

# The Södertälje Trial: the Largest Recovered Memory Case Handled by a Swedish Court

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Textual analysis assisted by computer techniques has been applied to the enormous amount of evidence of the recovered memory Södertälje case. This approach disclosed that the narratives about sexual and ritual abuse had no foundation in reality. The approach also managed to reveal what person (not any of the more plausible suspects) had manufactured and indoctrinated the narratives. The father was unanimously convicted by all courts, and the 27 judges overlooked what parts of the evidence had genuine implications for the question of guilt.

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## **1. The Significance of the Legal System in Sweden for International Science.**

The unusual nature of the legal system in Sweden may make many Swedish legal cases highly important to international forensic psychology and jurisprudence. First, exceedingly few documents are classified, and even these are almost always handed out to researchers. Second, the judges are obliged to produce a written judgement in which they explain and justify both the verdict and the sentence. In addition, no judgement is ever made by one single judge, and there is no jury. It goes without saying that much scientific research would be impossible without this openness and other requests.

The system does not acknowledge the concept of “impermissible evidence” (although this concept has tried to creep in through the backdoor since 1993). One corollary is that an expert witness is free to state his view on anything he considers relevant, including the question whether the defendant is guilty or not.

In most countries it is not thought to infringe upon the legal safety of the individual that the defence counsel will get a minimal standard fee, if the dependant cannot afford to pay him or her. In such countries counsels are given the choice between presenting a poor and inefficacious defence, or doing a large amount of unpaid work. By contrast, the basic principle in Sweden is that a defence counsel paid by tax money should have as large a fee as a defence counsel paid by the dependant, and their fee should depend on how much work they have actually done. It was the position of the late secretary of justice Lennart Geijer that no one should be in prison just because he could not afford to pay for a first-rate defence. It must be admitted, however, that individual judges do not always follow the law.

But despite this generosity of the state, some lawyers will not make use of these possibilities. One extremely passive and unconcerned lawyer was the defence counsel of the Södertälje father.

The Södertälje case is also highly important because of other reasons, e.g. the enormous amount of pre-trial information. There are 40 police interrogations of the injured party, and 28 were video-recorded and written out word-for-word by the police. These interrogations comprise approximately half of the pre-trial information. – Furthermore, very few cases have been analysed so extensively. And the evidence, analyses and results have been published in a book by Scharnberg (2009), *Textual Analysis of a Recovered Memory Trial Assisted by Computer Search for Keywords*. The writer claims that the book is based on the totality of the original legal documents and other entities.

In this book the method of textual analysis is combined with computer techniques. While the computer techniques applied are rather elementary, the results could hardly have been obtained without them. Hence, the view could be defended that the book contains significant methodological innovations.

In libraries which have got a copy of this book, the latter is classified as no. 121 in the series "Acta Universitatis Upsaliensis. Uppsala Studies in Education". But the book can no longer be bought from this university. For reasons to be explained later Uppsala University decided to destroy the entire edition. Due to accidental circumstances 40 % of the printed copies survived. At present the book is available on Internet at <http://www.yakida.se/max/start.html> and <http://www.yakida.se/max/maxbok.pdf> , for free downloading in the pdf format.

## 2. The Sudden Emergence of RMT/FMS trials

Legal cases involving Recovered Memory Therapy (RMT) and the False Memory Syndrome (FMS) were totally unknown before 1960. It is not easy to indicate an exact point when they started, nor an exact point when they became frequent. But since the middle 1980s they have been rather common in many countries. And since the early 1990s even laymen are aware that many psychotherapists deem numerous symptoms to have been caused by sexual abuse. These *recovered memory therapists* recount what the patient has allegedly experienced, and influence him or her to believe in these explanations.

Before 1960 most psychotherapists had likewise demanded that the patient should *believe* in their arbitrary interpretations. But what is new is the RMT therapists' request that their patients should *recall* assaults that had never taken place. Often implantation of false memories is successful. But thousands of cases are known in which the patient developed a serious neurosis as the result.

Recovered memory cases are sometimes carried over to the legal system, where they may end with long prison sentences for the alleged perpetrator. Not infrequently the only evidence consists of those stories which the therapist had indoctrinated. But the judges will often attribute "the stamp of being authentic experiences" to these stories.

RMT/FMS cases may also be concerned with other crimes, but pseudo-memories of sexual abuse constitute the most frequent category. And among such ones the Södertälje trial is the largest cases handled by a Swedish court. It is also important because it has been thoroughly analysed.

## 3. A General Survey of the Case

In 1992 a 15-year-old girl accused her parents of having sexually abused her since preschool age. They were also alleged to have hired her out as a prostitute at sex clubs well before she was ten. Half a year later she added that her parents had performed a large number of ritual child murders that also involved cannibalism.

In accordance with Swedish discretion pseudonyms will be used for all non-professional persons involved. Oswald and Helena are the parents. Oswald (who died in 2004) was a bisexual immigrant from Turkey, and Helena is deaf. Elvira is the alleged victim, and Ingrid is her two-year-younger sister. They have no further

siblings. Annette is the daughter of the judge of the court of appeal who during five years was the neighbour of the family. And Mollbeck eventually became Elvira's foster mother.

