Judicial System (report No. 1442/2004), particularly with regard to the treatment of remand prisoners and other detainees, the preparation of pre-sentence reports, the surrender or presentation to the court of documents or other issues of importance in relation to the conduct of criminal proceedings, and the prison structure. It also notes with interest the ongoing drafting of a new Special Criminal Code and a new Special Administration of Justice Act for Greenland.

The State party should expedite the ongoing drafting and adoption of a new Special Criminal Code and a new Special Administration of Justice Act for Greenland, ensuring that all provisions of these new acts are in full conformity with the Convention as well as with other relevant international standards.

19. The Committee requests the State party to provide detailed statistical data, disaggregated by crime, ethnicity, age and sex, on complaints relating to torture and ill-treatment allegedly committed by law enforcement officials and on the related investigations, prosecutions, and

penal or disciplinary sanctions. Information is further requested on any compensation and rehabilitation provided to the victims.

20. The State party is encouraged to disseminate widely the reports submitted by Denmark to the Committee and the conclusions and recommendations of the Committee, in appropriate languages, through official websites, to the media and non-governmental organizations.

21. The Committee invites the State party to submit its core document in accordance with the requirements regarding the common core document in the harmonized guidelines on reporting under international human treaties, approved by the Fifth Inter-Committee meeting of the human rights treaty bodies in June 2006 (HRI/MC/2006/3 and Corr.1).

22. The Committee requests the State party to provide, within one year, information on the measures taken to implement the Committee's recommendations contained in paragraphs 15, 16 and 19.

23. The State party is invited to submit its seventh periodic report by 30 June 2011.

Fra: FMN-NIC Christoffersen, Nicolai [nic@fmn.dk]
Sendt: 30. januar 2013 14:49
Til: Mads Møller Langtved
Emne: SV: Bilag til bidrag

Takker

Bh
Nicolai

Fra: Mads Møller Langtved [mailto:mml@jm.dk]
Sendt: 30. januar 2013 14:45
Til: FMN-NIC Christoffersen, Nicolai
Emne: Bilag til bidrag

Du får også lige de bilag vi henviser i bidraget

Torturkonventionen:

<https://www.retsinformation.dk/Forms/R0710.aspx?id=71593>

Med venlig hilsen

Mads Møller Langtved
Fuldmægtig



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JUSTITSMINISTERIET

Lovafdelingen

Forsvarsministeriet
Holmens Kanal 42
1060 København K

Dato: 29. januar 2013
Kontor: Statsrets- og Menneske-
retskontoret
Sagsbeh: Mads Møller Langtved
Sagsnr.: 2013-625/02-0001
Dok.: 670518

Bidrag fra Justitsministeriet til Forsvarsministeriet til brug for samråd i Folketingets Forsvarsudvalg den 5. februar 2013

Justitsministeriet er ved e-mail af den 21. januar 2013 blevet anmodet af Forsvarsministeriet om et bidrag til brug for forsvarsministerens besvarelse af følgende spørgsmål:

”Samrådsspørgsmål L

Ministeren bedes redegøre for, hvordan kravet om forældelse og sikkerhedsstillelse af 40.000 kr. pr. iraker i sagen om de i alt 23 irakere fra Green Dessert Operationen er i tråd med torturkonventionens krav om hjælp til sager om erstatning samt understregning af, at tortursager aldrig kan blive forældede på grund af deres meget alvorlige karakter.”

Justitsministeriet skal i den forbindelse foreslå, at følgende indgår i besvarelsen af spørgsmålet:

”1. Samrådsspørgsmålet vedrører en civil retssag, som er anlagt mod staten, og som verserer ved de danske domstole.

Jeg finder i den forbindelse, at det vil være rigtigst, at påstande og anbringender fremsættes i retten, således at domstolene kan tage stilling til dem.

Sagen bør ikke procederes i Folketinget.

2. Når det er sagt, kan jeg samtidig oplyse, at jeg til brug for dette samråd har indhentet en generel udtalelse fra Justitsmini-

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1216 København K.

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jm@jm.dk

steriet om Torturkonventionens forhold til den relevante danske lovgivning.

