

II. STATEMENT OF THE FACTS, 14.5. COMPLAINT E.

This complaint concerns foremost the inadequate facilities which MH has been provided and indeed still has thereby preventing a proper defence.

In view that inadequate facilities were provided, when finally requested papers came into the hands of the defence and MH, it was apparent that adequate time to work with these papers and documentation were not given, by the Court. There can be no doubt that adequate time overall has been available for the defence, however it has not been possible to use this time effectively, because MH's working facilities and restricted access to the seized material.

The Special Prosecution have been able to obstruct the defence, without the interference, despite MH and the defence on several occasion made the Court aware of this.

When considering this complaint, the whole background of the case, the tens of thousands of papers seized (pages) and the indictment itself, must be viewed. Furthermore the defence contention, that no violation has taken place, not even any civil or commercial law has been violated.

This specific complaint relates to the criminal indictment; however the civil proceedings were likewise obstructed with by the Special Prosecution. MH was refused access to the seized documentation during all the important hearings at the Commercial Court, when MH and the companies were subjected to decisions of bankruptcy.

Not only did MH not have access to the seized material during these civil proceedings, but the Special Prosecution, and possibly the liquidators, held very important financial reports away from the Commercial and Supreme Courts attentions, thereby preventing that these Courts decisions were made fairly - the simply did not have the proper documentation at their disposal, this is evident from the judgment published by the Supreme Court.

One of the most disturbing features is the way the Court has accepted and indeed ignored the defence complains as to the inadequate facilities provided to MH and the many obstruction by the Special Prosecution. Whenever MH wrote to the Court and the judges, giving details as to these various obstructions by the Special Prosecution, the letter were ignored. The same was apparent whenever the defence complained in the Court.

In addition to the obstruction and the restricted facilities provided to MH and the defence, the Court decided on several occasions to limit the work of the defence, by refusing the funding. Whereas the prosecution had practically unlimited resources at their disposal, the defence were constantly restricted.

As an example of the restriction put upon the defence, by the refusal of funding by the Court, were the work and investigation connected with travel, not permitted, neither did the defence have resources to conducting an independent audit for the defence. The prosecution was able from the start to travel all over the world (in most instances on first class air travel); the defence responsible for the proceedings, where not permitted one trip.

A further point, the case as a whole represent an enormous amount of work in itself, especially when the defence already has been handicapped by restriction and obstruction, but despite this, the authorities and Courts have constantly made it very difficult for the defence to be paid for their work. In other words has it been necessary for the defence to use considerable time on getting their fees paid, time and effort which could be used on the defence of MH.