

Friday, May 8, 2009  
Horsens, Denmark.

President of the United States of America,  
**Mr. Barack H. Obama.**

Dear Mr. President. The reason that I am writing to you, is due to the lack of constitutional and juridical rights that have been negated to my person from American authorities over and over again.

My name is **Mario Herrera** and I am an American citizen living legally here in Denmark.

It has been more than 100 days, since you arrived to the presidency, and no new ambassador has been assigned to this country, Denmark, for whatsoever reason. It is not my intention to discuss this.

My point is that I have been waiting for the new ambassador to notify about my case. Then for that reason I am writing to your in person, with copy to both USA secretary of state **Ms. Hilary Clinton** and USA Attorney general **Mr. Erick Holder**.

The other reason is that still is in charge, the very same consul in Denmark **Ms. Marilyn W. Rowdybush** from the previews administration of former USA president **Mr. George W. Bush**. This consul is the same person that I am pointing as the main responsible of the continuous discrimination, negation, sabotage and obstruction of my fundamental rights as American citizen in this case.

**November 1, 2006.** I was brutalized by the Danish police and arrested without any justification. As s consequence of that, today I am a handicapped person for life.

I am attaching the previews letter to the former USA president **Mr. George W. Bush**, where I request his full intervention after to consult every one of the USA authorities responsible to guarantee me my constitutional rights of protection.

As it was a constant in this previous administration, the accomplished SILENCE, it was the only answer that I received back. A black, Latino, person like me, under USA constitution (according to them) does not have rights. No rights for you Mario Herrera, even that you are a so called American citizen.

Today, the supreme court in Denmark, despite the evidences demonstrated have been negating any kind of justice both to my wife **Gitte Toldsted** and me.

Today the case, it is on its way to the European Court of Human Rights. Mario **Herrera vs Denmark** and preparing also **Gitte Toldsted vs Denmark**.

I would like you see this video, according the USA State Department, where it says high and clear that I should be protected by **CONSULAR ACCESS TO PRISONERS:** Article 36(a) of the **Vienna Convention on Consular Relations of 1963**, 21 UST 77, TIAS 6820, 596 UNST 261,

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[http://travel.state.gov/law/info/info\\_639.html](http://travel.state.gov/law/info/info_639.html)

You can see the **video** here; for protection I have saved a copy of this video for myself to present in court: [http://travel.state.gov/law/consular/consular\\_2001.html](http://travel.state.gov/law/consular/consular_2001.html)

First I want to point out here the American embassy in Copenhagen, Denmark, to both former ambassador **Mr. James P. Cain** and actual consul **Ms. Marilynn W. Rowdybush**. Through my former case worker, **Ms. Anita F. Funcke**, and multiples letters, emails, phone calls and my personal visit to USA embassy. (Together with my wife).

Due to the continuous negation of my rights of protection and freedom of expression for more than 2 years now in this case, I have been in the need to create this personal web page to supply with official documents every aspect of these violations.

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USA government and USA authorities have been failing to guarantee me under the above mentioned Vienna Convention, my rights of protection. Danish authorities, despite to be a country signer of this International agreement, with total deliberation, denied me this fundamental rights at the time of the arrest. I was not allowed by the Danish police:

- First to let me know, the reason why I was arrested.
- And after this arrest, I was not allowed to contact the American embassy or consulate.
- Not allowed to contact a lawyer.
- Not allowed to contact my family.
- Not allowed to contact a doctor.

All these rights they were over and over again negated to me for five long hours, despite that I was requesting them, over an over again.

Never ever, any USA authority have been protesting to the Danish authorities what is the reason that I was arrested and negate these fundamentals rights that protect me under the Vienna Convention's International law, mentioned above.

These are some of the pre-assumed Human Rights violations that will be presenting against Denmark at the European Court of Human Rights. And where also The United State of America has been accomplished together with Denmark to negate me.

### **Article according Convention for the Protection of Human Rights and Fundamental Freedoms.**

- Article 1. Obligation to respect human rights.
- Article 3. Prohibition of torture.
- Article 5. Right to liberty and security.

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- Article 6. Right to a fair trial.
- Article 10. Freedom of expression.
- Article 14. Discrimination.