It was not a harmonious family, and one Sunday in September 1991 when things were particularly tumultuous, the mother and the daughters moved to the Mollbeck family. One of the Mollbeck daughters was Elvira's schoolmate and friend. After several movements over the next months a new pattern had crystallised in January 1992. The father lived alone in the villa, the mother had got herself an apartment, Elvira lived with the Mollbeck family, and Ingrid with another foster family. Elvira's psychic health started to disintegrate when she began to live alone with the foster family.

The police report was made on 28<sup>th</sup> April 1992. This was also the date of the first police interrogation of Elvira. During the preceding three months different persons had arranged four group meetings, to which the father was never invited. At all four meetings Elvira clearly stated that she had no memories of any sexual abuse.

Despite the total absence of recollections of abuse, Mollbeck found an incest therapist for her. And despite Helena's poor economic situation she was persuaded to pay for the therapy.

If Helena were not mentally retarded, and if she herself had abused Elvira, she could not have overlooked the risk that Elvira would tell the therapist about these things. Hence, Helena's willingness to pay must constitute some evidence against the sexual allegations directed against her.

In the first police interrogation (1992-04-28) Elvira repeated that she had no memories of sexual abuse. But she was absolutely sure that no abuse had occurred during the last 5½ years (that is, after the family had moved to a villa). In fact, in none of the first four police interrogations is there any trace of those crimes for which the father was convicted a few weeks later.

The incest therapist, who met Elvira for the first time 1992-03-07, also testified that Elvira had not told any concrete events – whether “images” or recollections – until *after* the first police interrogation.

Neither of the parents was charged with the child murders. But both were convicted of sexual abuse and of the pimping activity. The prison sentences decided by the court of appeal were 10 and 5 years, respectively.

Because of the later accusations of ritual murders, in which a judge of the court appeal had allegedly participated together with his teenager daughter, The Supreme Court granted a re-trial. In 1994 both Oswald and Helena were for the first time tried together, and the re-trial took place at the court of appeal in Stockholm. In due course much will be said about this trial. Here it will only be stated that the five judges wrote in the judgement that the parents were most probably guilty of everything they had previously been convicted of; but because of certain legal circumstances the father's sentence was reduced to five years while the mother was acquitted.

#### **4. The Foster Mother as a Recovered Memory Therapist**

It has often been said, even by experts, that only the defendant and the injured party can know what really happened. Outsiders can do no more than *believe* one or the other party. – This view is wrong. If scientific methods are applied for analysis of the evidence, astonishing information will often emerge.

As said above, the pre-trial information is massive. It is impossible for human beings to perceive such a wealth of facts. And it is even more impossible to assess its significance and evidential power. But in Scharnberg's book all pre-trial information was scanned into one immense document of 245 000 words. Hence, all versions of any event can be found, scrutinised and compared. We shall see that the bedside assault and the consolation assault constitute events with several contradictory versions.

Besides it can be shown what person(s) knew about a certain event at a certain date, and what other person(s) did not yet know about it, either at the same or at another date. Likewise recurrent claims about eyewitnesses can be assessed.

It turned out that *the foster mother Mollbeck knows literally everything that Elvira had experienced, before Elvira knows it herself*. Over and over again the following pattern is repeated. Mollbeck calls the police and "repeats" what Elvira had told her on the preceding evening, under violent crying and trembling. – But when Elvira meets her incest therapist three days later she has no idea of ever having had such an experience. And when she after a few further days is interrogated by the police, her memory is equally blank.

*Scharnberg takes this pattern as evidence that Mollbeck is the person who invented the assaults and indoctrinated them into Elvira.*

Attempts at indoctrinating false memories will often produce psychic deterioration. Hence, it is unsurprising that Elvira's deterioration started when she began to live alone with the Mollbeck family, as said above. (But five courts instead interpreted the very same deterioration as the effect of sexual abuse.)

Mollbeck repeatedly recounts an alleged assault when the father practised sexual intercourse with Elvira, while Ingrid sat on the bedside. But in the first police interrogation (1992-04-28) Elvira stated that she had no recollection of any sexual abuse, while she was absolutely sure that no assault had occurred during the last 5½ years. The police officer and not Elvira introduces the bedside assault. However, Elvira uses many statements to say that maybe no sexual abuse had occurred at all. The officer applies strong persuasive technique to fight these statements, as we can see from the following excerpt. P = police officer, E = Elvira, bold types and Italics added.

E: **Perhaps I'm lying**

P: We will help each other to find out what happened. This is what we will help with. **We will help you to remember.** Do you have any more memory of that kind? You told that you felt his dick in your hand and that daddy inserted his dick into your body.

E: **But perhaps it didn't happen at all, not even once.**

P: Well, **but this is what you remember and what more do you remember?**

E: Maybe I don't remember. Perhaps it is just something I've made up.

P: Well, but *if we leave this out of consideration.*

E: Hm.

P: **Is there any other recollection emerging?** You talked about your sister. And daddy and you had no cloths on. Do you recall what room you were in?

E: Perhaps in our room at our house and perhaps in our room in the apartment.

Note that Elvira utters the word "perhaps" not less than 6 times during this brief excerpt. She also uses formulations such as "lying", "having made up", "does not remember", and that it "has not taken place". But Elvira's weak attempts to recount a different story are brutally repelled. Evidently the aim of this police officer is not to find out what happened, but to facilitate a conviction irrespectively of whether the father is guilty or innocent.

The end result of the persuasive manipulation is that Elvira recounts the bedside assault. But she expresses marked doubt whether it is a recollection or a pure imagination.

