

Copenhagen City Court - verdict in the case of Nanna Free

Denmark - Activist Mother unjustly sentenced 2 years in jail, for saying “lets go smash this town up in a non-violent way“.

Nanna Skov Høpfner, or as she is known by her friends Nanna Fri (Nanna Free), talked at a rally against the Danish Government and their corona restrictions. In her speech she made many good points, but also ended with “lets go smash this town up in a non-violent way. Lets make some noise, so they can hear, we are here”. For this she was sentenced 2 years in jail, because they used an option to double the sentence, when it's corona related. The law was never meant to be used against activists, but to punish people committing coronary crimes like fraud. Nanna is 30 years old and the mother of 2 small children and has no background of activism or violent behavior.

The Copenhagen City Court has published this justification for the verdict - <https://www.domstol.dk/koebenhavn/aktuelt/2021/3/dom-i-sag-om-deltager-i-demonstration/> - Google Translation follows below.

12 Mar 2021 - Copenhagen City Court - Judgment in case of participant in demonstration

On 12 March 2021, the Copenhagen City Court found a 30-year-old woman guilty of, among other things, aiding and abetting attacks on police officers with cannon shots, fireworks, cans and stones in connection with a demonstration.

Offenses in the case are considered to have a background in and connection with the covid-19 epidemic. The penalty in the case has therefore been doubled in accordance with section 81 d, subsection 1 of the Criminal Code. 1. The sentence is then set at imprisonment for 2 years.

Of Copenhagen City Court judgment of 12 March 2021 includes the following highlights:

"After an overall assessment of the evidence in the case, including the defendant's statement, witness statements, the played video recordings and records Annex, the court finds that the accused 9 January 2021 in the period between approx. at 18:00 and at 21:00 at various addresses in Copenhagen participated in a demonstration based on or related to the Covid-19 epidemic in Denmark, and that in this connection she has stated and acted as stated below.

It is thus proven that the defendant approx. at 18.30 from a podium in front of about 400 demonstrators on Rådhuspladsen over a loudspeaker, among other things, stated "Okay, are you ready to walk around and smash the city in a non-violent way? Just to make Copenhagen aware that we are here? ", " We are here. We are angry and we are tired and we are going insane ", " Is no one listening to us? No one is listening to us friends. So what do we do? We make them listen, and how do we do it? Time will tell "and" Are you in? Are we done accepting that shit? So let's smash it, friends! Democracy okay? " and "The people into the Folketing. Smash that system. Thank you. Fuck the system. Fuck Mette. Fuck Poli. Fuck the whole man. Thank you", in which she contributed to, that during and after her speech, Roman candles, cannon shots and fireworks were fired at Copenhagen City Hall.

Furthermore, it is proven that shortly after the speech, the defendant participated in a serious disturbance of public order on, among others, Rådhuspladsen, HC Andersens Boulevard and Blegdamsvej, as she was at the forefront of the demonstration several times and in her presence, shouting, including using a megaphone, and conduct, in conjunction with her previous speech, participated in and encouraged others to attack by throwing objects, including cannon shots, fireworks, cans and stones, at the police officers present, injuring several of them and not less than 16 police officers. hit by objects.

It is also proved that the defendant failed to comply with the authorities' lawfully served order to the crowd to disperse and encouraged others to again grossly disturb the public order and violent behavior of the above-mentioned nature, while playing the police riot form on HC Andersens Boulevard ca. at 19.35 in a megaphone stated "freedom for Denmark, we have had enough", "up the ass with the queen" and "get a little go in the drum there man", just as the defendant participated in the run, including at the intersection Blegdamsvej / Tagensvej approx. at 20.50, where objects were also thrown at the police, until the riot was dissolved approx. at 21:00.

On the whole, the court finds that the defendants in the above-mentioned statements and acts have contributed to gross disturbance of public order as well as the use of violence against the police officers present, including aggravated violence and attacks with objects. In this connection, the accused is found to have acted in association and by prior agreement or by common understanding with a larger group of identified and unidentified accomplices.

The court notes that the two police commissioners who have given explanations in the case have explained, among other things, that prior to the demonstration on 9 January 2021, which was organized by Men In Black, there were concerns about violence against the police. The background for this was, among other things, Men In Black's previous activities and the storm at the US Congress on January 6, 2021.

The court finds that it has been proven that the defendant at least had probable intent, as the defendant must have realized that it was overwhelmingly probable that she, with her statements and actions, contributed to the said offenses. Emphasis has been placed on the information about the circumstances of the defendant's speech at Rådhuspladsen, including that the defendant knew that arrests had been made and that she perceived that fireworks were being fired. It is also emphasized that it appears from the video recording of a speech that the defendant gave on 11 November 2020 that she was careful to avoid encouraging clashes with the police. Furthermore, it is emphasized that the defendant's actions and statements took place over a longer period of time and continued after she had seen fellow demonstrators commit the offenses in question.

To the stated extent, the accused is found guilty of the subsidiary indictment, which relates to a violation of section 119 b, second sentence of the Criminal Code, cf. first sentence, cf. section 81 d, subsection. 1, § 245, para. 1, partly cf. § 21, and § 134, cf. § 81 d, para.

1, and § 134 a, cf. § 81 d, para. 1.

It can not lead to another result that the defendant in her speech at Rådhuspladsen stated "in a non-violent way", and that she later in the process to a certain extent expressed herself in a way that can be understood as distancing herself from fellow protesters' offenses . Emphasis has been placed on an overall assessment of the defendant's statements and actions. In this connection, it is noted that the defendant later in the speech used the term "smash" without making reservations, and that the speech is also otherwise found suitable to contribute to the offenses in question. Furthermore, it is noted that defendant with the described behavior continued to participate in the demonstration after she had seen fellow protesters' offenses.

