

Working as a journalist in Danish courtrooms – what you need to know

DANISH JUDICIAL SYSTEM:

The Danish legal system is based on the so-called two-tier principle, which means that the parties to a case generally have the option of appealing the ruling of one court to a higher instance. The higher court can then either reach the same conclusion (uphold the ruling) or change the ruling.

Most cases begin at district court level with the option of appealing to one of the high courts. If a case was initially heard at district court level, it may, in special cases, be brought before the third and highest instance: The Supreme Court

Cases where the punishment are less than four years imprisonment are called “Lay Judges case”. It means that it’s ruled by a judge and two lay judges. Cases where the prosecution demands more than four years prison will usually be ruled by three judges and six lay men. However, the defendant can decide if he or she will waiver the right to have the three judges and six laymen and instead go with the “Lay Judges case”. In the Kim Wall-case, the defendant has asked for the smaller set up with just three judges, one judicial judge and two lay man judges.

COURT ROOM CONDUCT:

All rise when the judge and the lay judges enters the court room. The judge will signal when you can be seated. All rise again when the judge and the lay judges leave the court room. During the reading of a verdict all must also stand up.

COURT CONDUCT FOR MEMBERS OF THE PRESS:

To make sure that it is possible for the media to give an account of the court hearings in the Kim Wall-case, a room has been fitted out for accredited reporters, who can follow the proceedings in the courtroom through TV monitors and loudspeakers.

The same rules of conduct apply whether you are in the court room or in the “Press room”

Still photography Video and sound recording is not allowed in the press room, nor in the courtroom. The same rule applies for all the courthouse buildings, including hallways and stairways around the court rooms. Any non-compliance with this prohibition will lead to immediate expulsion from the court and may be reported to the police. Please note that a recording by itself is a violation, also if it’s only for private use.

Exemptions to the above can be given by the court and must be obtained in advance. In some cases, the court allow the verdict to be broadcast. Usually the permission is given to one media on a pool basis and the given media will have to give access to other media to their material.

Court room sketches are allowed. In the Kim Wall-case the defendant can be portrayed. But please note that the two Lay judges sitting next to the judge must be anonymized in all sketches. They cannot be recognized.

It is not allowed to publicize the Lay judge's names or any other personal information. The judicial judge's name can be publicized.

Live-blogging and tweeting from the Court room and the Press room is allowed as long as it is not a disturbance to the court proceedings. Note that it is the judge alone who decides what can be allowed to be reported from the court. He or she may decide that a testimony can't be published until other witnesses have given their statements.

CONDUCT OUTSIDE THE COURT BUILDING:

It is allowed to film outside the court buildings, but with the following restrictions:

It is not allowed to publish photographs or video of the defendant arriving or leaving court unless he has given prior consent. It is however allowed to film the car in which the defendant is arriving to court.

The Lay judges cannot be filmed or photographed at any time. It is the photographer's responsibility to make sure they are not in the shot at all.

Witnesses cannot be filmed or photographed at any time. It is the photographer's responsibility to make sure they are not in the shot at all. An exemption from this rule is if a witness has given his or hers consent to be filmed.

All defendants or witnesses arriving or leaving for other cases in the court are also protected from being filmed without their consent.

With the above in mind you cannot set up a camera with a live feed for broadcast of people arriving or leaving the court. Only if the distance is far enough so people entering the court can't be recognized. If you are conducting interviews outside the court, make sure the camera points away from the entrances to the court to make sure you observe the rule that nobody entering or leaving court can be filmed.