## 5. The Bedside Assault

This assault is included in both police report by the social agency: the brief one 1992-04-28 and the more detailed on 1992-04-29. In both reports Mollbeck but not Elvira is indicated as the source.

On the same date Mollbeck is interrogated for the first time. It should not come as a surprise that she recounts the bedside assault. She also states that Elvira had told most of her narratives on sexual abuse during the last three preceding weeks. – But this is contradicted by the incest therapist, who maintains Elvira did not recount any concrete events until *after* the first police interrogation. And this claim cannot be doubted.

The second, the third, and the fourth interrogations of Elvira occur on 1992-05-04, 1992-06-04 and 1992-06-09. At all three occasions the bedside event was introduced by the police officer. In the second and third interrogations Elvira says nothing that either affirms or denies any sexual aspect. By contrast, an excerpt from the dialogue of the fourth interrogation deserves a literal quotation. Note also that if this event happened while the family was still living in the apartment at Elm Street, Elvira could at most have been 10 years old, and Ingrid at most 8.

- P: I am thinking at Ingrid, the event you recounted when Ingrid was sitting at the bedside. Do you see where it is?
- E: It is in Elm Street, in my room in Elm Street
- P: In Elm Street in your room. Is it night or day?
- E: It is night.
- P: It is night. How come that Ingrid is sitting at the bedside?
- E: Because of the same reason that I am sitting at the bedside, that we are just utensils as it were, we are sitting there because he wants us to be sitting there.
- P: Why does he want you to sit there?
- E: Because he wants to give reigns of his hate, I do not know why he wants, I do not know why he does so, he just does so, I do not know at all why he just does so, I do not know why he is so, I do not know why he is not like all other fathers, but he just is so.

This is Elvira's most comprehensive account of the bedside assault. There is a conspicuous absence of sexual aspects. But the account also reveals another frequent phenomenon. When someone tries to indoctrinate "recollections" of events lying outside the experiential world of the target person, the latter will often get hold of the

wrong end of the stick. And this is exactly what happens to Elvira when she recounts what should have been the bedside assault.

The same pattern (getting hold of the wrong end of the stick) is found in a further context. As early as 1992-04-22 Mollbeck insinuates that Elvira had been hired out as a prostitute in sex clubs. But what Elvira really recounts for the first time on 1992-06-04 is something different: in *The Club of Deaf People* there are lots of men – "like ants in an anthill" – who rape her. Wisely the police officer behaves as if she had not heard this story.

The five judges of the court of appeal watched and listened to the videos of all recorded police interrogations. Hence, they have perceived the excerpt just quoted.

Other judges were responsible for the first judgement of the court of appeal 1992-11-05. In the latter we may read: "At least on one occasion [the father] has had sexual intercourse with her before the very eyes of her sister Ingrid." It is a noteworthy fact that the judges were prepared to convict the father of such an assault, without feeling any need to ask Ingrid if she had participated in that kind of events, and without looking up what Elvira and Ingrid had actually said during the police interrogations.

When the police asks Elvira if she had seen the father abuse Ingrid, she recounts that Ingrid on one occasion painted the anus of the father with nail polish. But she also tells about a subsequent conversation with Ingrid. Ingrid had allegedly said that Elvira's recollection was not true. It was Elvira who painted the father's anus and Ingrid who was the onlooker. As a result, during the police interrogation Elvira is unsure as to which version is correct. However, she does tell the police that the recollection of the nail polish event emerged shortly after she during a therapeutic session with the incest therapist had painted the Ken doll between his legs with nail polish.

Still during the same interrogation Elvira recounts that she had been disobedient to the father. In order to punish her he inserted his fingers into Ingrid's sex organ.

Here, as well as in many other places, the police officer perceives an obstacle to a conviction. She knows that Ingrid denies that she had ever seen or experienced any indecent behaviour. It is a natural hypothesis that the aim of the police officer's counter question is to rebut Elvira:

P: How do you know?

E: How I know what-what, how I know, Eva, just now everything is so foggy, it won't work, as it were, there is just one single lot of images that are just intertwined.

Such a weak counter question was sufficient to make Elvira withdraw her account. In the pre-trial interrogations there are many further examples of retractions. We are entitled to ask if she would also have retracted her allegations against her parents, if she had encountered the least resistance.

## 6. The Consolation Assault

On 1992-05-05 Mollbeck informs the police by telephone about the consolation assault. Elvira had allegedly told her about it in the preceding night. It had happened one year before, and it was the last assault. The father was depressed and missed the mother who was attending a course in a distant town. In the evening he lay down in Elvira's bed next to her. He started with decent fondling, but the event eventually changed into a brutal rape. He said: "I need you, keep still, I am gonna do this. If you move it will just hurt you more." It is stated literally in the police investigation: "Mollbeck had not previously seen Elvira so distressed, tears were flowing, her chin was quivering, and it was impossible to calm her down in any way. Mollbeck got the impression that the father was more threatening and frightening on this occasion than he had been on any previous occasion."

Three days later (1992-05-08) Elvira meets the incest therapist and recounts a very different version of the same event. Both versions agree so far that the father lay down next to her in her bed and started to fondle her decently. But this time Elvira says that she did not recall more of the event. – Obviously there is no sex in this version.

Not until some time in May did Elvira begin to have an "image" (not a recollection) of the father lying upon her. According to the incest therapist "She had asked herself if it were possible that such a thing had happened".