Justitsministeriet har i den forbindelse oplyst, at den danske lovgivning om sikkerhedsstillelse for sagsomkostninger og forældelse af civilretlige krav efter ministeriets opfattelse er i overensstemmelse med Torturkonventionen.

Torturkonventionen indeholder bestemmelser om personers adgang til at kunne få behandlet en klage over tortur og få oprejsning, hvis tortur har fundet sted.

Men Torturkonventionen indeholder ikke specifikke bestemmelser om sikkerhedsstillelse eller om forældelse i civile sager vedrørende erstatning eller godtgørelse i sager om tortur.

3. Det er korrekt, at FN's Torturkomité over for Danmark har anbefalet, at strafansvar for torturhandlinger ikke bør kunne forældes. Men komitéens anbefaling angår strafansvar og *ikke* civilretligt erstatningsansvar. Den verserende retssag angår civilretligt erstatningsansvar.

For så vidt angår den strafferetlige forældelse, kan jeg i øvrigt oplyse, at der – efter en lovændring, som trådte i kraft den 1. januar 2008 – ikke indtræder forældelse af strafansvar for tortur.”

Det kan i øvrigt til baggrund oplyses, at efter forældelseslovens § 3, jf. § 2, stk. 4, er forældelsesfristen for fordringer på erstatning eller godtgørelse for skade forvoldt uden for kontaktforhold som udgangspunkt 3 år fra tidspunktet for skadens indtræden.

Var fordringshaveren ubekendt med fordringen eller skyldneren, regnes forældelsesfristen først fra den dag, da fordringshaveren fik eller burde have fået kendskab hertil, jf. § 3, stk. 2. Forældelse indtræder dog senest 30 år efter den skadevoldende handlingens ophør for fordringer på erstatning eller godtgørelse i anledning af personskade.

Torturkomitéen udtalte i sin 2. periodiske rapport vedrørende Nepal, at en forældelse på 35 dage var for kort. Komitéen anbefalede derfor, at der ikke burde være forældelse for registrering af klager over tortur, og at erstat-

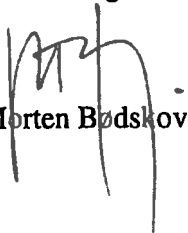
nings­sager skulle kunne anlægges inden for 2 år efter, at undersøgel­ses­konklusioner bliver tilgængelige.

Det kan ikke udelukkes, at komitéen også har afgivet udtalelser vedrøren­de andre lande, hvori der indgår overvejelser og anbefalinger vedrørende civilretlig forældelse.

Hertil bemærkes, at komitéens anbefalinger angår de konkrete forhold i de pågældende stater, at der er tale om anbefalinger, og at komitéen under alle omstændigheder ikke har mulighed for at afgive udtalelser om fortolk­ning af konventionen, der er bindende for stater, der har tilsluttet sig kon­ventionen.

Der vedlægges udskrift af Torturkonventionen, hvor der navnlig henvises til artiklerne 13 og 14, Torturkomitéens udtalelse af 13. april 2007 vedrø­rende Nepal, hvor der henvises til pkt. 28, og Torturkomitéens udtalelse af 16. juli 2007 vedrørende Danmark, hvor der henvises til pkt. 11.

Med venlig hilsen



Morten Bødskov

Fra: Mads Møller Langtved
Sendt: 31. januar 2013 13:05
Til: 'FMN-NIC Christoffersen, Nicolai'
Emne: Bidrag fra JM godkendt

Kære Nicolai

Så er det udkast til bidrag jeg sendte til dig angående samrådsspørgsmål L blevet godkendt. Der er ikke foretaget ændringer i forhold til det du fik.

Med venlig hilsen

Mads Møller Langtved
Fuldmægtig



Statsrets- og Menneskeretskontoret
Slotsholmsgade 10
1216 København K
Tlf. direkte: 7226 8843
Tlf.: 7226 8400
www.justitsministeriet.dk
jm@jm.dk

Fra: FMN-NIC Christoffersen, Nicolai [nic@fmn.dk]
Sendt: 31. januar 2013 13:06
Til: Mads Møller Langtved
Emne: SV: Bidrag fra JM godkendt [RELEASABLE TO INTERNET TRANSMISSION]

RELEASABLE TO INTERNET TRANSMISSION

Det er super – tusinde tak for hjælpen.

