

II. STATEMENT OF THE FACTS, 14.1. COMPLAINT A.

From the first day of his arrest Mogens Hauschildt has been subjected to a very inhuman treatment which includes:

- Solitary confinement during two periods: 31st January 1980 - 28th August 1981 and 2nd July 1981 — 7th October 1981.
- An incarceration of 1004 days before the first judgement on the 1st November 1982.
- A pre-trial incarceration filled with considerable restriction during which MH was locked up in a cell for 23-24 hours per day.
- Endured treatment, during his incarceration, which exceeded the normal endurance of persons on remand or of prisoners sentenced in Denmark.
- Very special restrictions were imposed on visits and correspondence during the whole period, i.e. all letters were subjected to censorship.
- Prevented from any real contact with his family through all the years. This is not normal in Denmark for other incarcerated persons on remand or convicted, conditions are normally humane.
- MH has been subjected to considerable grief concerning his family and has had no real contact with the respective persons since his incarceration:-
 - Mother: - Since MH's arrest she has been in hospital 5 times with a very serious heart complaint. MH is her only child and she attempted suicide twice shortly after his arrest, MH was not allowed to see his mother for 3,5 months after the event, and due to her condition she has not been able to visit her son more than very sporadically thereafter.
 - Father: - MH's stepfather died after two years in a hospital nursing home without any personal contact with MH, after MH's arrest.
 - Father-in-Law: - Died in September 1980 and due to a delay created by the Special Prosecution in that letters were withheld by the Special Prosecution, neither MH nor his wife were informed until after the funeral. This

caused Mrs Hauschildt a considerable amount of grief as she loved her father very much.

- MH's sons, who at the time of the event were aged between 12 and 17, have gone through a difficult phase of life without a father, with considerable upheaval as to their education etc.
- MH remained incarcerated on his 40th birthday, 20th wedding anniversary and for all family and National holidays during a period of more than 4 years (with the exception of one family occasion and a funeral).
- The enormous amount of publicity associated with the event and case has also been an aggravating factor, which, especially during the solitary confinement, was many times enforced, thereby, causing much mental stress to MH.
- MH suffered many physical and mental pains during the incarceration which alone had been caused by the incarceration and solitary confinement. Such illness incurred includes:
 - Severe headaches - migraine, stomach and digestive problems, rheumatic problems, severe concentration problems, articulation problems.
- MH has received permanent damage, mentally and physically i.e.
 - Headaches, damages in vision in the both eyes, circulation problems affecting the right hand and back problems, various psychosomatic disturbances.
- The incarceration of Mrs Hauschildt, accused of an alleged offence which 3 years later had not resulted in a charge and indictment also caused MH, his wife and family a great deal of stress as Mrs Hauschildt was kept for two months in March and April 1980.
- The family have received considerable harassment including 'house break-in's' due to the general publicity associated with the case. Furthermore most of the family and personal effects, art and collections were lost due to the event.

Despite the above mentioned, neither the previous nor present defence had been able to get the authorities permission to have MH's own medical advisors, from outside prison, attending him. Already in the

summer of 1980 the defence made several applications to the Courts and Ministry of Justice, to have MH examined by doctors from outside (the prison) who are highly reputable, however, the Special Prosecution prevented this, even though the defence had complained to the Danish Ombudsman.

With letters to the judge at the Lower Court (Claus Larsen) MH, on several occasions, pointed out that his mental and physical conditions were such that he was not responsible for anything he did during his pre-trial solitary confinement. Furthermore he explained why it was necessary for him to go on a hunger strike.

After the hunger strike which lasted 55 days, MH wrote some letters and statements, which later were found, thus resulting in charges which MH was convicted for separately.

The letters which MH wrote during the pre-trial solitary confinement were extensively used by the Prosecution and in the Danish media, despite that the defence didn't and do not believe that the letters were in any way an offence, since they resulted in no actions by MH and were written under considerable mental pressure.

A summary of the relevant, documentation which should be reviewed in connection with this complaint A.:

(1) See List of Documents - VII. 21.b. General correspondence

All the correspondence relevant to this complaint marked A., specific the following:

Letters from MH to the defence advocate Jørgen Jacobsen, dated the July 7, 18 and 25, 1980, June 25 and 30, 1980

Letters to Prison Directorate from defence July 7 and 11, 1980

Letter to judge Claus Larsen (KB) from MH, August 10 and 15, 1980 and August 17, 1981

Letters from MH to the defence advocate Jørgen Jacobsen October 12, December 2, 1980

Letter to the Lower Court from the defence July 7, 1980 enclosed statement from MH to the Commission of Human Rights

Letter to the Chief Medical Officer for Copenhagen Prison Dr. C. Stuij from MH, September 16, 1981

Letter to the Lower Court/KB from MH, September 7, 1981

(2) See List of Documents - VII. 21.w. Press articles

(3) The medical report at Vestre Fængsel / Prison Copenhagen as to MH, this report is not enclosed and is in the hands of prison doctors.

(4) General material and reports:

Dansk Retspolitisk Forening, Isolationsgruppen: Vidnesbyrd om de psykiske og sociale følger af dansk isolationsfængsling, Forlaget i Haarby 1980

Barbara Swartz: The Danish Prison System's Dark Underbelly: One American's perspective, Kriminalistik Institut, Copenhagen 1979.

Dansk Tortur, March 1983, a report by Mogens Hauschildt
See page 80 list of Bibliography

The Danish Parliamentary consideration, and the various draft bills, number L 24/1982-83 and number L 164/1982-83 dated the 2nd March 1983.