Defendants are principally charged with violating section 133 (1) of the Criminal Code. 1 and 2, 2nd indent, and para. 3, cf. 1, cf. § 119 b, 2nd sentence, cf. 1st sentence, cf. § 120, and cf. § 245, para. 1, partly cf. § 21, alt. Cf. § 81 d, subsection 1, by, among other things, having provoked a riot with the intention of committing or threatening violence against a person or property, so that she must be punished for crimes committed during the riot and belonging to the purpose of the riot.

The court finds that the necessary proof of conviction in a criminal case has not been brought to a conviction in the criminal case.

Penal Code § 81 d, para. 1

The punishment prescribed in, among other things, section 119 b, section 134 and section 134 a of the Criminal Code may, pursuant to section 81 d, subsection 1, is increased to double if the offense has a background in or connection with the covid-19 epidemic in Denmark.

Section 81 d of the Penal Code has been inserted by Act no. 349 of 2 April 2020 on the basis of Bill no. 157 of 26 March 2020. The Bill's comments on the provision state, among other things:

"... The condition that the infringement" has a background in or connection with the covid-19 epidemic in Denmark "implies that the offense in question must have been wholly or partly motivated by or intended to exploit the situation in the country which The covid-19 epidemic in Denmark has led to the fact that it is irrelevant whether the person in question would have committed the same type of crime under normal circumstances, for example by using other aids or by another method

...

At the same time as the bill, it is assumed that the level of punishment for those in the proposed section 81 d, subsection 1, the offenses mentioned in paragraph 1 are increased to about double in relation to the punishment that would have been determined by the courts for similar offenses that have no background in or connection with the covid-19 epidemic in Denmark. ...

...

If a relationship is already punishable by a long prison sentence, it may exceptionally occur that a doubling of the level of punishment is not considered to be proportionate to the crime committed compared with similar offenses not related to or related to the covid-19 epidemic in Denmark. This may, for example, apply to certain matters covered by section 288 (1) of the Criminal Code. 2, on robbery of a particularly serious nature. In these cases, the penalty under the proposed section 81 d, subsection 1, to be sharpened by one third.

... "

During the consideration of the bill in the Folketing, report no. 157 of 1 April 2020 made a number of amendments, including amendment no. 6 from the Minister of Justice, which was adopted. Following the amendment, the provisions mentioned in section 81 d, subsection 1, is extended by, among other things, section 134 and section 134 a of the Criminal Code. The comments on the amendment state, among other things:

"... The amendment proposes, firstly, that the provisions mentioned in section 81 d (1) be extended to a number of offenses relating to crimes against public authority, etc., and public order and peace, respectively. ...

...

The amendment must be seen in the light of the fact that it is assessed that there is a certain probability that the police, health personnel employed in public institutions, etc. exposed to violence, threats, insults or harassment as part of their work to enforce the authorities' legislative action against covid-19. Furthermore, it is assessed that there is a certain risk that the authorities during the covid-19 epidemic in Denmark will be able to see riots etc. in the streets, where there will be a need to ensure public order and peace.

...

At the same time as the amendment, it is assumed that the level of punishment for violating the provisions mentioned in the amendment will be increased to about double the penalty that would have been determined by the courts for similar violations that have no background in or connection with the covid-19 epidemic. in Denmark.

... "

Defendant has explained that she participated in the demonstration on January 9, 2021 to focus on pedophilia and pedophilia convictions, but that others must have participated in the demonstration due to corona restrictions.

It appears from the played video recordings that the defendant in his speech at Rådhuspladsen, among other things, spoke about viruses, pandemics and shutdowns.

According to the wording of and the preparatory work for section 81 d of the Criminal Code in conjunction with what was stated in the case about the demonstration on 9 January 2021, including what the defendant has explained why others participated in the

demonstration, the court finds that the punishment in the present case should be determined twice as much as the penalty that would have been imposed by the courts for similar offenses that have no background in or connection with the covid-19 epidemic in Denmark.

Sentencing The

sentence is set at imprisonment for 2 years, cf. the Penal Code § 119 b, 2nd sentence, cf. 1st sentence, cf. § 81 d, subsection. 1, § 245, para. 1, partly cf. § 21, and § 134, cf. § 81 d, para. 1, and § 134 a, cf. § 81 d, para. 1.

In sentencing, the court emphasized the nature of the defendant's statements and actions as well as the circumstances in connection therewith. Thus, among other things, emphasis has been placed on the fact that no less than 16 police officers have been hit by objects, including cannon shots, fireworks, cans and stones.

Furthermore, emphasis has been placed on the fact that Act no. 1832 of 8 December 2020 presupposes a penalty increase of about one third in connection with section 119 b of the Criminal Code, and that Act no. 358 of 29 April 2018 presupposes a penalty increase of one third in connection with section 245 of the Criminal Code.

As mentioned above, the penalty is set at twice the penalty that would be set by the courts for similar offenses that have no background in or connection with the covid-19 epidemic in Denmark

According to the nature of the defendant's actions and statements, the court finds no basis for making the sentence fully or partially conditional, including with conditions of community service.

For known for right:

Defendant... is punished with imprisonment for 2 years.

The accused must pay the costs of the case. "

For further information, press representatives can contact press contact judge Jens Stausbøll on telephone 20 24 21 76.

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