The police and Mollbeck had continual contact behind Elvira's back. On 1992-06-04 the police officer asks Elvira about the consolation assault. Elvira's first reaction is to state that what she had told Mollbeck was sometimes not correct. [How could Mollbeck know what was correct or not?] Elvira also asks if the police officer is prepared to receive information that is not correct.

After this prologue she presents a new version of the consolation assault. The beginning is in agreement with the earlier versions: the father started with indecent fondling. But then the event changed into a kind of attempted murder. *“I cannot let go of the image of this girl who is lying there and is about to be strangled.”*

Some rapists will half-strangle the victim in order to make her compliant. But apart from the fact that Elvira recounts an image and not a recollection, there is no sex in any of the versions told by Elvira herself.

## **7. Eyewitnesses of the Sexual Assaults?**

The total number of alleged assaults seem to be around 250. However, Elvira has only provided concreted descriptions of 12. This would not have been worth noticing, if it had not been tied to another fact. Among the 12 concrete descriptions of sexual assaults Elvira claims that Ingrid was an eyewitness of all but one. At seven assaults there were additional eyewitnesses. Thus, the mother’s lover had raped Elvira in the presence of Ingrid. He had also raped Ingrid in the present of Elvira.

A further "eyewitness assault" happened one morning at a Lucia Day (a feast day in Sweden). In accordance with the tradition both sisters awakened their parents with coffee and ginger bread. They sang the Lucia song. Ingrid was Lucia and had a wreath with burning candles on her head, and Elvira was her maid. – But instead of being grateful, the parents caught hold of each daughter. Next to each other in the double bed the father had normal sexual intercourse with Ingrid, while the mother had lesbian intercourse with Elvira.

Unfortunately, all “eyewitnesses” deny that they have seen, experienced or performed any indecent act.

But if Elvira was so trustworthy that a prison sentence of ten years could be based on her claims, then why was the father not prosecuted for sexual abuse of Ingrid? And why was the mother’s lover not prosecuted for rape of both daughters?

## 8. Did the Father Get a Fair Trial?

Elvira's allegations follow the classic pattern of recovered memory therapy (RMT) and false-memory-syndrome (FMS): at each consecutive stage the assaults become both more frequent and more outrageous. In the beginning the father is accused of normal sex. Then also of oral and anal sex and other variants. Then the mother is also accused, first of normal lesbian sex and then also of oral sex. In turn first the father and then both parents had hired her out as a prostitute at sex clubs, and then they had done the same thing to her sister. Still later the parents were alleged to have participated in ritual child murders. They had also kept young girls in cages, had made them pregnant, and had cut out the foetuses while these girls were still alive, and had eaten the foetuses.

In its judgement 1994-05-03 the court of appeal states that all categories of Elvira's allegations have emerged at the same time. As proof the five judges invoke Mollbeck's annotation books. – But no impartial judge would have deemed it as self-evident that Mollbeck's accounts were true. And the gradual emergence of the allegations could hardly be more conspicuous. In fact, in the very same judgement it is stated that the mother had confirmed the abuse by the father at a time when Elvira had not yet accused the mother of any assaults.

The mother's so-called "confirmation" is based on the judges' erroneous recollections of no less than three circumstances: (a) what the mother actually said in her testimony in the court of appeal right under the nose of the judges; (b) what the mother actually said during the police interrogation 1992-05-08; and (c) the judges' own account of both the testimony in the court and the police interrogation 1992-05-08. The account is found on p. 22 of the judgement. The mother told that Elvira and the father sometimes went into Elvira's room. One of them – she does not know who – closed the door. She does not know if the door was locked. But when they came out, Elvira had a peculiar facial expression **as if the father had been angry**.

But when the judges on pp. 42 and 44 in the same judgement explain why they have deemed the father to be guilty, it may not be essential that they state that the door was locked. But they have forgotten the words in bold types. In turn they have concluded from Elvira's "peculiar facial expression" that both had had sexual intercourse and, moreover, that the father had not even tried to conceal his abuse from the mother. A third conclusion follows: because the father had not tried to conceal the assaults from the mother, it must have been a matter of a large number of assaults.

In actual fact, Elvira has never talked of sexual abuse, in her own room, and behind a closed or locked door, and at times when ordinary people are awake, and when other members of the family were awake.

The judges can neither have been ignorant of the fact that the narratives on ritual child murders (in which a named judge of the court of appeal had participated) constituted the reason why The Supreme Court granted a new trial; nor that Elvira had never told these narratives during any of the first four trials. In due course the probable cause of Elvira's silence will be imparted.

Two legal cases have taken their names from the towns in which they took place. The distance between Södertälje and Umeå is almost as large as half the length of Sweden. Nevertheless the two cases are conspicuously similar – perhaps because some professional persons were involved in both. In Umeå a teenager daughter had accused her father of sexual abuse. He had likewise got a 10 year prison sentence, which in Sweden at that time was the maximum punishment for this kind of crime. The daughter had later accused many other persons for sexual and other crimes. Therefore The Supreme Court had granted a re-trial, and after the re-trial the father had been totally acquitted. The court of appeal had even been forced to admit that at the previous trials there had not been any evidence against this father. Among other things, the daughter was still a virgin at the re-trial, but she had refused a gynaecological examination at the first series of trials.