Bh
Nicolai

Fra: Mads Møller Langtved [mailto:mml@jm.dk]
Sendt: 31. januar 2013 13:05
Til: FMN-NIC Christoffersen, Nicolai
Emne: Bidrag fra JM godkendt

Kære Nicolai

Så er det udkast til bidrag jeg sendte til dig angående samrådsspørgsmål L blevet godkendt. Der er ikke foretaget ændringer i forhold til det du fik.

Med venlig hilsen

Mads Møller Langtved
Fuldmægtig



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Sendt: 5. februar 2013 16:43
Til: Mads Møller Langtved; Susanne Lehrer
Cc: FMN-ARJ Jacobsen, Allan Rahbøl
Emne: Erklæring fra 6 menneskerettighedsorganisationer [RELEASABLE TO INTERNET TRANSMISSION]
Vedhæftede filer: D-429262, , 20130131 [DOK429262].pdf

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Kære Mads og Susanne

Så fandt jeg den erklæring fra de 6 menneskerettighedsorganisationer, der blev nævnt af Nikolaj Villumsen under samrådet i dag. Den var desværre ikke blevet fordelt i huset inden mødet.

Med venlig hilsen

Nicolai Christoffersen
Fuldmægtig

Forsvarsministeriet
Internationalt kontor
Holmens kanal 42, DK-1060 København K
Telefon: +45 3392 2485
E-mail: nic@fmn.dk
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INGE GENEFKE AND BENT SØRENSEN'S ANTI-TORTURE SUPPORT FOUNDATION

FUNDED BY: OAK PHILANTHROPY LTD



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E-mail: bs@atsf.dk

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Manager

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DK-1092 Copenhagen K
Denmark

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27 42 89 32

Skodsborg, januar 2013

Modtaget i FMN

31 JAN. 2013

Forsvarsminister Nick Hækkerup
Holmens Kanal 42
1060 København K.

Retspræsident Bent Carlsen
Østre Landsret
Bredgade 59
1260 København K.

Formand Poul Dahl Jensen
Procesbevillingsnævnet
Rådhuspladsen 45-47, 4. sal.
1550 København V.

Direktør Nina Koch
Civilstyrelsen
Adelgade 13
1304 København K.

Vedlagt følger erklæring af januar 2013 med Opfordring og
tilhørende bilag 1 - 3, afgivet på vegne:

- Dignity (Dansk Institut mod tortur)
- IRCT (Det Internationale Rehabiliteringsråd for Torturofre)
- FN Forbundet
- Amnesty International
- Retssikkerhedsfonden
- Antitorturstøttefonden

Med venlig hilsen

Inge Genefke

Bent Sørensen

Januar 2013

OPFORDRING

Nærværende opfordring rettes til forsvarsminister Nick Hækkerup og myndigheder i Danmark, som træffer afgørelser af betydning for de 11 irakere, der ved søgsmål anlagt i 2011 og 2012 ved de danske domstole, ønsker behandlet deres krav om erstatning hos den danske stat som følge af medansvar for nedværdigende behandling ved tilfangetagelse og overgivelse til det irakiske politi, i hvis varetægt de hævder at have været udsat for bl.a. tortur.

Tilfangetagelsen skete den 25. november 2004 i forbindelse med den under dansk militærledelse gennemførte operation "Green Desert".

Retssagerne er verserende ved Østre Landsret, idet der ved domstolene er truffet beslutning om at henvise sagerne til dette retsniveau som førsteinstans.

Der er i sagerne fremlagt fagkyndige retsmedicinske rapporter for undersøgelser af hvert enkelt af sagsøgerne foretaget af Statsobducent, prof. dr.med. Jørgen Lange Thomsen, Odense, klinisk psykolog dr. Sana Hamze, Beirut, og retspsykiater dr. Mona Hamed Imam, Cairo, hvis konklusion typisk er følgende:

- "1) There is consistency between the psychological findings and the alleged report of ill-treatment and abuse.
- 2) There is consistency between the alleged type of physical abuse, the immediate physical symptoms and the present objective findings and symptoms.
- 3) The physical and psychological abuse of the examinee amount to torture."

