

# **The Hans Smedema Affair: A Legal Assessment of State Capture, Obstruction, and Oversight Failures in the Netherlands**

## **Executive Summary**

This report provides a comprehensive examination of the anti-corruption and oversight landscape in the Netherlands, critically analyzing the apparent failure of national and international institutions to address allegations of "State Capture" involving Joris Demmink much earlier, as raised by Mr. Hans Smedema since April 2004. The analysis identifies key Dutch anti-corruption bodies, including Transparency International Netherlands (TI-NL), the Public Prosecution Service (OM) and its specialized units, the Rijksrecherche, and the Fiscal Intelligence and Investigation Service (FIOD). It also details the roles of critical oversight bodies such as the Dutch National Ombudsman and the Review Committee on the Intelligence and Security Services (CTIVD).

The core of the report delves into Mr. Smedema's profound allegations of systemic state misconduct, including the systemic political corruption, infiltration of state institutions, abuse of public office, and deliberate obstruction of justice, all contributing to an alleged "untouchable" status for high-level figures. The report highlights how these alleged actions extend beyond purely domestic concerns, directly impacting core European Union (EU) values such as the Rule of Law, sincere cooperation, and mutual trust, while also implicating the protection of EU financial interests.

A critical assessment reveals that the apparent non-intervention stems from a complex interplay of factors. These include a rigid adherence by national oversight bodies to procedural limitations, which were allegedly manufactured or exploited by the state itself to create a "legalistic impunity" for the alleged perpetrators. A significant fragmentation of oversight effectiveness is evident in the contradictory stances of the CTIVD and the National Ombudsman. Furthermore, the European

Commission's dismissive "internal problem" characterization of the allegations suggests a strategic avoidance of politically sensitive enforcement. The report concludes that the alleged active obstruction, disinformation, and weaponization of legal procedures by the state actively hindered earlier detection and intervention. Recommendations are provided for Mr. Smedema to pursue a multi-faceted strategic approach, leveraging existing legal avenues and international principles, while reframing the narrative to compel a more robust response from national and EU institutions.

## **Introduction: The Hans Smedema Affair and the Quest for Accountability**

Mr. Hans Smedema has been engaged in a decades-long pursuit of justice, characterizing his experience as a "bizarre judicial error of unprecedented scale" and a "Dutch Watergate".<sup>1</sup> His detailed allegations of profound systemic state misconduct, which he claims to have documented extensively since April 2004, point to a deeply entrenched "State Capture" involving high-ranking officials, notably former Secretary-General of Justice Joris Demmink.<sup>1</sup> Mr. Smedema's frustration stems from a perceived lack of accountability and the systematic denial of legal and administrative recourse within the Netherlands.<sup>1</sup>

This report aims to comprehensively address Mr. Smedema's central questions: which anti-corruption organizations in the Netherlands exist, and why did they not find the alleged "State Capture" from Joris Demmink much earlier? Furthermore, it seeks to analyze what went wrong, exploring the institutional mandates, procedural limitations, and broader systemic factors that may have contributed to the apparent failure of national and international bodies to intervene. The scope encompasses an examination of the relevant national and international legal frameworks, the responses of key oversight institutions, and the implications of alleged state obstruction on the Rule of Law and fundamental rights within the EU context.

## **I. The Dutch Anti-Corruption and Oversight Landscape**

The Netherlands employs a multi-faceted approach to combating corruption and ensuring governmental accountability, involving both specialized anti-corruption organizations and broader oversight bodies.

## **A. Key National Anti-Corruption Organizations**

**Transparency International Netherlands (TI-NL)** serves as the Dutch Chapter of the global anti-corruption organization. Its core mission is to prevent corruption and promote transparency, accountability, and integrity across all societal sectors.<sup>2</sup> TI-NL is particularly notable for being the only non-governmental organization (NGO) actively engaged in whistleblower protection in the Netherlands since 2012, advocating for dedicated legislation and its effective implementation.<sup>2</sup> While TI-NL plays a crucial role in fostering a culture of integrity and supporting individuals who expose wrongdoing, its primary function is advocacy and awareness-raising, rather than direct investigative or prosecutorial action. This suggests a potential gap between civil society efforts to promote transparency and the state's capacity or willingness to enforce anti-corruption measures, especially in complex, high-level cases. The reliance on whistleblowers to reveal significant scandals, as highlighted by TI-NL's work on LuxLeaks, Panama Papers, and Cambridge Analytica<sup>2</sup>, underscores that the failure to detect alleged "State Capture" earlier might indicate systemic issues that suppress whistleblowing or render its impact ineffective, even with TI-NL's dedicated efforts.

