Ängelholm, Sweden, 31 January 2006

Ms S. Dollé, Section Registrar
European Court of Human Rights - ECHR
Second Section, Council of Europe
F-67075 STRASBOURG CEDEX, France *Also sent by fax to: 0033 3 88 41 27 30 (excl. app.)*

Application no. 73841/01 **Klemeco Nord AB** (Klemeco) **v. Sweden**

References: Letter from ECHR 4 January 2006/LT/za; Letter from Swedish Government 2005-12-16/MR/ER29/2005

Referring to the Swedish Governments denial of Klemecos demand for damage and just satisfaction for non-pecuniary damage, Klemeco has the following to say.

Because of deficient economic means Klemeco can't argue further before ECHR for compensation for non-pecuniary damage. For reasons, already mentioned, Klemeco has no access to a counsel acquainted with ECHR's jurisdiction. On the other hand Klemeco has good experts as to Swedish laws of legal procedure, laws of contract and liability to pay damages.

Klemecos demand for compensation for legal expenses and claim for damage in the Swedish case for compensation from Lena Ström, and losses and failed compensation as to Lena Ström's first mission in the civil case ./. Jernmanufaktur AB (NJA 1992:60), is maintained on the reason that Klemeco is deprived its right to get its new and relevant proves and arguments examined by the Court of Appeal. The economic specification of demands that has been handed over to ECHR, is based upon what is said in the Swedish judgements and Klemecos demands before the courts for the company's own costs, added to that are interests, calculated according to law. The calculation is made by an extern economist, Peter Schmidt at Ekosund Redovisning, Helsingborg.

The main reason that Klemeco had to suffer this loss is that the courts laid a deeply wrong foundation for their decisions: the Swedish administration of justice is neither equal nor objective in a civil process where a lawyer (*advokat* = member of the Swedish lawyers association) is the defendant. The hearing is a subject of controversy against the European Convention, Article 6. The investigation "Canis non est Canem" shows this. The investigation has earlier been handed over to ECHR (see e-mail 2005-03-31). This totally non-acceptable rule of instructions showed itself when Klemeco not got any respect in the Court of Appeal. For this the Swedish Government is responsible.

It is clear for us, that ECHR is not allowed to reinvestigate the judgements from the courts in the member states, but: Every neutral and honest jurist must, when examining the contents in Klemecos claim against Advokat Lena Ström, and reading what Klemeco says in its claim and the courts judgements, even the Court of Appeals empty words, must come to the conclusion, that Klemeco has not got a fair legal proceeding. A conclusion that is embraced by the Swedish professor of science of legal procedure Lars Heuman, Stockholms Universitet, with a preaching lawyer's liability as his speciality.

In Klemecos case against its previous lawyer, the Court of Appeal did not give a discussion of its own and did not discuss the *new* facts that Klemeco delivered there. This shows the Swedish courts systematic way when a lawyer is the defendant in a claim of damages. Further can be said, that the court caused an unnecessary delay of *three* years and did not give the suer the possibility that the defendant got: To discuss suitable days for the meeting of the court. (The Court of Appeal's answer to JK of 1999-02-18; Sent to ECHR as a supplement to the claim 2001-04-03.)

All the new facts and proofs, handed in to the Court of Appeal as brought about from what the lawyer Ström said before the district court in Ängelholm, at the main session there, were in reality not possible to neglect or hide if the legal proceedings had been handled fair in an open judgement.

It appears from the verdict, given by Ängelholms court, that the lawyer Ström's opinion was that it could be devastating to show the standard-contract EÅ85 in spite of the fact that EÅ85 must have been *the model* for the disputed exclusive contract (*not mentioned for Klemeco!*). After the lawyer Ström had set aside more relevant causes and proofs (the duty to be active in different ways and so on) there was only one single reason left (= interpretation of the contract) and no guard or margin, after she had called back the duty to be active (p. 5.1) in spite of the fact, that several principal witnesses were called, regard the judgement from Ängelholms court, page 14; compare this with the courts statement (defiant and unfounded!) that the lawyer Ström had handled her commission carefully and clever!

It also appeared at the principal proceeding in Ängelholm at the district court, that Ström did not know, that Klemeco had made an injunction to pay against Jernmanufaktur, despite the fact, that the injunction is mentioned in one of the letters that Ström declared had been read for the district court in Malmö. Nevertheless Ström did not know the content! See, please, further Ström's surprising address of 28 pages to the district court in Ängelholm, (encl. 92 B, page 24), from which several statements are referred by Klemeco before the Court of Appeal as new means of evidence.

Thus Ström produced a larger amount of contradictory statements during the main session of the local court in Ängelholm. This lead Klemeco to show eleven (11) new proofs and they were all accepted by the Court of Appeal; see Decision of the proceedings 1997-07-10, p. 3; *appendix 1*. All this supplementary demonstration and argumentation it was the duty of the Court of Appeal to estimate and Klemeco had a similar right to be noticed of it. Instead of doing so, the Court of Appeal confirmed the judgement just like that, and left all new proves and circumstances totally unanswered. Because of the fact that there are no test case from the Highest Court in Sweden about a practising lawyers responsibility and duties, the court of Appeal as a high court had an obligation to report its own reasoning in Klemecos case.

The great problem in the unjust pattern, that here has been shown, is that a judgement that has gained legal force normally is looked upon as to really factual and reliable. Thus it is difficult to shape an opinion from the "uninitiated" about the fact that among certain parties extra heavy demands are made upon the suer's proofs and reasons. A way to a successful fight against this could be that neutral researchers were demanded to examine several cases concerning those lawyers in detail, to deepening the study "CANIS NON EST CANEM". As to what the Swedish minister of justice recently has said in the Swedish Television this is not a burning question. The only hope now is that the ECHR abides its position: It is not enough that justice is done – it must look as if it were done.

If things really were so strange that the general publics confidence in the Swedish legal system can bee maintained only by an "*intellectual" protection* from the governments officers, who *have the duty* to adjust shortcoming and mistakes and *not* hide and *manipulate* such sensible facts, if this disgusting method were the only possible way for the Swedish government, it had at least to see that it is done so far, that those, who have to bear the loss, get economic compensation for this.

Even if Klemeco and the undersigned have been economically destitute and suffered a lot during those years, some thousand EUROS for non pecuniary damage are not the most important.
The very most important is that ECHR will be a help against the Swedish state when its highest judges appointed by the Swedish government obviously protect the lawyers (*advokat*) authorized by the state, when the dissatisfied clients ask for justice at the court.

Yours faithfully,

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(Translated to English in cooperation with professor of civil law at the University of Lund, Gunvor Wallin, Båstad, tel +46 43171117)
Appendix: 1