Udover dette foreligger en mængde yderligere oplysninger, jf. vedlagte bilag 1, der efter vores opfattelse indebærer et klart behov for, at irakerne får mulighed for at lade deres sager behandle og afgøres ved domstolene.

Vi er bekendt med, at det fra forsvarsministeriets side under sagen er valgt at fremsætte forældelsesindsigelse og, at der af Procesbevillingsnævnet er sket stadfæstelse af et afslag på fri proces fra Civilstyrelsen, der er baseret på, at man på forhånd finder, at forældelsesindsigelsen betyder, at der ikke er udsigt til at sagen kan vindes.

Vi finder denne administrative foregribelse af den judicielle proces i denne sag for særdeles problematisk tillige med den omstændighed, at der på Forsvarsministeriets begæring af Østre Landsret er truffet bestemmelse om sikkerhedsstillelse, der for de 11 i alt udgør kr. 440.000 som sagsøgerne ikke kan betale. Der henvises til bilag 2, der er anonymiseret uddrag af sagens processkrift 3 af 22. juni 2012.

Kombinationen af afslag på fri proces og sikkerhedsstillelsen, som sagsøgerne ikke har mulighed for at opfylde, indebærer at sagerne afvises, hvis en løsning ikke fremkommer.

Vi er bekendt med, at afslaget på fri proces vil blive søgt ændret i forbindelse med en genoptagelsesbegæring, og at procesbevillingsnævnet er anmodet om at meddele kærretilladelse til at højesteret kan behandle bestemmelsen om sikkerhedsstillelse.

Når der foreligger begrundet anmeldelse om tortur, er Danmark forpligtet til at foretage en effektiv undersøgelse, såvel ifølge FNs konvention mod tortur artikel 12 og artikel 13 som ifølge fast praksis efter den Europæiske Menneskerettighedskonventions artikel 3, senest udtrykt i Grand Chamber Judgment af 13. december 2012 i sagen El-Masri v. "the former Yugoslav Republic of Macedonia" (application no. 39630/09), præmis 192:

"The Court considers that the prosecuting authorities of the respondent State, after having been alerted to the applicant's allegations, should have endeavoured to undertake an adequate investigation in order to prevent any appearance of impunity in respect of certain acts. The Courts does not

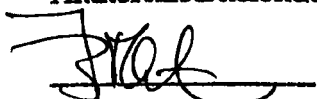
underestimate the undeniable complexity of the circumstances surrounding the present case. However, while there may be obstacles or difficulties with prevent progress in an investigation in a particular situation, an adequate response by the authorities in investigating, allegations of serious human rights violations, as in the present case, may generally be regarded as essential in maintaining public confidence in their adherence to the rule of law and in preventing any appearance of collusion in or tolerance of unlawful acts. For the same reasons, there must be a sufficient element of public scrutiny of the investigation or its results to secure accountability in practice as well as in theory (see *Anquellova v. Bulgaria*, no. 38361/97, § 140, ECHR 2002-IV ; *Al-Skeini and Others v. the United Kingdom* [GC], no. 55721/07, § 167, ECHR 2011; and *Association 21 December 1989 and Others v. Romania*, nos. 33810/07 and 18817/08, § 135, 24 May 2011). As the Council of Europe stated in its Guidelines of 30 March 2011 on eradicating impunity for serious human rights violations (see paragraph 105 above), "impunity must be fought as a matter of justice for the victims, as a deterrent to prevent new violations and to uphold the rule of law and public trust in the justice system". The inadequate investigation in the present case deprived the applicant of being informed of what had happened, including of getting an accurate account of the suffering he had allegedly endured and the role of those responsible for his alleged ordeal."(understreget her)

Såvel ud fra den konventionsmæssige grundlag som ud fra andre betragtninger, skal vi opfordre til, at der findes løsninger, der vil kunne indebære, at sagerne ikke hindres i at kunne blive behandlet og afgjort ved domstolene.


