

UNITED NATIONS WAR CRIMES COMMISSION.

Danish Provisions

Regarding

Punishment of War Crimes.

The following translation of an extract from the Danish Act regarding the Punishment of War Crimes of 12th July 1946, has been made available to the Secretariat by the Danish Representative.

" Translation  
of  
The Danish Act on Punishment of War Crimes.  
Assented to by H.M. The King of Denmark  
on the 12th July, 1946.

Chapter I.

1. If a non-Danish subject, being in the service of Germany or serving under one of Germany's allies, has infringed the rules and customs of international law governing Occupation and War and has performed, in Denmark or to the detriment of Danish interests, any deed punishable per se in Danish law, an action can be brought against such person in respect of the crime committed and a punishment imposed in a Danish Court in pursuance of this Act.
2. In addition to the instances cited in paragraph 1, persons having committed the following crimes shall be liable to prosecution under this Act: war crimes or crimes against humanity such as murder, maltreatment of civilians, prisoners or seamen, the killing of hostages, looting of public or private property, requisitioning of money or other valuables, violation of the Constitution, imposition of collective punishments, destruction by explosives or otherwise, all in so far as these actions were performed in violation of the rules of international law governing Occupation and War. This Act shall further apply to deportation or other political, racial or religious persecution contrary to principles of Danish law, and further to all actions which, though not specifically cited above, are covered by Article 6 in the Charter of the International Military Tribunal, of the Order issued by the Danish Ministry for Foreign Affairs, Law Journal C. No. 7, dated 13th November 1945.
3. For crimes to which this Act applies, the punishment prescribed in the relevant Statute of Penalties may be increased to imprisonment for any term up to imprisonment for life. Should the case not be covered by any Danish code of penalties hitherto in force, the punishment shall be imprisonment for any term up to imprisonment for life.

The capital punishment, however, may be imposed in the circumstances laid down in Act. No.259, dated 1st June, 1945, amending the Civil Penal Code, paragraph 8, section 2(\*), or, further, in specially aggravating circumstances.

4. The fact that the criminal deed was performed by a person acting under orders or in a subordinate capacity does not exempt the criminal from responsibility, but may be taken into consideration as an extenuating circumstance, and in specially extenuating circumstances the punishment may be waived altogether.

5. When in pursuance of this Act a non-Danish subject is sentenced to a term of imprisonment, the sentence shall include the provision that on completion of his term of imprisonment he shall be deported from Denmark and warned that any illegal return to Denmark will render him liable to punishment.

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8. The liability of the criminals, or other legal implications provided by this Act never lapse, and the sentences passed may be carried out at any time.

9. Unless otherwise determined by the above stipulations the regulations in the General Section of the Civil Penal Code shall apply to the crimes to which this Act refers.

#### Chapter II.

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12. In actions brought in pursuance of this Act any appropriate lawyer may be engaged for the defence. An obligation to accept an appointment for the defence rests, however, only on the official Advocates appointed by the Minister of Justice in accordance with the Law on the Administration of Justice, para.733.

Should the accused desire any particular lawyer as his counsel for the defence, this lawyer should be engaged, unless this is excluded by the provisions of paragraph 1.

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(\*). The said paragraph provides that capital punishment i.a. may be imposed in case of murder, or torture with a view to provoking a confession; furthermore in some cases of treason in aggravating circumstances and in some cases of arson.