

Annex 15: OBJECTIVE AUDIO EVIDENCE & PRIVACY WAIVER

Subject: Proof of Police Report (2004), State Obstruction, and Legal Consent.

1. Audio Evidence: Detective Hays Bruinsma (August 2, 2004)

File Name: wiesbruinsmaonderzoek!02082004.mp3

Date of Recording: August 2, 2004

Participants: Mrs. Wies Smedema (Spouse) and Detective Hays Bruinsma (Police Drachten).

<https://s3.amazonaws.com/audio.smedema.com/wiesbruinsmaonderzoek!02082004.mp3>

Transcript Summary & Verification of Facts:

This recording serves as objective, audible proof of the procedural status of the case on August 2, 2004. It refutes the rejection's claim that no objective police information exists.

- **Confirmation of Reporting:** Detective Bruinsma explicitly confirms on the recording that the Applicant submitted the detailed file/report on **April 26, 2004**.
- **Transfer to Public Prosecutor:** Detective Bruinsma states that the entire file was transferred to the **Officer of Justice (Officier van Justitie), Mrs. Van Duinhoven**, in Leeuwarden.
- **Proof of Obstruction:** When asked for a status update, Detective Bruinsma admits: "*I have heard nothing... I have had no control over it since then.*" This confirms that the investigation was stalled at the Ministry level, constituting *Force Majeure* for the Applicant.

2. Legal Admissibility: The "Wilsverklaring" (Waiver of Privacy)

Anticipating that the Commission may attempt to exclude this evidence based on privacy laws (AVG/GDPR), the Applicant submits the signed "**Wilsverklaring**" (**Declaration of Intent/Consent**) below.

This document proves that:

1. The Applicant and his spouse explicitly discussed the possibility that her memories were incomplete or repressed due to the trauma.
2. They mutually agreed that the Applicant (Ing. H. Smedema) was **authorized and mandated to investigate the facts** to uncover the truth.
3. **Legal Validity:** This signed consent overrides any privacy objections regarding the recording of this conversation, as the investigation was conducted with her full legal permission and cooperation at that time.

Verklaring van:

Wietske Smedema-Jansma (Wies) geboren 13 september 1951 te Nieuwehorne gemeente Heerenveen.

Hierbij verklaar ik, **Wies Smedema-Jansma,**

in het kader van vermeende strafbare feiten en wellicht andere misdrijven, zoals die door mijn echtgenoot Hans Smedema geboren 27 maart 1948 te Leeuwarden in zijn onderzoeksrapport en aangifte op 26 april 2004 aan politie Drachten H. Bruinsma overhandigd, zijn verwoord,

- dat ik **NIET** tegen een nader onderzoek ben van de aangifte door mijn echtgenoot Hans Smedema en hier dus uitdrukkelijk toestemming voor geef.
- Omdat ik zelf van geen enkel misdrijf op de hoogte ben, kan ik daar zelf natuurlijk geen aangifte van doen.
- Ik geef uitdrukkelijk te kennen dat indien zich wel misdrijven hadden afgespeeld, ik zeker aangifte zou hebben gedaan.

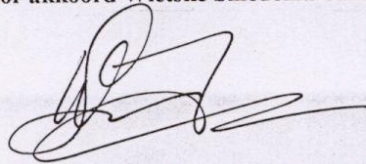
Het gewenste onderzoek is bedoeld om eenduidig vast te stellen middels het juridisch vastgelegd horen van diverse genoemde en bekende mogelijke getuigen, wat zich eventueel heeft voorgedaan.

Het gebeuren is een zodanig in ons leven ingrijpende gebeurtenis dat wij hiervan ernstige psychische en materiële schade lijden.

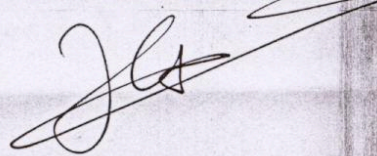
Uitdrukkelijk wens ik dat de resultaten hiervan schriftelijk en gemotiveerd, dus met naam en toenaam, ons worden meegedeeld.

Aldus opgemaakt op 11 april 2005 te Drachten:

Voor akkoord **Wietske Smedema-Jansma**



Gezien **Hans Smedema**



3. Conclusion

The combination of the Audio Recording and the Wilsverklaring provides irrefutable proof that the Applicant followed correct legal procedure in 2004, but was blocked by the Public Prosecutor. The lack of a final Proces-Verbaal is therefore the fault of the State, not the Applicant.

4. Legal Justification: Admissibility, Evidential Distress & International Sanction

The Applicant formally asserts that this recording and its submission are **fully admissible** under Dutch Administrative Law based on four distinct legal grounds:

- **Participant Consent:** The recording was made with the express consent of Mrs. Smedema (a participant in the call), as evidenced by the attached *Wilsverklaring*. Under Dutch law, a participant is entitled to record their conversation without prior warning.
- **Public Function:** Detective Bruinsma was speaking in his official capacity as a Police Officer regarding a formal investigation. There is no legitimate expectation of privacy regarding the procedural status of a missing police file.
- **State of Necessity (Bewijsnood):** The Applicant was forced to rely on audio evidence because the Ministry of Justice had unlawfully forbidden the Police from generating a written *Proces-Verbaal*. The State cannot actively suppress written evidence and then object to the citizen's only remaining method of proving the truth (*Nemo auditur propriam turpitudinem allegans*).
- **International Judicial Sanction & Protection (US Federal Court, 2009):**
 - **Judicial Instruction:** In 2009, US Immigration Judge Rex J. Ford explicitly recognized the extreme circumstances of this case. To ensure the Applicant's safety and the preservation of truth, Judge Ford instructed the Applicant to **continue publishing all crucial events and evidence on his Blog**.
 - **US Monitoring & Protection:** This publication served as a real-time monitoring mechanism for the US authorities to add to their dossier.
 - **Failed Censorship:** This US protective status effectively neutralized attempts by Dutch State agents (specifically Onno van der Hart/Justice) to censor or block the Blog.
 - **Conclusion:** Therefore, the collection and submission of this audio evidence were performed in compliance with international judicial instructions to preserve the historical record against State erasure.