Samtidig skal vi opfordre til at problemet søges løst hurtigst muligt, idet der ifølge retsbog fra Østre Landsret af 7. januar 2013 (bilag 3) er meddelt frist for sikkerhedsstillelse til 15. februar 2013 samtidig med, at det er oplyst, at sagerne afvises i tilfælde af, at dette ikke opfyldes inden fristen.




Inge Genefke
Antitorturstøttefonden



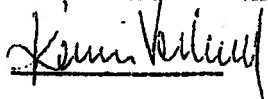
Joost Martens
IRCT



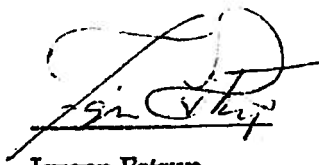
Ole Espersen
Retssikkerhedsfonden



Bent Sørensen
Antitorturstøttefonden



Karin Verland
Dignity



Jørgen Estrup
FN Forbundet



Lars Normann Jørgensen
Amnesty

[andre]

Bilag:

Bilag 1: Yderligere oplysninger om retssagen

Bilag 2: Anonymiseret uddrag af sagens processkrift 3 af 22. juni 2012

Bilag 3: Udskrift af retsbog fra Østre Landsret af 7. januar 2013

BILAG 1

Forsvarsminister Nick Hækkerup har ved flere lejligheder udtalt sig til pressen om sagen:

1. "Jeg har svært ved at se, hvordan det kan bidrage positivt til at få sandheden frem. Jeg er optaget af at få klarlagt, hvad der er op og ned på sagen. Det kan man gøre i en retssag, ikke ved at lave et forlig bag lukkede døre." (Politiken torsdag d. 25. oktober 2012, understreget her)
2. "Der skal ikke laves forhandlinger i et lukket rum. Er der mere materiale, skal det frem. I en så alvorlig sag er det urimeligt ikke at undersøge, hvad der er op og ned. Af hensyn til den danske befolkning og for at få en fair retssag." (Jyllandsposten torsdag d. 25. oktober 2012, understreget her)
3. "Når forsvarsministeren siger, at han vil have sagen undersøgt til bunds ved domstolene, så hænger det ikke sammen med, at han via sin advokat stiller krav om sikkerhedsstillelse og påstår, at sagen er forældet og derfor ikke skal undersøges", siger Christian Harlang.
Ministeren svarer (uddrag):
"Når der kører en sag ved domstolene, så er hensynet til sagsøgte og sagsøger afvejet i den juridiske proces. Min tillid til retssystemet er helt intakt. Det ville ligne noget Berlusconi-agtigt, hvis jeg skulle til at lave en politisk indblanding i, hvordan retssystemets forældelsesregler anvendes og fungerer.
"Det vigtigste for mig og regeringen, er at dette bliver undersøgt på en ordentlig og autoritativ måde".
"Her er flere indgange. Den ene er Irak-kommissionen, den anden er auditørernes undersøgelse, den tredje undersøgelsen, som forsvarschefen laver, og endelig er der retten. (Ekstra Bladet, fredag d. 26. oktober 2012, understreget her)
4. "Vores interesse er først og fremmest, at hvis danske soldater har handlet ansvarspådragende, så skal det frem. Det skal ikke ske i dølgsmål med skjulte forlig. Anklagerne skal ikke hænge i luften, de skal afklares", (Berlingske Tidende, d. 24. oktober 2012, understreget her)
5. "Vi skal følge spillereglerne, og der er regler om forældelse og sikkerhedsstillelse. - Når det er et civilt søgsmål, kan du bede din advokat om at se bort fra forældelsen på grund af løgnene? Ja, og Berlusconi kunne fuske med domstolene i Italien. Vi må holde os til retsreglerne." (Ekstra Bladet, lørdag d. 10. november 2012)
6. "For mig er det ikke vigtigt, at det går hurtigt, men at det går rigtigt til," siger Nick Hækkerup til politiken.dk
"Det kan man gøre i Irakkommissionen, og det kan man gøre i en retssag. Det kan man ikke gøre ved at lave et forlig bag lukkede døre," siger han. (TV2 Nyhederne, onsdag d. 24. oktober 2012)
7. "Et forlig med de 11 irakere, ville forhindre, at soldaterne bliver rensset i retten. Vores interesse er først og fremmest, at hvis danske soldater har handlet ansvarspådragende, så skal det frem. Det skal ikke ske i dølgsmål med skjulte forlig. Anklagerne skal hænge i luften, de skal afklares", understreger

forsvarsministeren. (Berlingske Tidende, onsdag d. 24. oktober 2012)