The **Public Prosecution Service (OM)** is an indispensable component of the Dutch judiciary, holding the exclusive authority to initiate criminal prosecutions.<sup>3</sup> Working in close collaboration with the police and other investigative agencies, the OM is tasked with detecting and prosecuting criminal offenses, thereby upholding the rule of law in criminal matters.<sup>3</sup> Within the OM, the

**National Office for Serious Fraud, Environmental Crime and Asset Confiscation (Functioneel Parket)** operates as a specialized branch. This office is dedicated to addressing complex criminal cases, including fraud and environmental offenses, and serves as the OM's central hub for expertise in confiscating the proceeds of crime.<sup>4</sup>

Complementing the OM's role is the **Rijksrecherche**, an independent body operating under the authority of the Public Prosecution Service.<sup>5</sup> Its specific mandate is to investigate alleged criminal conduct within the government, including instances where

public servants are suspected of offenses such as fraud or bribery.<sup>5</sup> The Rijksrecherche plays a vital role in ensuring the integrity of public administration.

The **Fiscal Intelligence and Investigation Service (FIOD)** also contributes significantly to anti-corruption efforts. Although not detailed in a dedicated research snippet, it is mentioned as receiving sustained government investment to detect and punish corruption and criminal interference.<sup>6</sup> This indicates its role as a key investigative arm specializing in financial and fiscal corruption cases.

Furthermore, the **Research and Documentation Centre (WODC)**, a government body, is actively engaged in identifying the most significant corruption risks within the Netherlands and evaluating the adequacy of current practices.<sup>6</sup> Its forthcoming findings are expected to inform and shape future anti-corruption strategies.

## **B. Key Oversight Bodies**

Beyond direct anti-corruption enforcement, several independent bodies provide crucial oversight of government actions.

The **Dutch National Ombudsman** functions as an independent High Council of State, holding a constitutional position equivalent to that of Parliament and the Council of State.<sup>1</sup> Its mandate involves investigating the "propriety" of government actions towards individual citizens, with the overarching goals of safeguarding citizen rights and enhancing the quality of public services.<sup>1</sup> The Ombudsman can initiate investigations either in response to a complaint or proactively on its own initiative, distinguishing its role from that of the courts by assessing "propriety" rather than strict "lawfulness".<sup>1</sup>

The **Review Committee on the Intelligence and Security Services (CTIVD)**, established in 2002, serves as an independent oversight body for the General Intelligence and Security Service (AIVD) and the Military Intelligence and Security Service (MIVD).<sup>1</sup> The CTIVD is responsible for reviewing the lawfulness of these services' operations and for handling complaints regarding their conduct.<sup>1</sup> It possesses extensive powers, including direct access to relevant information and systems, and the authority to conduct hearings under oath.<sup>1</sup> Notably, the CTIVD assesses the conduct of the AIVD and MIVD based on "guidelines on proper conduct used by the National Ombudsman".<sup>1</sup>

The **Ministry of Justice and Security** itself, beyond its direct law enforcement functions, bears the responsibility for upholding the rule of law and ensuring a safe and just society through legal protection and intervention.<sup>9</sup> This Ministry, alongside the Ministry of the Interior and Kingdom Relations, is actively involved in presenting a coordinated government-wide anti-corruption strategy.<sup>6</sup>

**C. Government-Wide Anti-Corruption Strategy**

In a significant development, the Dutch government has recently presented a coordinated, government-wide anti-corruption strategy.<sup>6</sup> This initiative builds upon existing efforts and emphasizes the prevention of corruption across both public and private sectors. It focuses on identifying vulnerable processes and making sustained investments in key investigative and prosecutorial bodies, including the National Police Internal Investigations Department, FIOD, the Public Prosecution Service, and the judiciary.<sup>6</sup> Furthermore, the Netherlands is actively collaborating with other EU Member States on a new EU anti-corruption directive.<sup>6</sup>

The introduction of this comprehensive government-wide anti-corruption strategy in 2025 <sup>6</sup> suggests a recognition of ongoing corruption risks and the necessity for a more coordinated response. However, Mr. Smedema's query specifically pertains to events and alleged failures that occurred much earlier, with his concerns dating back to April 2004 [User Query]. This temporal discrepancy implies that while current efforts are being implemented, they may be a direct response to historical or persistent issues. It indicates that a sufficiently robust and coordinated strategy was either absent or inadequate during the period of alleged "State Capture" (1972-2013), thereby reinforcing the premise that "something went wrong" in earlier periods.

**Table 1: Key Dutch Anti-Corruption and Oversight Bodies**

| Organization Name                              | Primary Mandate/Function                               | Key Powers/Limitations                                     | Relevant Snippet IDs |
|--|--|--|----------------------|
| Transparency International Netherlands (TI-NL) | Stop corruption, promote transparency, accountability, | Advocacy, awareness, support for whistleblowers; no direct | <sup>2</sup>         |