The acquittal of the Umeå father occurred precisely before the proceedings of the Södertälje re-trial was about to begin. It is difficult to imagine the judges of the court of appeal in Stockholm had not realised that the confidence of the general population in the courts would reach rock-bottom if *two* maximally erroneous judgements had been passed, even by two courts of appeal in quite different areas of the country. The hypothesis must be taken into consideration that the judges had therefore decided to re-convict the father of the Södertälje case, even before they had learned anything about the nature of the evidence.

This hypothesis gains additional support from other facts. According to two new case-laws by The Supreme Court a defendant has the right to a defence counsel in whom he has confidence. If he has “totally lost his confidence in his defence counsel” he has the right to change to another counsel. But the five judges refused the Södertälje father his indisputable right. They cannot have overlooked the fact that the lawyer who had hitherto handled the father’s case was extremely passive and did not perform any defence at all.

In addition, the chairman of the court stopped all evidence that contradicted the charge.

A few weeks before the trial started in 1994 several TV programs on RMT and FMS were shown. They had attracted a very large number of viewers, and they were followed by extensive newspaper debates. It is impossible that the judges were unaware of these programs and debates. It is equally impossible that they had not understood that FMS was at the very least one of those hypotheses that should be seriously taken into account.

One and only one of the expert witnesses realised that Elvira suffered from FMS. But she was forbidden to inform the court about this. This is particularly noteworthy, because Swedish law does not recognise the concept of "impermissible evidence" (which is crucial in the Anglo-Saxon countries).

## **9. Sex Clubs and Prostitution**

In the sex club Elvira claims to have seen Ingrid being raped; something denied by Ingrid.

On one occasion the sex club had been closed for the night. But everybody had forgotten the two sisters, who at the time of this event had hardly begun school. The girls had been locked in. But they managed to attract the attention of some accidental passer-by, who found a person who had a key.

A strange narrative. Were none of the parents present at the club when the girls were hired out? Did one or both parents overlook that the children were not in the car when he or she drove home to Södertälje? How did an accidental passer-by find anyone with a key? And why did these persons not report it to the police when they at a sex club saw two children who were not yet 10 years old?

After this event this sex club was closed, Elvira states. Henceforth she would instead go home to the customers. – Well, but she had told the police that she had been hired out at half a dozen different sex clubs. So why would she have to meet the customers in their homes just because one single sex club was closed?

A further question: would Ingrid also have to go home to the customers?

The police took Elvira on a ride all over the town in the hope that she would find the murder places, the sex clubs, and the apartments of the customers. The most she managed to identify was the entrance to one sex club. Unfortunately, there was merely a bicycle cellar behind the entrance.

It had been a problem that she could not find any trace of any place she had talked about. But eventually she changed her story: she *could* very well find the apartments etc. Only, she *wouldn't* do it. And why not? Because, if she saw any of these apartments again, then she would become assured that her allegations were really true and were not dreams. And she would not be able to stand such information.

Several aspects are important here. Elsewhere Elvira states repeatedly how deeply hurt she feels when people do not believe her narratives. Here she claims on the contrary that she is not at all sure that she had been sexually abused.

In turn: if some ten years of several hundreds of sexual assaults could not convince Elvira that she had really been sexually abused, it is enigmatic why a glance in a certain apartment would convince her.

Scharnberg (1996, vol. I, §253) found the same pattern in another case. Ingalisa was 16 when she was interviewed by a psychologist. An excerpt from his affidavit will be quoted:

“Ingalisa sometimes *believed she had merely dreamt* that she had been exposed to improper advances by Sven Någonsson. *The thing which made her completely convinced that she had not dreamt* was, however, an event which took place during spring [1989]. She was in her own room reading a book whose title she can recall (‘Thursday children’, part 1). Sven Någonsson then said to her that he would like to see her naked. Exactly at that moment one of her friends called at the door.” (italics added)

Scharnberg commented: “If 8 ½ years of continual abuse could not convince Ingalisa that she had not dreamt the whole thing, it is enigmatic why a call at the door could.”

Returning to the Södertälje case, what did the judges think about Elvira’s claims about her full capacity to find the sex clubs and the apartments, but her refusal to point them out, because of her just mentioned motive? They wrote in the judgement that this was altogether reasonable.

And despite Elvira’s statement that she did not know whether she had been sexually abused, the judges unanimously re-convicted the father.

## 10. The Ritual Child Murders

Elvira did not only recount about young girls kept in cages and made pregnant. She also told that she had followed her father to a children's home in Poland, where he had bought children destined to be murdered in Stockholm.

Both Elvira and Ingrid had a prominent place in the stories about sexual abuse and the pimping activity. But because of some inexplicable reason Ingrid is nowhere mentioned in connection with the child murders. Instead a named judge of the court of appeal in Stockholm and his daughter Annette have been substituted. They were neighbours when Elvira's family lived in the villa. Annette was Elvira's closest friend since preschool. Annette says in a police interrogation that together with Ingrid they were "the three musketeers". But the friendship ended when Elvira accused Annette of child murders.

Mollbeck informed the police that Elvira, since she was ten years old, had provided her father with young boys for his [alleged] homosexual paedophilia. He had even told her to use sexy cloths in order to facilitate this task.

But this is an accusation Elvira will never confirm. When the police officer asks her about it for the first time, she becomes markedly disorientated and has difficulty in understanding what the officer is talking about. But the only thing she knows about her father's homosexual partners is that a middle-aged man on a single occasion had coffee with the family.

A parallel story is that Elvira had snared young boys to follow her to the murder places, where they would be murdered. (A passing remark: if this were true, it would be difficult to understand why Elvira could not find any of the murder places when the police drove her around in a car all over Stockholm.)