Nikolaj Villumsen har i Folketingets Forsvarsudvalg stillet følgende spørgsmål:

"Er der noget i erstatningssagerne for de 11 irakere, som forhindrer det sagsøgte Forsvarsministerium i (ligesom det sagsøgte Statsministerium i højesteretssagen i 2003 om Thulebefolkningens erstatningssager), at frafalde indsigelse mod forældelse?"

Af forsvarsminister Nick Hækkerups svar af 20. december 2012 fremgår:

"Kammeradvokaten og procesdelegationen, bestående af repræsentanter fra Forsvarsministeriet, Statsministeriet, Justitsministeriet og Udenrigsministeriet, har ikke i den konkrete sag fundet særlige forhold, der skulle begrunde, at man fraviger praksis med hensyn til afvisning af forældede betalingskrav samt kravet om sikkerhedsstillelse."

Fra erklæring af ambassadør Christian Oldenburg, Danmarks ambassadør i Bagdad i perioden 1. juli 2005 – 31. august 2006:

"Fængsler i Irak:

Da jeg var i Irak, var det den almindelige opfattelse dér, at både de amerikanske og de irakiske fængsler var forfærdelige, og at tæsk, mishandling, ydmygelser og måske endda tortur kunne forekomme rutinemæssigt. Dette var ikke mindst tilfældet i Basra-området, hvor de britiske styrker ødelagde al Shu'oon politistationen, da britiske agenter var blevet fanget og anbragt dér.

Spørgsmål i anledning af aktionen i Az Zubayr den 25. november 2004:

De aspekter ved denne aktion under dansk, militær ledelse, som har undret mig på det foreliggende, ufuldstændige grundlag, er bl.a.

- At alle de tilbageholdte irakere tilsyneladende var sunni-muslimer,*
- At alle de tilbageholdte irakere efter det oplyste tilhørte samme stamme, der angiveligt har samarbejdet med landets sunni-muslimske magthavere i århundreder,*
- At der tilsyneladende blev fundet bemærkelsesværdigt få våben (vist nok i alt 15 våben, mens der var 36 arresterede), i et land, hvor alle (mænd) med respekt for sig selv har mindst et skydevåben i sit hjem,*
- At de irakiske sikkerhedsstyrker i aktionen efter det oplyste tilhørte en shia-muslimsk enhed (hvilket efter 2003 var naturligt i et shia-muslimsk område), der - under aktionen sammen med danske tropper - åbenlyst hånede de sunni-muslimske fanger med religiøse udsagn vendt mod sunni-muslimer,*

- *At ingen af de arresterede efter det foreliggende blev præsenteret for en anklage – de blev angiveligt blot presset til at tilstå uspecificerede forbrydelser – og*
- *At alle de arresterede efter det oplyste enten blev tidligt løskøbt for eksorbitante løsepenge eller blot løsladt uden videre tiltale efter op til 70 dage i fængsel.”*

Fra erklæring af kaptajn Anders Kjærgaard, tidligere efterretningsofficer:

”Som efterretningsofficer befandt jeg mig i tidsrummet august 2004 til januar 2005 i Irak. Mit primære ansvarsområde var Az Zubayr, hvor operation ”Green Desert” fandt sted.

Min overordnede var Oberst John Dalby.

Onsdag d. 24. november 2004 meddelte Oberst Dalby mig, at DANBN (den danske bataljon, i Irak) havde modtaget en anmodning fra de irakiske sikkerhedsstyrker om bistand til en ”arrest and search” operation.