|   |  |  |   |
|---|--|--|---|
|   | integrity;<br>whistleblower<br>protection advocacy.  | investigative/prosecu<br>torial power.   |   |
| Public Prosecution<br>Service (OM)  | Detect and prosecute<br>criminal offenses;<br>enforce rule of law in<br>criminal cases.                              | Sole authority to<br>prosecute criminal<br>cases; cooperates<br>with<br>police/investigation<br>services.  | 3 |
| National Office for<br>Serious Fraud,<br>Environmental Crime<br>and Asset<br>Confiscation<br>(Functioneel Parket) | Tackle fraud,<br>environmental<br>offenses; handle<br>complex criminal<br>cases; expertise in<br>asset confiscation. | Specialized branch of<br>OM for complex<br>financial and<br>environmental<br>crimes.   | 4 |
| Rijksrecherche  | Investigate alleged<br>criminal conduct<br>within the<br>government (e.g.,<br>fraud, bribery by<br>public servants). | Independent body<br>under OM authority;<br>ensures honest<br>government.   | 5 |
| Fiscal Intelligence<br>and Investigation<br>Service (FIOD)  | Detect and punish<br>corruption and<br>criminal interference,<br>particularly<br>financial/fiscal.                   | Key investigative arm;<br>receives government<br>investment.   | 6 |
| Research and<br>Documentation<br>Centre (WODC)  | Examine corruption<br>risks in NL; assess<br>alignment of current<br>practices.                                      | Government body;<br>informs future<br>anti-corruption<br>strategies.   | 6 |
| Dutch National<br>Ombudsman   | Investigate<br>"propriety" of<br>government actions;<br>safeguard citizen<br>rights; improve public<br>services.     | Independent High<br>Council of State; can<br>initiate investigations;<br>assesses "propriety"<br>not "lawfulness";<br>cannot investigate<br>court judgments. | 1 |

|  |  |  |              |
|--|--|--|--------------|
| Review Committee on the Intelligence and Security Services (CTIVD) | Review lawfulness of AIVD/MIVD tasks; handle complaints about their conduct.   | Independent oversight body; direct access to information/systems; holds hearings under oath; assesses conduct based on Ombudsman guidelines. | <sup>1</sup> |
| Ministry of Justice and Security                                   | Maintain rule of law; ensure safe/just society; legal protection/intervention. | Responsible for overall justice and security policy; presents government-wide anti-corruption strategy.                                      | <sup>6</sup> |

## II. The Allegations of State Capture and Systemic Obstruction in the Hans Smedema Affair

Mr. Smedema's extensive allegations are framed within the concept of "State Capture," a phenomenon that profoundly challenges the integrity of governance.

### A. Definition and Characteristics of "State Capture"

"State capture" is defined as a systemic form of political corruption where private interests exert significant, undue influence over a state's decision-making processes for their own benefit.<sup>1</sup> This goes beyond isolated acts of bribery or petty corruption; it involves political actors infiltrating state structures through clientelist networks and then leveraging these mechanisms to conceal corrupt activities and exploit state resources for personal or party-political gain.<sup>1</sup> A critical distinction of state capture is its aim to shape the creation of laws or to selectively enforce existing ones in a manner that protects and advances the interests of influential individuals. Importantly, such actions may not even be considered illegal under the captured state's own legal

framework.<sup>1</sup> This pervasive influence can permeate various state institutions, including the legislature, executive, ministries, and the judiciary, systematically undermining checks and balances for the benefit of a ruling party or specific individuals.<sup>1</sup> This concept is increasingly recognized as a pertinent issue even within established EU Member States.<sup>1</sup>

## **B. Alleged Manifestations of State Capture in the Hans Smedema Affair**

Mr. Smedema's narrative describes a comprehensive and deeply disturbing pattern of alleged state misconduct that aligns closely with the characteristics of state capture:

- **Systemic Political Corruption:** Mr. Smedema characterizes his decades-long experience as a "state-sanctioned 'cover-up and conspiracy'" and a "Dutch Watergate," alleging a "decades-long systemic obstruction" and "State Capture" orchestrated by elements within the Dutch state.<sup>1</sup>
- **Infiltration of State Institutions:** A central figure in these allegations is Joris Demmink, identified as the former Secretary-General of Justice from 2002 to 2013.<sup>1</sup> Mr. Smedema alleges Demmink functioned as a "heavy criminal mole within the Ministry of Justice" for 40 years, wielding "power based on terror".<sup>1</sup> The alleged involvement extends to the Ministry of Justice, the AIVD and other intelligence services, various high-ranking officials, and even members of the Royal House.<sup>1</sup>
- **Influence on Law Application and Abuse of Public Office:** The allegations include the existence of a "Royal Special Decree" since 1972 and the use of "State Security" as a shield to protect perpetrators and obstruct justice.<sup>1</sup> This is further compounded by claims of active blocking of investigations, manipulation of evidence, and the abuse of functions within the Ministry of Justice.<sup>1</sup> Specific instances cited include police officers, such as Haye Bruinsma, allegedly being forbidden from filing official reports, and a prosecutor, Ruud Rosingh, purportedly being forced to relocate.<sup>1</sup>
- **Impunity and Obstruction of Justice:** High-level figures like Joris Demmink and Jaap Duijs are alleged to possess an "untouchable" status.<sup>1</sup> Crucial evidence, such as the "Frankfurt Dossier," was allegedly discovered and erased, and all evidence was purportedly deleted or hidden by the state.<sup>1</sup> The Ministry of Justice has allegedly refused for 25 years to investigate Mr. Smedema's torture UNCAT case.<sup>1</sup> He claims "huge evidence of continuous blocking of Filing charges, police not allowed(!) to investigate by letter from the Ministry of (In)Justice (Joris D.),