Denmark	USA.
Illegal arrest. For no giving me the reasons WHY I was arrested. (HR A-5, A10, A14)	Lack of protection from USA authorities to my person, due NO request to Danish authorities the implementation of <b>Vienna Convention Article 36-a</b> (Explained above). (HR-A1, A10, A14)
Negation from the Danish authorities, to my protection under <b>Vienna Convention on Consular Relations</b> , related with Consular Access to Prisoners. (HR-A1, A5, A10, A14)	There was never any protest from the USA authorities on the high and clear discrimination from Danish Judicial System, violations of <b>Vienna Convention Article 36(a)</b> . (HR-A1, A5, A6, A10, A14)
Negation of a fair trial. <b>Discriminated in the first and the second court process.</b> (HR-A6, A10, A14)	The Danish prosecutor discriminated me at the second court where now the USA embassy again witnessing a discrimination attack from the Danish prosecutor negated to protest their behavior in court. We have to notice here that the discrimination in the first court process was only partially protested, but no following up on the original protest. (HR-A6, A10, A14)
Negation of a fair trial. <b>Hidden key evidences or documents in the first and second court process.</b> (HR-A6, A10, A14)	No protest followed from USA authorities to demand Danish authorities guarantee me a fair trial. Despite I reported and warned in two times, previously the court case to the USA authorities of the lack of judicial guarantees. (HR-A6, A10, A14)
Torture, police brutalization that brought me this handicap situation for life. (HR-A1, A3, A5)	No protest have been arose from any USA authorities to Danish authorities about the situation of both torture and kidnapping by the Danish police against my person. (HR-A1, A3, A5)

I want to mention one more time, that all USA authorities mentioned below have been fully informed about this case, most of them multiple times, and by multiples sources, (Letters, emails, telephone, and fax). They have been warned from me about these violations, but despite that, they have letting me be submitted to a process with total lack of judicial guarantees in the last two years. They have been in silence with premeditation.

List of USA authorities that knows perfectly about this case, and despite that they have let me go through this painful process without any protection rights that covers me under USA constitution. All these persons, and without exception, mentioned below have to

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explain in front a USA court the reason that motivated them to negate me all my protection rights.

**List of American authorities.**

- USA ambassador in Copenhagen, Denmark. **Mr. James P. Cain.**
- USA consul in Copenhagen, Denmark **Ms. Marilyn W. Rowdybush.** (*I have never seen the face of this consul*)
- USA case worker in Copenhagen, Denmark. **Ms. Anita F. Funcke.**
- USA embassy Copenhagen. Security Officer. **Mr. Jeff Howard.**
- USA State Department. **Ms. Condoleezza Rice.** (*3 times, and following suggestion from my request to the **European Union Ombudsman Mr. P.Nikiforos Diamandourus***)
- USA Florida senator **Mr. Bill Nelson.**
- USA Florida senator **Mr. Mel Martinez.** (*I want to notice here, that for my mistake Mr. Martinez it was not including in my previews letter to Mr. Bush, but I am correcting it here in this letter. However, Mr. Martinez has been mentioedn in my previews 4 letter to Ms. Condoleezza Rice, for instance. Letter receipts you can see here:*  
[http://www.norightsforyou.com/PostReceipts/070718\\_070806\\_071119\\_mel\\_martinez\\_postreceipts.pdf](http://www.norightsforyou.com/PostReceipts/070718_070806_071119_mel_martinez_postreceipts.pdf) )
- USA Florida congressman **Mr. Lincoln Diaz Balart.**
- USA Florida governor **Mr. Charlie Crist.**
- USA General attorney **Mr. Michael Mukasey.**
- USA Florida General attorney **Mr. Bill McCollum**

**Key words in this case are:** Discrimination, Torture, Racism, Hate, Xenophobia, Violation of International rights, Kidnapping, Violation of USA constitution, Premeditation, Freedom of expression, Fair justice trial, and hidden key evidences in court.