Anyway, there is one and only one person in all her narratives who is fictive, viz. "Mats". He knows what children there are among fugitive immigrants who have no family, and who therefore will not be missed by anyone.

If Mats knows that much, the rational strategy would be to carry on his activity in the neighbourhood of the fugitive camps, and to ensnare the children by deception or

force. But this is not what happens. Instead, Mats points out such children to Elvira at Hantverkargatan (not a pseudonym). And then she goes to them and ensnares them.

We may also wonder how many child immigrants without relatives have ever been at Hantverkargatan. This street starts from the central railway station in Stockholm. In so far it is central. But it proceeds in the least probable direction and, hence, is not a constituent of the network of all the other central streets. – It would also be interesting to learn what procedures Elvira used to ensnare the children, and at what times of the day she did so. It is a fact that she attended school in Södertälje until she left her biological family.

In addition, Elvira pointed out those places in the wood where the murder sect had buried the bones of the murdered and eaten children. – Surprisingly, these places are near Mollbeck's residence, but not near the residence of Elvira and her parents at the time of the alleged murders.

The entire wood was dug through by 70 policemen, who were directed by four police helicopters. The police also engaged highly competent experts from *KTH Royal Institute of Technology*. The latter proved that nobody had dug at these places since the ice age.

## 11. The Ritual Murder Therapist

Steve Harvey (not a pseudonym) is an American psychotherapist who asserts that ritual child murders are frequent in USA. He has not registered the fact that FBI has not found any instance of such crimes. He was in Sweden at the relevant time. The incest therapist arranged that Elvira had five consultations with Harvey. The first of them took place on 1992-09-23. Both Harvey, the incest therapist, and Elvira herself, agreed on the striking similarity between Elvira's stories and Harvey's views.

But these facts reveal that Elvira had told the incest therapist about the child murders before 23th September, and that the incest therapist must have had some belief in these stories.

Nevertheless, Elvira did not say a word about the murders in any of the first four trials. The last of them took place seven months after her meetings with Harvey.

She also kept silent about the murders in the police interrogations, until her father had been convicted by the court of appeal.

A reasonable explanation is that Mollbeck and the incest therapist influenced her to keep her mouth shut, in order to avoid the risk that the father was acquitted – which might be the result if Elvira's allegations were too fantastic.

After having devoted 5½ months to find any indication of the murders the police wrote a summary on 1993-05-03, from which an excerpt will be quoted:

”During the interrogations which Elvira has been put through, she seems to have a supply of horrible events to come up with, which never runs dry. For **a long time she has ceased to provide any information that can be checked, since she has learned that we have actually checked it.** [...] **She shows an evasive attitude during the interrogations when she feels pressed. Then she says that she doesn't remember just now but "it will turn up later"**. *She often wants a break when things become difficult, and if her foster mother Mollbeck is present she wants to go to her for a hug.*” (bold and italics added)

## 12. Vaginal Injuries?

In the judgement 1994 of the court of appeal the judges claim that those circumstances to which they had attributed the greatest evidential power were two: the testimony of a gynaecologist (K.O.) that Elvira had vaginal injuries which had probably derived from sexual abuse; and the testimony of a psychiatrist (H.K.) that she suffered from post-traumatic stress disorder (PTSD), and that PTSD is a frequent effect of sexual abuse.

K.O. is well-known to the court of appeal in Stockholm. Many of her cases have later been examined by an expert team, and she seems always to find the kind of evidence needed by the prosecutor. In another case the photo of an infant's genitals showed a white stain. K.O. testified under an oath that this stain proved that the girl had been abused. But the defence counsel sent the photo to another doctor, who happened to receive the photo while he attended a medical conference. Therefore many doctors got the opportunity to study the photo. All agreed that the stain derived from the flashlight. (Scharnberg, 1996, have documented several comparable errors made by K.O. in other cases.)

K.O also testifies in the Södertälje trial that girls never masturbate in such a way that injuries will result. – But this claim is in disagreement with the medical literature. For instance, Wilhelm Reich (1942:49) describes a woman who used the handle of a knife for masturbating. Sometimes the handle would be inserted too much, and then the entrance of the sex organ would be bleeding. – In addition, it is common lay knowledge that the ability to feel pain is reduced during the sexual ecstasy.

Some years after Oswald had been released he engaged another defence counsel, Peter Haglund, with the aim of preparing a new trial motion. Haglund gathered the largest defence team we have ever seen in this kind of cases. The defence team contained two gynaecologists. They agreed, first, that there were no injuries in Elvira's sex organ, and, second, that it was impossible to establish injuries by means of those methods that K.O. had applied.

### **13. Post-Traumatic Stress Disorder?**

It is an astonishingly recent claim that post-traumatic stress disorder (PTSD) is a frequent effect of sexual abuse. During 1990 and 1993 four books on such effects were published in Sweden, by the police, by *The National Board of Health and Welfare*, and by *Save the Children*, respectively: Dahlström-Lannes (1990), "Sexuella övergrepp mot barn. Allmänna råd från Socialstyrelsen 1991 no. 3" (1991) (revised 1993), and Akselsdotter (1993). All four books presented lists of injuries caused by abuse. But none of them mentioned PTSD.

During the 1980s were Mrazek & Mrazek highly estimated. In 1981 they juxtaposed 54 harmful effects (symptoms) of sexual abuse, which had been observed in 42 books or articles that had been published over a period of 49 years (1932-1981). None of these writings mentioned PTSD at all.