and much more".<sup>1</sup>

- **Systematic Denial of Access to Justice:** A critical element of the alleged state capture mechanism is the systematic denial of legal representation. Mr. Smedema states that "hundreds of lawyers have systematically refused him legal aid since 2004," and that police reports were rejected and judicial investigations prohibited.<sup>1</sup> He notes that the European Court of Human Rights (ECHR) reportedly rejected their case due to the lack of domestic legal assistance, creating a "chicken or egg" situation where he needs legal representation to compel the state, but the state's alleged actions prevent him from securing such representation.<sup>1</sup> This denial of legal representation is presented as an integral component of the alleged "State Capture" mechanism, specifically designed to ensure impunity.<sup>1</sup>
- **Falsification of Evidence and Discrediting of Victim:** Allegations include falsified paternity tests, manipulated MRI scans, and coerced medical professionals to falsify files and misinform.<sup>1</sup> The state, with the alleged assistance of "innocent psychiatrists," intentionally portrayed Mr. Smedema as schizophrenic or paranoid to discredit him and prevent him from obtaining legal help.<sup>1</sup> He further claims that he was secretly drugged with the wrong antipsychotic while preparing his ECHR case.<sup>1</sup>
- **Suppression of Information and Media Silence:** Mr. Smedema describes a forced silence among the media and a refusal by political leaders to address the issue, with the WOB (Government Information Act) rendered ineffective, leading to a total information blackout.<sup>1</sup>

### C. Cross-Border Implications and Impact on EU Law and Values

The alleged "State Capture" is presented not merely as a domestic governance failure but as an active, corrosive force that weaponizes disinformation and procedural manipulation to undermine the very fabric of EU cooperation and international relations. Mr. Smedema alleges that the Netherlands "knowingly provided false information" to an EU Member State (Spain) and to non-EU countries (USA, Canada, Mexico) with the intent to block the human rights of a Dutch and EU citizen.<sup>1</sup> This conduct directly implicates Article 4(3) of the Treaty on European Union (TEU), which mandates sincere cooperation, and unequivocally undermines mutual trust, a vital structural principle for the Area of Freedom, Security, and Justice (AFSJ).<sup>1</sup> This transforms the matter from a purely internal concern into a direct assault on

inter-state relations within the Union.

The alleged "State Capture" fundamentally undermines the Rule of Law, a foundational value enshrined in Article 2 TEU, making it "completely incompatible with EU membership".<sup>1</sup> If the Dutch Ministry of Justice is indeed "captured," its capacity to uphold any law, including EU law and international human rights obligations, is fundamentally compromised.<sup>1</sup> This suggests that the European Commission's initial assessment, which dismissed the matter as "internal," may be based on an overly narrow interpretation of the distinction between internal matters and EU law implementation in the context of foundational values.<sup>1</sup> Such an interpretation could inadvertently allow a Member State to shield systemic breaches behind a facade of domestic jurisdiction.

Furthermore, a Ministry of Justice compromised by systemic corruption is inherently "incapable of effectively combating fraud against the EU budget (PIF Directive, Article 325 TFEU)".<sup>1</sup> This directly links the alleged systemic corruption to the protection of the Union's financial interests and the Rule of Law Conditionality Regulation. The definition of state capture emphasizes its systemic nature and ability to infiltrate and corrupt state mechanisms.<sup>1</sup> When combined with the allegations of "knowingly false information" provided to other EU and international bodies <sup>1</sup>, a causal link emerges: the alleged capture enables the deliberate dissemination of false information. This act, in turn, directly erodes "mutual trust," which is a "structural principle" of EU law.<sup>1</sup> If mutual trust is undermined, the AFSJ cannot function effectively, and the Rule of Law, a foundational EU value, is compromised.<sup>1</sup> This progression demonstrates that the alleged domestic problem has a direct, detrimental, and far-reaching impact on the entire EU framework, elevating it from an "internal problem" to an existential threat to EU foundational values and operational integrity.<sup>1</sup>

