

Translation:

India tries again to get terror suspect Dane extradited

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India wants Niels Holck extradited because he took part in an arms dropping in 1995. It has previously been rejected.

In 1995, the Dane Niels Holck dropped weapons down to the rebels in the Indian state of West Bengal.

Since then, the Indian Government tried to get Niels Holck handed over for criminal prosecution, and now makes a new attempt.

“I can confirm that the Ministry of Justice has received a request for extradition from India. Public Prosecute will now process the request under the provisions of the Extradition Act,” said Justice Minister Søren Pape Poulsen (K) in a press release.

He stresses that it is important to deal with the matter as soon as possible, and “with the thoroughness, which such matters require.”

The first Indian request for the extradition of Holck came in 2002 after the modification of the Danish law in connection with a terror package.

The change meant that Denmark opened up the opportunity to extradite its nationals to countries outside the Nordic region.

After more than seven years of thinking time, the Danish Ministry of Justice in 2010 choose to meet the Indian request.

However to avoid extradition, Niels Holck challenges the extradition in court. In November 2010 the Court in Hillerød, decides that he cannot be extradited, as he runs the risk of being tortured.

In June 2011, when the Østre Landsret gives the same result, and after a week, the Public prosecutor informs India that he will not try to get the case to the Supreme Court. The matter is not of fundamental nature, believes the Attorney General.

The decision leads to a year-long diplomatic dispute between Denmark and India, and among other things, puts obstacles in the way for Danish exports to the country.

In recent times, however, there has been a softening on the way, and the Foreign Minister Anders Samuelsen (LA) is giving great importance to it.

“From the Danish side, cooperation with India attributed to great priority,” said Anders Samuelsen in a statement on Friday evening.

“Irrespective of the legal process, which starts up now, we will of course continue the gradual strengthening of cooperation with India, which we have experienced over the last few months.

A British man has been serving several years in prison for the dropping of weapons and looked like a self-proclaimed deportee from the 2nd world war. Also the Russian crew of the aircraft from which the dropping happened, spent several years behind bars.

Lawyer Surprised after extradition demand from India: the case of old wine in new bottle

Politiken, 16/12/2016

An agreed High Court decided in 2011 that terror suspect Niels Holck cannot be extradited to India. The legal decision cannot be taken away from him, says lawyer Tyge Trier.

It was a little over 5:30 p.m., when lawyer Tyge Trier, who represents Niels Holck, was called by one of the heads of the Prosecutions.

“There it was stated that there had been a request for extradition to India recently,” said Tyge Trier.

According to the amended provisions of the Extradition Act, which came into force this year, the Prosecutor General must assess the Indian request.

“Now they will start looking at the case and assess it. So, I called and informed Niels Holck, who stood in the supermarket with his son, and we are both surprised that the Indians come with it again. Even very surprised,” said Tyge Trier.

A question of legal certainty

According to the lawyer, there are two links in the Public Prosecutor's casework.

He can say no thank you to start an investigation, or he can start an investigation and send it to the local police district.

“Niels Holck and I have confidence that the Prosecutor General is now looking into the matter. Our position is that when there is a binding court decision in the case, then there is something called the force of law. The decision stands, and then there is also a legal certainty for Niels Holck, and it must consist in a legal society like ours,” said the lawyer.

Courts overruled the ministry

In 1995 the Dane was involved in the dropping of weapons to rebels in the Indian State of West Bengal.

In December 2002 India requested Holck's extradition for the trial due to his involvement in the case.

9th April 2010 the Justice Ministry took decision that he could be extradited to India.

Niels Holck thereafter appealed to the courts.

The case ended in summer 2011 that the High Court could not accept the Justice Ministry's decision that Niels Holck should be extradited.

Old wine in new bottle

The five High Court judges unanimously took the decision in June 2011 in the High Court.

The advocate respects the fact that the Prosecutor General has the competence in the field, and may examine the case, when the Indians now are sending request.

“Then we shall see whether we need to face interrogations, but it is not rare that states come with more requests in the same case. But in my view, the case is of old wine in new bottle,” said Tyge Trier.