

**III. STATEMENT OF ALLEGED VIOLATIONS OF THE CONVENTION,
15.5. Violation E.**

The Conventions

Without prejudice any other possible complaints and contentions of other violations of conventions ratified by Denmark, it is the applicant's contention that the following articles has been violated by the Danish authorities:

A. The International Covenant on Civil and Political Rights of 16th December 1966.

Article 14.3. (b).

"In the determination of any criminal charge against him, everyone shall be entitled to the following minimum guarantees, in full equality:

(b) To have adequate time and facilities for the preparation of his defence and to communicate with counsel of his own choosing; "

B. The Convention for the Protection of Human Rights and Fundamental Freedoms, 4th November 1950.

Article 6.3. (b).

"Everyone charged with a criminal offence has the following minimum rights:

(b) To have adequate time and facilities for the preparation of his defence;"

Alleged violation

Although that considerable time have passed and as such there should have been plenty of time, the facilities provided to MH and the defence, with all their restrictions, delays and obstructions, resulted in that MH was deprived from the facilities in effect to defend himself. In this contention it is important to be aware of the enormous amount of material seized and indeed of the factual conditions of MH's incarceration.

The Danish authorities have from the first day ignored the equality of the law and MH's rights. Whereas the Special Prosecution was able to draw on all major resources of the Danish authorities, and use millions of Danish Kroner, MH's was left incarcerated, without access to all the seized material and directly prevented to work with the material and the defence. Not only was MH's own situation

restricted, but the defence was only provided very limited resources, which they had to fight for.

According to decision made by the Court, the defence was not permitted to hand over the prosecution's reports as to the more than 800 customers which were included in the indictment. The Court did not permit MH or the defence to have these customers brought into the trial and testify, only 10% of them.

It has been evident that the Special Prosecution have even suppressed evidence and misused documentary material papers seized which clearly were to the benefit of MH, has disappeared or first come into the Court's documentation after the defence and MH had been able to find them among the seized material. Certain important papers have either been lost or hidden, or taken beyond any possible use, by the prosecution. When such grave mischievous can be exercised by the prosecution without the interference of the Court it is hardly difficult to imagine the consequences for MH.

It is the contention of the applicant that the Danish authorities have permitted gross interference with the course of justice by giving inadequate facilities for MH's defence in his preparation of his defence.