- I was arrested without being explained the reason why I was arrested.
- I was brutalized and humiliated by the Danish police (Torture).
- I was negated to the Vienna Convention protection rights (explained above) where both Denmark and USA are fully signers of this agreement.
- I was not allowed to contact the American embassy.
- I was not allowed to contact a lawyer.
- I was not allowed to contact my family.
- I was not allowed to contact a doctor.
- DNA was taken from me, under my protest and request that this must to be done in front of a lawyer.
- I was strip searched – the police investigating my genitals and rectum – without a doctor present and with 5-6 people standing around me, laughing and patronizing me.

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- Despite that I warned the USA embassy 3 months before the first court case about the possible irregularity from the Danish judicial process, the USA authorities took the decision to let me go to this process.
- Now again, I warned the USA authorities on the second court case and once more time they kept in accomplished silence.
- Eventually I was right; I caught the Danish State Attorney hiding key evidences in court. USA embassy immediately was notified, when I got notification of the hidden document, and one more time, but now both the USA embassy and USA authorities was in silence. The following are statements from the Danish police prosecutor Jens Rasmussen, which the Danish State Attorney decided to hide to my former lawyers and to the Danish court to guarantee a process in their favor against my person.  
[http://www.norightsforyou.com/JusticeObstruction/jens\\_rasmussen\\_document-translated\\_to\\_english.pdf](http://www.norightsforyou.com/JusticeObstruction/jens_rasmussen_document-translated_to_english.pdf)

*“...It is recommended that prosecution is made in accordance to the enclosed undated draft for indictment...”*

(In both court trials I have been prosecuted for different topics that are not part of the official indictment. That is of knowledge of the USA embassy and it has never ever been protested to the Danish authorities what is the reason that they indict me for one thing and process me for another. **Ms. Rowdybush** has been playing a main roll in this behavior).

*“...**the foundation for the arrest can seem fragile**. It seems to be an arrest mainly founded on the circumstances that the person in question did not wish to take the hands out of the pockets, while he had to talk to the police...”*

*“...the way of arrest – pacification by putting the person in question down to the ground and handcuffing him – taking due account of the (scant) gravity of the situation **can seem too drastic**...”*

*“...**On this basis it is my evaluation that during the trial it can be a matter of acquittal, decreased sentence or sentence annulment**, while the threats and comments, if it is taken as a basis that the use of force was too drastic, hardly can be evaluated to have such a nature that you can call it “assault” ...”*

This was the evaluation of the police prosecutor in my case, **Jens Rasmussen**. That is key evidence in my case; this document has been hidden on purpose by the Danish judicial system, when I was prosecuted two times in court. I do not need to explain not only the huge crime of hiding key evidence in court this is, but also the premeditation of the crime. This was hidden not once but two times to my former lawyers.

Denmark wouldn't be making all these kinds of violations explained in this letter, if the USA government wouldn't allow or encourage it. With the ambiguous and lukewarm attitude that both actual consul **Ms. Marilyn W. Rowdybush**, and former ambassador

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in Denmark, **Mr. James P. Cain**, they were giving to the Danish authorities at the time by not make any kind of protest.

This is not the about the question if Danish authorities have been violating their own laws or not. This is about the fact that USA has been allowing these violations on behalf of one of its own citizen.

If USA government would be taking the correct decision, today, I wouldn't be writing to you President **Mr. Barack Obama**, or former president **Mr. George W. Bush**, and my case against Denmark would not be on its way to the European Court of Human Rights.

I can easily demonstrate in whatsoever court all these kind of violations that have been committed against my person.

**USA President, Mr. Barack Obama.** The reason why I am writing to you is to request my rights back that cover me under USA constitution, and International agreements that this same constitution protect.

Explicit words from the United States of American Department:

*“...**Under United State Constitution, a treaty like the Vienna Convention on consular Relations it is the supreme law of the land.** It is also in effect in more 160 countries (by the way, Denmark is signer of this treaty [http://travel.state.gov/law/consular/consular\\_744.html](http://travel.state.gov/law/consular/consular_744.html)). Just as the Vienna Convention and other treaties protect Americans overseas, they also apply to foreigners residing or visiting here. They ensure that federal, state and local authorities provide the opportunity for arrested or detained foreigners to communicate with consular officers from their government... ”*

What I am claiming it is not only the rights that should protect me, but also the rights that protect Danish citizen in USA, or whatever other country signer of this agreement.

