Evidentiary Item: 2005 Court of Appeal Decision (No. 05/00016)

| Document | Official Decision (Beschikking) and Cover Letter |
|-------------------|---|
| Issuing Authority | Gerechtshof Leeuwarden (Leeuwarden Court of Appeal) |
| Recipient | H. Smedema |
| Case Number | Klachtnr.: 05/00016 |
| Subject | Article 12 (Art. 12 Strafvordering) complaint to compel prosecution |
| Date of Decision | June 30, 2005 |
| Date of Letter | July 5, 2005 |

Component 1: Official Cover Letter

This document is the official cover letter sent by the court clerk (De griffier) accompanying the decision.

Gerechtshof Leeuwarden Strafsector Postadres: postbus 1704, 8901 CA Leeuwarden H. Smedema Bezoekadres Aan Sydwende 97 9204 KD Drachten Wilhelminaplein 1 8911 BS Leeuwarden (058) 234 1341 Fax (058) 234 18 99 Rabobank 19.23.25.841 Bij beantwoording de datum en ons kenmerk vermelden Onderdeel Art. 12 Strafvordering Contactpersoon Doorkiesnummer mw J. van der Laan 058-2341969 Datum 5 juli 2005 Ons kenmerk Klachtnr.: 05/00016 Uw kenmerk Bijlage(n) H. Smedema / N.N. Onderwerp Geachte heer/mevrouw, Het hof heeft op uw klacht geregistreerd onder nr. K 05/00016 een beschikking gegeven. Van deze beschikking treft u in bijlage een afschrift aan. De griffier, van der Laan

Analysis:

- This letter serves as a verifiable record, proving that the court's decision was officially communicated to the complainant, H. Smedema, at his address.
- It is dated **July 5, 2005**.
- It explicitly states that the court has issued a decision ("beschikking") regarding **complaint number K 05/00016** and that a copy of this decision is enclosed.

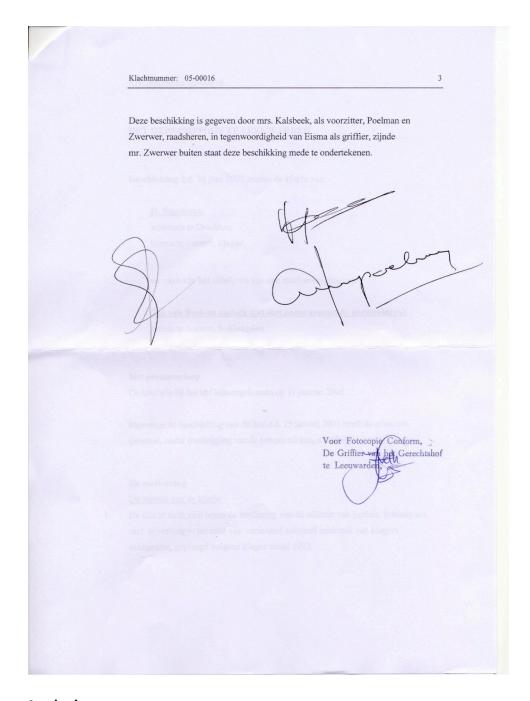
Component 2: Text of the Decision (Beschikking)

This is the content of the decision itself, which dismisses the complaint.

- **Complaint:** The complaint was filed under Article 12 of the Dutch Code of Criminal Procedure to compel the prosecution of "Jan van Beek" and other unnamed persons. The complaint centered on the alleged sexual abuse of the complainant's wife, which the complainant stated had been occurring since 1972.
- Reasoning: The court stated that the (unknown) police file (no. 2004089456-1) and other documents provided "insufficient evidence" (onvoldoende aanwijzingen) that any criminal offenses had been committed.
- **The Decision:** The court dismissed the complaint as **"manifestly unfounded"** (kennelijk ongegrond).
- Critical Point of Obstruction: Because the complaint was deemed "manifestly unfounded," the court explicitly "refrains from hearing the complainant" (wordt afgezien van het horen van klager). This directly supports the allegation in the main UNCAT complaint that the court "decided 'not to hear the complainant' or any of his named witnesses". Likely the false Delusional event.

Component 3: Authentication and Signature Page

This is the final page of the official decision, which provides its legal authentication.



Analysis:

- This page certifies the document as an official and final act of the judiciary.
- It bears the official certification stamp "Voor Fotocopie Conform" (Certified True Copy) from the Clerk of the Court of Appeal (De Griffier van het Gerechtshof te Leeuwarden).
- It lists the judges (mrs. Kalsbeek, Poelman, and Zwerwer) and the clerk (Eisma) who rendered the decision.

Conclusion

Together, these components form a complete and authenticated record of the court's decision. They establish that:

- 1. The complainant, H. Smedema, formally engaged the domestic judicial remedy (Article 12 procedure).
- 2. The Court of Appeal received and processed this complaint under case number 05/00016.
- 3. The Court issued a final, certified decision on June 30, 2005, dismissing the case.
- 4. As part of that decision, the Court explicitly refused to hear the complainant, thereby blocking the judicial remedy.