Jeg foretog samme dag forskellige nødvendige efterretningsmæssige undersøgelser. Senere samme dag ca. kl. 18 lokal tid meddelte jeg Oberst Dalby, at jeg fandt at de irakiske efterretninger efter alt at dømme var fejlagtige, og jeg vurderede dem til at være en del af et internt irakisk opgør. Oberst Dalbys reaktion var, at den til den følgende dag planlagte operation ”Green Desert” alligevel skulle gennemføres, idet den var initieret af de irakiske sikkerhedsstyrker.

I forbindelse med operationen blev der optaget film med minimum to kameraer, der netop var tilgået bataljonen som en del af en Combat Camera Team-pakke.

Jeg er bekendt med, at Forsvarsministeriet bl. a. har oplyst følgende i den retssag, der er anlagt mod ministeriet af 11 irakere om erstatning for tortur, m.v., i forlængelse af deres tilbageholdelse under operation ”Green Desert”:

Forsvarsministeriets skrivelse af 27. januar 2012, fremlagt i retssagen som bilag AD:

"Forsvarskommandoen har endvidere oplyst, at der ikke blev foretaget billed- og lydoptagelser under Operation Green Desert den 25. november 2004."

Kammeradvokatens svarskrift af 16. maj 2012:

"Forsvarsministeriet har endvidere ved skrivelse af 27. januar 2012 til sagsøgeren i Brak-sagen oplyst, at der ikke under operation Green Desert blev foretaget billed- og lydoptagelser. Denne skrivelse er fremlagt som bilag AD ved processkrift A i Brak og Sahel-sagerne."

Dette er usandt, idet der i et bilag til befalingen for operation "Green Desert" udtrykkeligt blev befalet for tildeling af combat camera-materiel til underafdelingerne til dokumentation af operation "Green Desert".

Filmen er tilgængelig på hjemmesiden: www.iraktortursager.dk

Erklæringen er fremlagt som sagens bilag 38 i forbindelse med processkrift 5: "*Sagsøgtes usande oplysninger. Ulovlig procesførsel*".

BILAG 2

"b. Sagsøgernes økonomiske forhold.

I Irak er bruttonationalproduktet (BNP) pr. indbygger ifølge de nyeste foretagne beregninger 3.900 amerikanske dollars (USD), jf. CIA World Factbook for Irak, s. 9. Omregnet til danske kroner er dette pt. 23.203,83 kr. Uddrag af CIA World Factbook fremlægges som **bilag 28**.

BNP er et gennemsnit, der er udtryk for et lands gennemsnitlige indkomst. BNP medtager således ikke økonomisk og social ulighed i et land. I Irak lever (estimeret) 25 procent af befolkningen under fattigdomsgrænsen.

Ingen af sagsøgerne er velstående, irakiske borgere. De arbejder hovedsagligt indenfor landbrugssektoren, enkelte indenfor servicesektoren. De har alle ifølge de foreliggende oplysninger en indtægt, der ligger under den oplyste BNP pr. indbygger i Irak.

Om sagsøgerne 1 og 7 til 9 kan tillige oplyses følgende:

For sagsøger (1)'s vedkommende fremgår det af stævning af 13. september 2011, at denne i 2003 overtog et jordområde af en størrelse på 40 durham. Årsindtægten var ca. 20 mio. dinar (svarende til omtrent 20.000 usd) hvoraf 2/3 del tilfaldt sagsøger og dennes familie. Efter sagsøgers tilfangetagelse flygtede familien i februar 2005 fra Irak og er nu bosat i Kuwait, uden indtægter. Sagsøgeren har derfor som følge af de krænkelser, der er overgået ham mistet sin jord og indtægt. Det fremgår af stævning af 16. marts 2012, s. 16, 1. afsnit, sagsøger (1) og dennes far havde betalt et samlet beløb på \$ 50.000 for løsladelsen af fire personer. For god ordens skyld bemærkes hertil, at det netop ikke var sagsøger (1) selv, der var i stand til at betale dette beløb. For det andet blev beløbet indsamlet fra flere familiemedlemmer. For det tredje har denne indbetaling selvsagt forringet både sagsøger (1) og dennes families betalingsevne yderligere. Det kan derfor ikke på baggrund af oplysningerne i stævning af 16. marts 2012 lægges til grund, at sagsøger (1) er i stand til at betale den nu af Østre Landsret krævede sikkerhedsstillelse, der under alle omstændigheder er at betragte som eksorbitant efter sagsøgernes forhold.