**Table 2: Key Elements of "State Capture" and their Alleged Manifestations in the Hans Smedema Affair**

| Key Element of State Capture  | Definition/Characteristics <sup>1</sup>  | Alleged Manifestations in Mr. Smedema's Case <sup>1</sup>  |
|-------------------------------|--|--|
| Systemic Political Corruption | Private interests influence state decision-making for their own benefit; abuse of state resources. | "Decades-long systemic obstruction" and "State Capture" orchestrated by elements within the Dutch state. |

|  |   |   |
|--|---|---|
| Infiltration of State Institutions     | Political actors infiltrate state structures through clientelist networks to conceal corrupt actions. | Joris Demmink alleged to be a "heavy criminal mole within the Ministry of Justice" for 40 years, wielding "power based on terror."  |
| Influence on Law Formation/Application | Aims to influence laws to protect influential actors or selectively enforce existing laws.            | Alleged "Royal Special Decree" since 1972 and "State Security" used as a shield to protect perpetrators and obstruct justice.   |
| Abuse of Public Office                 | Exploitation of control over state resources and powers for private/party-political gain.             | Active blocking of investigations, manipulating evidence, abusing functions within the Ministry of Justice.   |
| Erosion of Checks and Balances         | Systemic abuse undermining accountability mechanisms.   | Police officers purportedly forbidden from filing official reports; prosecutor allegedly forced to relocate.  |
| Impunity                               | Fostering of inequality and protection for connected individuals, leading to lack of accountability.  | "Untouchable" status for high-level figures like Joris Demmink and Jaap Duijs; false information to international courts leading to rejection of complaints.                    |
| Obstruction of Justice                 | Active measures to impede investigations, hide evidence, or deny access to legal remedies.            | Crucial evidence (e.g., "Frankfurt Dossier") allegedly discovered and erased; all evidence allegedly deleted or hidden by the state; systematic denial of legal representation. |
| Cross-border Impact                    | Actions affecting other states or international bodies, undermining mutual trust and cooperation.     | Netherlands allegedly presenting knowingly false information to Spain, America, Canada, and Mexico; alleged unlawful blocking of a US asylum offer.                             |

### III. Analysis of Failures: Why Were Allegations Not Addressed Earlier?

The apparent failure of national and international bodies to intervene earlier in the Hans Smedema Affair can be attributed to a complex interplay of institutional responses, procedural limitations, and broader systemic factors.

#### A. Responses and Limitations of Dutch Oversight Bodies

The **Dutch National Ombudsman** repeatedly refused to investigate Mr. Smedema's complaint, citing a lack of "task and authority in a matter like this" and referring to prior decisions from October 2005 and February 2009.<sup>1</sup> Mr. Smedema understood this as the Ombudsman's policy to "never take action after the judge has decided".<sup>1</sup> However, a critical examination of the timing reveals a significant inconsistency. The Ombudsman's initial refusal in October 2005 actually

*predates* any court judgment on the merits of Mr. Smedema's core allegations. The subsequent refusal in February 2009 was issued just one day after a defamation case *against* Mr. Smedema, not a case initiated by him seeking justice for the alleged abuses.<sup>1</sup> This temporal discrepancy considerably weakens the Ombudsman's stated reason for refusal, suggesting that the decision was not solely based on a prior judicial ruling on the merits of his claims.

While the Ombudsman cannot investigate court judgments, its distinct mandate to assess the "propriety" of administrative conduct allows it to address issues beyond strict legal compliance, focusing on principles of fairness, transparency, and good governance.<sup>1</sup> Mr. Smedema's allegations, which include the refusal of police reports, the prohibition of judicial investigations, the systematic denial of legal aid, and the falsification of medical files, clearly constitute administrative misconduct that could fall under the Ombudsman's "propriety" remit.<sup>1</sup> The Ombudsman's refusal, citing a general lack of authority, appears to be an overly strict application of its mandate, potentially overlooking the "propriety" dimension of the systemic issues described.

A significant procedural barrier encountered by Mr. Smedema is the Ombudsman's

typical requirement for the exhaustion of other means of objection or appeal.<sup>1</sup> However, Mr. Smedema's central claim is that he was systematically denied access to legal representation and police/judicial investigations, effectively blocking his ability to pursue traditional remedies.<sup>1</sup> This creates a "chicken or egg" situation where the prerequisite for Ombudsman involvement—exhaustion of remedies—was allegedly sabotaged by state actors themselves.<sup>1</sup> A rigid adherence to this principle in such extreme circumstances could inadvertently perpetuate injustice and deny access to any form of oversight, potentially contradicting the Ombudsman's mission to safeguard citizen rights.

Furthermore, the Ombudsman possesses the capacity for "own initiative" investigations into systemic issues affecting "whole sections of the public" or systemic failures.<sup>1</sup> Mr. Smedema's case, with its broad allegations of state-sanctioned human rights violations and a multi-agency cover-up spanning decades, fits the description of a systemic problem that the Ombudsman could, and arguably should, investigate.<sup>1</sup> The Ombudsman's annual reports consistently show a willingness to investigate systemic issues, including those where the government "ignored signals, advice and rights and thus systematically sidetracked groups of citizens".<sup>1</sup> The refusal to engage, even through an own-initiative investigation into the patterns of alleged misconduct, could be seen as a missed opportunity to fulfill its mandate of improving the quality of government and restoring public confidence.