It might be objected that PTSD *could not* have been attributed to a patient before 1980, because this diagnosis was not included in the DSM diagnostic manual until that year. This objection is invalid, since we are not concerned with terminology but with facts. No later than April 1944 the diagnosis "posttraumatic personality change" is found in a medical affidavit (Longerich, 2008:291f.)

As regards the conception that PTSD is a frequent effect of sexual abuse, a few instances can be found already in 1982. But as a widespread theory it is much more recent. The trial involving the McMartin Pre-School in San Francisco started in 1983

and ended in 1990. No child accused anybody of any criminal or indecent behaviour, until the child had been exposed to indoctrination by one special team of psychologists and pseudo-psychologists. Nor were these children afflicted by psychological ailments before the therapy.

The indoctrination is thoroughly documented on audio-tapes. After the indoctrination the children experienced serious nightmares and accused 358 persons of numerous surrealistic assaults. Among other things, one teacher had brought a lion to the preschool, which had performed anal sex on a young boy.

The two best writings about the McMartin case are Eberle & Eberle (1993) and Earl (1995).

The prosecutors realised that a trial of 358 defendants could only end with 358 acquittals. Therefore they prosecuted only two defendants, while 356 suspects disappeared in silence.

But when these two defendants were acquitted, the nation-wide anger rose to an even higher level. Only because of this reason, which has nothing to do with jurisprudence, were the defendants tried once more for those few charges on which they had been acquitted by less than 100% of the jury.

But in 1990 they were acquitted for the second time. And then the excitement rose to a much higher dimension. Some psychologists and psychiatrists realised the need for new weapons. These weapons were constructed in 1993 by Jill Waterman and her co-workers (1993). The Waterman team claimed that the McMartin children had definitely been exposed to sexual as well as ritual abuse. This means that the team took for granted that the children and the preschool teachers had drunk blood from the skulls of babies who had been slaughtered. Furthermore, those psychic ailments that the indoctrinating psychotherapists had caused, were called "post-traumatic stress disorder". By means of this stratagem, Waterman and her co-workers constructed pseudo-evidence for a pseudo-theory about the close aetiological connection between sexual abuse and PTSD.

This new theory reached Sweden in 1994. We have so far been unable to find any Swedish case prior to 1994, in which PTSD was attributed to the injured party. But suddenly this diagnosis became widespread.

During the four trials of Elvira's parents in 1992 and 1993 the idea that Elvira suffered from PTSD did not occur to any of the many psychologists and psychiatrists who were involved; not to H.K., who had treated her since May 1992 and not to the

incest therapist who had treated her since March 1992. But in 1994 both had changed their minds.

Three psychologists or psychiatrists are known always to join the prosecutor. There they testified that Elvira's sexual accusations could perfectly well be true and trustworthy, even if her narratives of ritual child murders were false. H.K. and the incest therapist belonged to them.

One of these psychologists was the main expert in the Umeå case mentioned above. He testified that the Umeå daughter had not been exposed to any influence. Instead her allegations were self-experienced. – As we saw above, her hymen was still unbroken at the time of the re-trial.

One of the most prominent features of persons who really suffer from PTSD is their ardent attempts to avoid thoughts on the traumas, and to avoid places where the traumas happened, as well as similar thoughts and places. But few features are more conspicuous on the video-recorded interrogations of Elvira than her pleasure in telling all the cruel events and in searching together with the police for the murder places, sex clubs, apartments used for prostitution, and burying places in the wood.

## 14. Books on the Södertälje Trial

So far five books and one very pretentious article have been published on this case. Three of these writings will only be commented on in a footnote.<sup>1</sup>

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<sup>1</sup> In 2002 Jan Guillou published a book on the history of witch prosecution in Sweden. Its title means *The Witches' Advocate*. Although Guillou is formally a journalist and not a historian, he has unearthed many facts that were unknown to many historians, including researchers in the history of ideas. In the last chapter he mentions in brief some contemporary witch processes. One of them is the Södertälje trial.

In 2003 Nuri Kino published an article about the Södertälje case in the newspaper *Dagens Nyheter*. The heading was "Gripped by the Adults". The newspaper has boasted of the comprehensive research that was undertaken before the article was written and published. – But evidently the so-called comprehensive research does not include the checking of whether what Elvira told Kino was in agreement with what she told the police. In this respect Kino's and Eva Lundgren's procedure is the same.

In 2005 Kristina Hjertén von Gedda published a book whose title means *Beyond Reasonable Doubt*. This book consisted of interviews of the convicted in a number of legal cases. The aim was not to throw light upon the question of guilt, but upon the subjective experience. For instance, the Södertälje

The first of those books which will be discussed is *La de små barn komme till meg* ("Let the Little Children Come to Me"), which Eva Lundgren published in Norway in 1994. Both the book and the author are noteworthy. Lundgren got most of her academic training in theology, but nevertheless became the head of the department of sociology at Uppsala University. The feminist movement in Sweden often recognises her as its chief ideologist. She claims that ritual murders of children are frequent in this country. One of her main sources is her interviews of Elvira. It must be noted that she has made no attempt to investigate if Elvira's statements were true. She has not even checked if Elvira said the same things to her, as she said to the police.