**Who are the responsible inside the USA State Department that decide to negate me my rights?**

Somebody has to answer this question in front a judicial court, not matter inside or outside USA.

After, my letter to former president **Mr. George W. Bush**, and despite to request him to answer me before you would take position in the new administration, I received a letter from **USA State Department**, with date **January 13, 2009**. But delivered to me **January 27, 2009**. This letter requested me to call an office about “crisis management” of USA State Department, and the lady there, suggested me to lawsuit Denmark, but when I requested about the USA authorities, this crisis management clerk, with a very sophisticated manner hang up on me the phone. I am attaching, letter, envelope, tape recording and script for this telephone conversation in the CD attached to this letter.

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The facts, evidence speak by themselves in this case. For me it is incredible that still the same consul, which has been sabotaging and negating me all my rights, is there. The same very person that never ever as a consul (or anything else) has been showing me her face in my at least 3 visits to the USA consulate in Copenhagen, Denmark. This is the kind of consul that American tax payers support for guarantying them their rights.

This consul, **Ms. Marilyn W. Rowdybush**, it is the same person that has to explain in a court:

- Why she took **25 days!!!** to request the Danish police authorities about the reason why I was arrested. I notified personally to the USA embassy (*my wife came along with me*), **Ms. Anita F. Funcke**, at the other day of the event, **November 2, 2006**. See document translated into English here: [http://www.norightsforyou.com/fax\\_from\\_embassy\\_to\\_police\\_translated\\_english.pdf](http://www.norightsforyou.com/fax_from_embassy_to_police_translated_english.pdf) Do you think, that it would take **25 days to request** (*see that it is a difference between "to request" and "to protest"*) if this happened to a white, Anglo-named, rich or politician family related person? For example, if someone of the USA authorities mentioned above, they would be in a similar situation as me? Would **Ms Rowdybush** and **Mr. Cain** delay until 25 days to request the respective authorities? We all know the answer.
- Why after my warnings, in both court cases, due to the lack of judicial guarantees, this consul and ambassador took the silence vote? (*In a court process in Denmark, there does not exist tape recorder or steno-machine. A compilation of the case according to the version of the judge is made at the end of the court trial, deleting whatsoever statements or declarations in this process*) Is this what United States of America consider a just and fair trial? We all know the answer.
- The only protest arose by this consul about my case, and which is evidence that she recognized that I was discriminated, it was after the first court case; but curiously this protest never ever was followed up. And in the second court, now in front of more witnesses, I was again, discriminated in court, but this time no protest at all from USA embassy, like if nothing happened. I see this as total and unconditional accomplishment to sabotage me my rights.

However the consul can not be working alone, she has to have some kind of protection inside the USA State Department. Evidence exist that a long time ago, the State Department knew about this case. **So who is the person inside State Department acting to negate me all my rights?**

**Mr. President Obama.** I am a low income person, in my last three years here in Denmark I have been a full time student. I know that in USA I got the possibility to request under a Pro-Bonus program the protection of my rights to request the persons in court, that have been violating my rights.

Here as you can see the SILENCE has been not only from the former USA General attorney **Mr. Michael Mukasey**, but also from Florida General Attorney **Mr. Bill McCollum**.

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**Mr. Barack Obama**, actually after contacting all these American authorities mentioned above, which ones have been negating to protect my rights over and over again despite my multiple requests to them.

I know as a low income person, (*I can prove it, I have been a full time student for the last 3 years here in Denmark*) I know that I can qualify perfectly for a **Pro-Bonus program**. Because I request via email to ASKDOJ (Ask Department of Justice) and from there, I knew my options. Beside that, that was the recommendation from the lawyer that answered me on behalf of the Florida governor, Mr. **Charlie Crist**. And as I said before, this have been the only “real” answer (if we can call it like this) that I have received from any USA authority. Just suggesting me that I better go and look for a good lawyer with International profile.

However, I called and communicatde to the following institutions: **Florida Legal Service** and **Florida Bar**. Both of them have negated to give me my protection rights. Both institutions are the responsible to manage this Pro bonus program. Below the persons whom I have been writing and speaking to by phone.