The **CTIVD (Review Committee on the Intelligence and Security Services)** reportedly "verbally confirmed the cover-up and conspiracy" and explicitly advised Mr. Smedema that an investigation by the Ombudsman was a "possibility".<sup>1</sup> The CTIVD also reportedly advised the Cabinet Balkenende to stop the cover-up, but this advice was not followed.<sup>1</sup> This creates a significant discrepancy: an independent oversight body with access to sensitive intelligence information reportedly validated the seriousness of the claims and suggested Ombudsman involvement, while the Ombudsman maintained its position of no jurisdiction.<sup>1</sup> The CTIVD uses the Ombudsman's own "guidelines on proper conduct" in its assessments<sup>1</sup>, making the Ombudsman's outright refusal, without detailed explanation, appear inconsistent with the gravity of the CTIVD's reported stance.<sup>1</sup> This direct contradiction between the CTIVD's reported validation of a "cover-up and conspiracy" and the Ombudsman's refusal to investigate reveals a critical systemic flaw: a fragmentation of oversight effectiveness. This suggests that even when one independent body identifies serious misconduct, the lack of a cohesive, integrated mechanism for escalating or compelling investigations across jurisdictional lines can lead to cases falling into a "blind spot" within the state's accountability framework. This means that even if parts

of the truth are known to state actors, the system may lack the integrated pathways or political will to act comprehensively, thus allowing alleged "State Capture" to persist undetected or unaddressed by formal channels.

Mr. Smedema also suggests that the alleged involvement of the Royal House could be the "real reason" for the Ombudsman's refusal.<sup>1</sup> While the National Ombudsman's formal jurisdiction covers administrative authorities and does not explicitly exclude the Royal House, the Dutch monarchy operates under the principle of ministerial responsibility, meaning ministers are politically accountable for the monarch's actions and statements.<sup>1</sup> However, there is a recognized level of secrecy surrounding the political influence and internal workings of monarchies, including the Dutch Royal House, which are not subject to the Freedom of Information Act in the same way as other public bodies.<sup>1</sup> This inherent secrecy, coupled with Mr. Smedema's allegations of the Royals being "manipulated by Joris Demmink"<sup>1</sup>, could indeed create an informal, yet significant, barrier to investigation, even if not a formal jurisdictional one. The Ombudsman's refusal, without further explanation, could be perceived as an avoidance of a politically sensitive area, further eroding public trust.

## **B. European Commission's Stance and its Implications**

The **European Commission** (Directorate-General for Justice and Consumers, Unit C.4) repeatedly refused to address Mr. Smedema's allegations, asserting a "lack of competence" and characterizing the matter as only an "internal problem".<sup>1</sup> The Commission stated it was "not empowered to intervene" and would discontinue repetitive correspondence.<sup>1</sup>

Mr. Smedema's complaint to the EU Ombudsman alleges maladministration by the Commission, citing its repeated and dismissive refusal to engage with grave and systemic allegations of state capture, profound human rights violations, and cross-border deception within the Netherlands.<sup>1</sup> He argues this constitutes a failure to uphold principles of good administration and to act as Guardian of the Treaties (Article 17 TEU) by narrowly interpreting its competence.<sup>1</sup>

The complaint directly challenges the Commission's "internal problem" assertion, arguing that the allegations directly impact core EU law and values:

- **Systemic State Capture (Article 2 TEU - Rule of Law):** State Capture fundamentally undermines the Rule of Law, a foundational EU value, and is

incompatible with EU membership.<sup>1</sup> If the Dutch Ministry of Justice is "captured," its capacity to uphold any law, including EU law and international human rights obligations, is compromised, posing a direct threat to the EU's foundational values and operational integrity.<sup>1</sup>

- **Breach of Sincere Cooperation (Article 4(3) TEU) and Erosion of Mutual Trust:** The allegation that the Netherlands "knowingly provided false information" to an EU Member State (Spain) and to non-EU countries directly implicates Article 4(3) TEU, which mandates sincere cooperation and abstention from measures jeopardizing Union objectives.<sup>1</sup> This provision of false information unequivocally undermines mutual trust, a vital structural principle for the Area of Freedom, Security, and Justice (AFSJ), and is not an internal matter but a direct assault on inter-state relations within the Union.<sup>1</sup>
- **Denial of Fundamental Rights as an Instrument of State Capture (Article 19 TEU, Article 47 CFR, Article 6 ECHR):** The complaint details the systematic denial of legal representation, rejection of police reports, and prohibition of judicial investigations since 1972/2000, along with the deletion/manipulation of evidence.<sup>1</sup> These actions are claimed to violate the right to an effective remedy and a fair trial. Furthermore, the alleged provision of false information to international courts, leading to rejections based on a fabricated "lack of domestic exhaustion," is described as an "abuse of process" by the state.<sup>1</sup> These denials are presented as integral components of the alleged "State Capture" mechanism, designed to ensure impunity.<sup>1</sup>
- **Implications for Protection of EU Financial Interests (Article 325 TFEU):** A Ministry of Justice compromised by systemic corruption is inherently "incapable of effectively combating fraud against the EU budget (PIF Directive, Article 325 TFEU)," directly linking the alleged systemic corruption to the protection of the Union's financial interests and the Rule of Law Conditionality Regulation.<sup>1</sup>

The European Commission's dismissive "internal problem" stance, despite detailed allegations of systemic state capture, cross-border false information, and direct impacts on EU foundational values, suggests a strategic avoidance of politically sensitive enforcement.<sup>1</sup> This implies that the Commission, while legally mandated to be the "Guardian of the Treaties," may prioritize political expediency or inter-state relations over robust enforcement in cases involving high-level corruption within an established Member State, thereby inadvertently enabling impunity. The disconnect between the clear legal implications of the alleged issues and the Commission's response suggests that the "internal problem" argument is not a purely legal conclusion but potentially a political decision to avoid a complex and potentially destabilizing confrontation with a Member State. This inaction, if driven by political



considerations, creates a loophole for systemic breaches to persist within the EU.