In 2005 a group of highly competent scholars – inter alia the former Vice-Chancellor of the university Stig Strömholm – strongly attacked both Lundgren and Uppsala University. They claimed that Lundgren's research was not scientific at all. Because of this criticism the university appointed two professors to investigate Lundgren's published research. Their report (Margareta Hallberg & Jörgen Hermansson, 2005) is available on Internet in Swedish (see the list of references). The result of the investigation was that since Lundgren had not made available all her raw data they could not say for certain that she had fabricated or distorted her facts.

After the investigation Lundgren demanded damages because she had been investigated at all. She actually got damages exceeding 30 000 euro.

A few years later Birgitta Allmo (2008) published a book of 455 pages, whose title means *Who Dares Believe a Child? The Södertälje Girl and Reality*. Like Lundgren she takes for granted that all Elvira's accounts on child murders etc. are correct. She even adds that Elvira is still today in danger of being "filed away" by the murder sect, because she is an eyewitness of numerous child murders.

Allmo was Elvira's foster mother. Hence, she is identical with Mollbeck who, according to Scharnberg, was the person who fabricated and indoctrinated all the stories Elvira told.

The only book in English is *Textual Analysis of a Recovered Memory Trial Assisted by Computer Search for Keywords applies scientific methods for analysing the evidence* by Scharnberg (2009). In those libraries in different countries which have a copy, it is classified as no. 121 in *Acta Universitatis Upsaliensis, Uppsala Studies in Education*. But it can no longer be bought from that university. Instead it is available

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father states that he thinks that Elvira cannot be his own daughter, because he cannot imagine that a biological daughter could do so much evil to her father.

at Internet at the following addresses: <http://www.yakida.se/max/start.html> and <http://www.yakida.se/max/maxbok.pdf> , for free downloading in pdf-format.

In contrast to all other books on this legal case, this book is based on the total set of documents, and scientific methods have been applied for scrutinising the evidence. Computer techniques (albeit primitive ones) were used for managing the enormous amount of information. – The most important result is that Mollbeck (Allmo) knew everything Elvira had experienced, before Elvira knew it herself. Scharnberg concludes from this fact that Mollbeck had manufactured and indoctrinated the sexual abuse events.

Besides, Elvira claimed that Ingrid was an eyewitness to 11 assaults, and that there were additional eyewitnesses to 7 of them. But all "eyewitnesses" deny that they had seen any sexual abuse.

During the three months preceding the police report different persons arranged four group meetings (to which the father was never invited). At all four meetings Elvira said that she had no recollection of sexual abuse.

One further pattern deserves special attention and will be repeated. After the trial in 1994 the five judges explained their reasons for deeming the father to be guilty. The relevant reasons are found on pp. 42 and 44 in the judgement. However, when the judges wrote these pages they had highly erroneous memories of

- (a) what the mother had stated in her testimony right under the noses of these judges;
- (b) the police interrogation of the mother 1992-05-08, which they explicitly invoke;
- (c) their own account of the mother's testimony, which is found on p. 22 in the very same judgement.

Thereby they managed to convict the father of a large number of assaults, of which Elvira never had accused him.

As a consequence, Scharnberg had demolished some of Professor Lundgren's proofs of ritual child murders in Sweden.

This book was published less than four years after Uppsala University had paid damages of 30 000 euro to Eva Lundgren. The university decided to burn the entire edition of the book, but due to purely accidental causes 40% survived.

## 15. Further Outlook

Very few legal cases in Sweden have been analysed as extensively and intensively as the Södertälje trial. Consequently, this analysis may form a firm foundation for many essential questions and problems, inter alia the following ones. What is the degree of correctness of the judges' recollections of the evidence presented? What reasoning procedures do they actually use? (It is quite obvious that they use neither "the theme method" nor "the value method", as these have been described by Sören Halldén, Anders Stening, Per Olof Ekelöf, Robert Goldsmith etc., see the list of references.) It is extraordinarily difficult to see that these methods provide any guidance in concrete cases.

One of the five judges of the court of appeal 1994 presented in an additional section of the judgement his assessment of one of the expert witnesses, viz. the only psychologist who realised that Elvira was suffering from the FMS but was forbidden to tell this in the court. He wrote that one fact alone, viz. the fact that this psychologist considered the sexual allegations to be equally false as the murder allegations, was sufficient to disqualify altogether her expert investigation of the evidence.

It may be questioned if persons with such an attitude should be permitted to function as judges. There is particularly strong reason for such a question, because in 1994 the judges who convicted Oswald were highly familiar with the nature and frequency of recovered memory therapy and the false memory syndrome.

Another unusually important problem should be mentioned, albeit without any discussion or solution. There are some errors which judges have not the knowledge or capacity for avoiding. There are other errors which cannot be excused, because it is not very difficult for judges to avoid them. – Obviously, it is significant to find out whether a certain error belongs to one or the other category.

In a sense, judges cannot be blamed for committing errors belonging to the former category. Nevertheless, they must be blamed for pretending that their capacity is invariably sufficient. Some judges have said in public, and other judges of the Supreme Court have written in judgements, that only the court should decide whether there is any need of an expert witness. Judges who entertain such views are inappropriate for deciding the fate of defendants.

We must also reflect about what should be done when errors have been made. Since judges are not competent to detect some errors, it is a most unsatisfactory state of affairs that *judges alone* should decide whether there is reason for a new trial, and if they think so, other judges should perform a new assessment concerning the guilt of the defendant.

But what alternatives can be found, that are more adequate?

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