- Florida Legal Service. **Kristin Rocco** ([kris@floridalegal.org](mailto:kris@floridalegal.org))  
Kris Rocco Asst. to Executive Dir. Ext. 1817  
[www.floridalegal.org](http://www.floridalegal.org) These are the people that manage the Pro Bonus program in Florida. The lady after several email communications, the last thing that she said to me is that she will let me know. That was the last August 7, 2008. Since then, total silence.
- Florida Bar.  
**Karen Kelly**. (5810)  
Florida Bar Sponsored Referral Services.  
[kkelly@flabar.org](mailto:kkelly@flabar.org)  
**Zina Jackson** (5768)  
International Law Florida Bar.  
[ajackson@flabar.org](mailto:ajackson@flabar.org)  
**Angela Froelich** (5633)  
International Law Florida Bar.  
[afroelic@flabar.org](mailto:afroelic@flabar.org)  
The only person that has answered me back here it was **Zina Jackson**, via email. She said to me that she spoke and transfer my case to **Karen Kelly**, in charge of lawyers referral. Then it never ever was a simple word back from her, despite my multiple phone messages and emails to her. Again total and accomplish **SILENCE**. Maybe someone of you can request these persons for me, and request the reason why they have been delaying to give me protection according my judicial rights. There has to be an explanation!!!

Under my constitutional rights, that protect me to have a fair trial and to request those that have been violated mine; I am requesting you to help me to be supported legally under whatsoever government program to prosecute the persons implied directly or

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indirectly in the crime to negate my rights under International agreement of Vienna Convention.

Please USA president, **Mr. Barack Obama**, let me have my constitutional rights back. Let the truth emerge in court. Do not ever be part of these violations, and allow that I will have my rights to have a lawyer and I can prosecute the responsible for these violations in USA.

This case have been inherited from the previews administration to you actual administration, and it looks like it has been done on purpose. I believe I can prove that in a court.

I do not believe and nobody believes that your administration will be accomplished of such crime, and now, after receiving this letter from me, you would chose to keep in silence and still without to protest to the respective Danish authorities in accordance with the **CONSULAR ACCESS TO PRISONERS: Article 36(a) of the Vienna Convention on Consular Relations of 1963**, 21 UST 77, TIAS 6820, 596 UNST 261, [http://travel.state.gov/law/info/info\\_639.html](http://travel.state.gov/law/info/info_639.html)

And all other arbitrariness committed by the Danish authorities with the accomplish silence of USA authorities.

Your administration is NOT legally responsible for this crime against my person; the criminals with their respective grade of responsibility have been correctly identified in this letter. But if you decision is to be an extension of the violations of American citizens rights as previews administration from **Mr. George W. Bush**, keeping in **SILENCE** without protest to the respective Danish authorities, and requesting who have been inside the USA State Department, even after **George W. Bush's** administration, that have been hidden this case and also negating to give me my legal judicial rights, then and only then, you will be assuming the same accomplishment on this crime.

I request a full and deep investigation for all responsible and to face the USA judicial court with all the legal guarantees that one day they negated to me.

I am really sorry for this long letter, and I hope it to be the first and last one, but at this point you must understand that this has been the consequence of more than two long years that incompetents USA authorities have been negating to me on purpose. The reason I am sending copy to both Ms. Hilary Clinton and Mr. Erick Holder, is due to that at this point you can assume that I am really tired and frustrated for what it really means to be an American citizen and how exactly USA constitution protect me.

I make **high and clear**, responsible for all the physical, legal and psychological damage that these persons mention in the list above (*See List of USA authorities.*) and they have been inflicting both to my family and me. With this letter, I am guarantying that whatsoever physical or legal repression against my person or family in the future, will be

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in the back of those that have been continuous negating my protection rights until the moment I am writing this letter.

Please, for whatsoever purpose USA authorities need in the future to verify about this case, feel free to count with the cooperation from my actual lawyer in Denmark that is carrying my case to European Court Human Rights vs. Denmark.

My lawyer information:

Advokatfirmaet Tommy V. Christiansen (Law firm)

**Mr. Jan Schneider.** Lawyer

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[jan.schneider@tvc.dk](mailto:jan.schneider@tvc.dk)

One more time, I am really sorry for this long letter. I thank you always for your attention and time. Waiting answers from you ahead.

Sincerely

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