### **C. Broader Systemic Factors Contributing to Non-Intervention**

The alleged "State Capture" inherently conflicts with the impartial application of governmental powers, diminishing public trust and compromising the independence of judicial and parliamentary bodies.<sup>1</sup> This erosion of the Rule of Law directly impacts the effective functioning of the EU.<sup>1</sup> The alleged provision of "knowingly false information" to other EU Member States and international bodies constitutes a clear failure of sincere cooperation (Article 4(3) TEU) and directly undermines the mutual trust essential for the cohesion and effective functioning of the Area of Freedom, Security, and Justice (AFSJ).<sup>1</sup> If a Member State's justice administration is compromised, other Member States cannot genuinely trust its integrity.<sup>1</sup>

The alleged systematic denial of legal representation, obstruction of investigations, and manipulation of evidence are not isolated human rights violations but appear to be integral components of the "State Capture" mechanism.<sup>1</sup> This suggests a calculated strategy to ensure impunity by dismantling the very legal mechanisms designed to provide justice and accountability. Furthermore, the alleged systemic corruption within the Ministry of Justice directly impacts its capacity to combat fraud against the EU budget (Article 325 TFEU), linking the issue to the Rule of Law Conditionality Regulation.<sup>1</sup>

The recurring theme of procedural barriers, such as the "lack of domestic exhaustion" or the Ombudsman's mandate limitations, being allegedly manufactured or exploited by the state itself, suggests a sophisticated, systemic strategy of legalistic impunity.<sup>1</sup> This is not merely a failure of oversight but an active subversion of accountability mechanisms by weaponizing legal procedures to create a "catch-22" for the complainant. The ECHR reportedly rejected Mr. Smedema's case due to a "lack of domestic exhaustion" <sup>1</sup>, and the Ombudsman refused due to its policy of not acting "after the judge has decided" or citing a "lack of authority".<sup>1</sup> However, Mr. Smedema alleges these procedural roadblocks were deliberately created by the state through blocking legal representation, prohibiting police investigations, and providing false information to international courts.<sup>1</sup> This establishes a clear cause-and-effect: the alleged state obstruction leads to procedural rejections, which then serve as the reason for further non-intervention by oversight bodies. This indicates a deliberate strategy to use legal and administrative procedures as shields against accountability,



rather than a mere oversight failure, thereby explaining why the alleged State Capture was not found or addressed earlier.

**Table 3: Ombudsman's Criteria for Investigation and Application to Smedema's Case**

| Ombudsman's General Criteria <sup>1</sup>              | Smedema's Situation (as alleged) <sup>1</sup>  | Assessment (Meets/Fails)  | Nuance/Implication  |
|--|--|---|---|
| Complaint to authority first                           | Yes, complaints filed with Ministries of Justice, Interior Affairs, College of Prosecutors General, CTIVD, police.   | Meets   | Mr. Smedema has attempted to exhaust internal avenues.  |
| Not about a court judgment                             | Smedema alleges denial of access to justice and systemic obstruction, not direct challenge to a specific judgment. ECHR rejected due to lack of domestic legal aid. First court case (defamation) was Feb 9, 2009, after Ombudsman's initial refusal (Oct 2005) and one day before 2009 refusal. | Fails (Ombudsman's interpretation) / Meets (Smedema's interpretation) | Ombudsman's narrow interpretation of "court judgment" may overlook administrative conduct preventing legal recourse, especially given the timing of the first court case. |
| No other current or previous means of objection/appeal | Alleged systematic refusal of legal aid by hundreds of lawyers, police refusing reports, prohibition of judicial investigations.   | Fails (Ombudsman's interpretation) / Meets (Smedema's interpretation) | Creates a "chicken or egg" situation where remedies are allegedly blocked by the state itself, making exhaustion impossible.  |
| Problem occurred less than a year ago                  | Allegations span since 1972, with ongoing effects and  | Fails   | The systemic, ongoing nature of the complaint challenges  |

|  |  |   |  |
|--|--|---|--|
|  | alleged cover-up.  |   | this time limit, especially if a "cover-up" prevented earlier discovery.   |
| Concerns "actions" of administrative authorities, not policy content | Allegations detail specific "actions" (refusal of reports, falsification of evidence, discrediting) and a systemic "cordon sanitaire." | Meets   | The nature of the complaint aligns with the Ombudsman's focus on administrative conduct and propriety.                     |
| Not concerning the judiciary itself                                  | Allegations involve judges being "aware" but taking no action, and the justice system's alleged complicity in cover-up.                | Fails (for direct judicial actions) / Meets (for administrative actions of justice officials) | The Ombudsman cannot investigate judges directly, but could investigate administrative failures within the justice system. |

## IV. Legal Avenues and Enforcement Mechanisms within the EU and International Frameworks

Despite the historical challenges in addressing the alleged systemic issues in the Hans Smedema Affair, several legal instruments within the EU and international systems could potentially be leveraged for future action.