For sagsøger (7) gælder, at denne ligeledes efter tilfangetagelsen var nødsaget til at forlade Irak. Som det fremgår af stævning af 16. marts 2012, rejste familien, efter flugt til Jordan og derefter Egypten, d. 1. marts 2007 fra Cairo til Bahrain, hvor sagsøger fik opholdstilladelse.

Det fremgår af stævning af 16. marts 2012, at sagsøger (8) var kirketjener (muazzin) i moskéen. Det foreligger oplyst, at han har en årsindtægt svarende til knapt ca. 3.000 usd.

Sagsøger (9) var jf. stævning af 16. marts 2012 uddannet fra teknisk gymnasium, hvor han blev færdig i 2001. Han har siden arbejdet indenfor landbrugsproduktionen. Denne sagsøger havde endvidere en byggegrund, som han efter tilfangetagelsen var nødt til at sælge.

Sagsøgerne er uden formue eller indtægt i en størrelsesorden, som gør det muligt at stille den af Østre Landsret krævede sikkerhedsstillelse på 40.000 kr. pr. sagsøger.

Sagsøgerne har ikke mulighed for selv at stille denne sikkerhed, og konsekvensen heraf må i givet fald forventes at blive, at de ikke får mulighed for at prøve deres krav for domstolene.

Såfremt Østre Landsret fastholder denne afgørelse, vil der således kunne konstateres en krænkelse af EMRK art. 6, m.v."

B342100X- PB

BILAG 3

UDSKRIFT
AF
ØSTRE LANDSRETS RETSBOG

Den 7. januar 2013 satte Østre Landsret retten i retsbygningen, Bredgade 59, København.

Som dommer fungerede landsdommer Steen Mejer.

Som protokolfører fungerede sektionsleder Pia Borg.

Der foretoges

Der foretoges

7. afd. nr. B-3421-11:

(advokat Christian Harlang)

mod

Forsvarsministeriet

(Kammeradvokaten v/advokat Peter Biering)

og

7. afd. nr. B-397-12:

1)

2)

3)

4)

5)

(alle ved advokat Christian Harlang)

mod

Forsvarsministeriet

(Kammeradvokaten v/advokat Peter Biering)

og

7. afd. nr. B-1162-12

1)

2)

3)

(alle ved advokat Christian Harlang)

mod

Forsvarsministeriet

(Kammeradvokaten v/ advokat Peter Biering).

og

7. afd. nr. B-3534-12

1)

2)

(begge ved advokat Christian Harlang)

mod

Forsvarsministeriet

(Kammeradvokaten v/ advokat Peter Biering).

Ingen var tilsagt eller mødt.

Der fremlagdes stævning af 28. september 2012 samt svarskrift af 23. november 2012 i sagen B-3534-12.

Landsretten besluttede i samme sag (B-3534-12) følgende:

Sagsøgerne skal hver især inden den 15. februar 2013 stille en sikkerhed for sagsomkostninger på 40.000 kr. i form af bankgaranti eller deponering af penge, jf. retsplejelovens § 321, stk. 1.

De af sagsøgte rejste spørgsmål om forældelse, om sagsøgernes processuelle partsevne og om afvisning af sagsøgernes påstand 2 udskilles til særskilt forlods forhandling, jf. retsplejelovens 253, stk. 1. Disse spørgsmål behandles herefter ved en særskilt mundtlig forhandling, der berammes efter aftale med parternes advokater.

Landsretten bemærkede, at den særskilte mundtlige forhandling herefter vedrører de nævnte spørgsmål i alle fire sager (B-3421-11, B-397-12, B-1162-12 og B-3534-12).

Landsretten bemærkede vedrørende sikkerhedsstillelsen i alle fire sager endvidere, at såfremt sikkerheden ikke stilles, afvises sagen, jf. retsplejelovens § 321, stk. 1, in fine.

Sagerne udsat.

Retten hævet.

(Sign.)

— — —
Udskriftens rigtighed bekræftes. Østre Landsret, den

9/11 13

Pia Borg
s. ktionsleder