### A. EU Rule of Law Toolbox

The European Union possesses a "Rule of Law Toolbox" comprising various instruments designed to promote, prevent, and respond to Rule of Law issues within Member States.<sup>1</sup> While the European Commission initially dismissed Mr. Smedema's case as an internal matter, his detailed arguments touch upon multiple facets that

could potentially trigger these mechanisms.<sup>1</sup>

The **Infringement Procedure (Article 258 TFEU)** empowers the European Commission to initiate legal action against a Member State that fails to implement EU law, potentially leading to a referral to the Court of Justice of the European Union (CJEU) and the imposition of financial penalties.<sup>1</sup> Proposals exist for "rule of law infringement procedures" that would allow for fast-tracking and the use of interim measures to address systemic Rule of Law backsliding.<sup>1</sup> The alleged systemic obstruction of justice and denial of effective remedy, including the systematic denial of legal representation, could be framed as failures to implement fundamental EU law, such as Article 47 of the Charter of Fundamental Rights (CFR).<sup>1</sup>

The **Rule of Law Conditionality Regulation**, in force since January 1, 2021, provides a mechanism for the suspension of payments of funds from the EU budget to Member States that violate Rule of Law principles affecting the EU budget.<sup>1</sup> Mr. Smedema's argument that a Ministry of Justice allegedly plagued by systemic corruption is "incapable of effectively combating fraud against the EU budget (PIF Directive, Article 325 TFEU)" directly addresses the crucial requirement to establish a "sufficiently direct link" between Rule of Law breaches and EU financial interests.<sup>1</sup>

The **Article 7 TEU Procedure** can be activated when a Member State breaches fundamental EU values, such as the Rule of Law, or is clearly at risk of doing so, specifically designed to address a "serious and persistent breach of EU values".<sup>1</sup> While this procedure faces significant political hurdles, requiring a unanimous vote in the European Council for punitive measures<sup>1</sup>, Mr. Smedema's allegations of "State Capture" and a systemic assault on foundational EU values could theoretically trigger this mechanism.<sup>1</sup>

The **EU Anti-Corruption Framework** is also highly relevant. Corruption is designated as a 'euro-crime' under Article 83 TFEU, recognizing its serious nature and cross-border dimension, and Article 325 TFEU obliges both the EU and its Member States to protect the Union's financial interests against fraud.<sup>1</sup> A notable development is the 2023 proposal for a new Directive on combating corruption by criminal law, which aims to update and harmonize rules on definitions and penalties across the EU.<sup>1</sup> Significantly, this proposal specifically extends the definitions of criminal corruption offenses to include "obstruction of justice" and "abuse of functions".<sup>1</sup> This directly aligns with Mr. Smedema's allegations of obstruction of investigations and evidence by the Ministry of Justice.<sup>1</sup> The modernization of the EU Anti-Corruption Framework, specifically the inclusion of "obstruction of justice" and "abuse of functions" as criminal offenses<sup>1</sup>, represents a strengthening of the legal basis for intervention that

was arguably less explicit or robust at the time of Mr. Smedema's initial complaints (2004 onwards). This suggests that while past failures might be attributed to perceived legal limitations or political will, the current legal landscape offers potentially stronger grounds for future action, making future dismissals harder to defend on purely legal grounds.

## **B. International Law Principles**

Beyond the EU framework, several principles of international law provide avenues for addressing the alleged state misconduct.

**State Responsibility for Wrongful Acts** dictates that an internationally wrongful act of a State occurs when conduct attributable to the State constitutes a breach of an international obligation.<sup>1</sup> The conduct of any State organ—whether legislative, executive, or judicial—is considered an act of that State, even if the organ exceeds its authority or contravenes instructions.<sup>1</sup> The alleged provision of false information to international courts, such as the ECHR, could therefore constitute a breach of the implied duty to provide truthful information to treaty bodies and monitoring functions.<sup>1</sup>

**State Lies as Human Rights Violations** is a concept gaining recognition. When state agents knowingly make untruthful statements with the intent to deceive, these lies can interfere with the interests of individuals protected by human rights law.<sup>1</sup> In certain circumstances, such deceptive practices are a "necessary condition for human rights violations," as they enable the perpetration of abuses that could not otherwise be committed.<sup>1</sup> Lies by state officials can also be interpreted as a form of obstruction to the fundamental right of individual petition.<sup>1</sup>

The "**Abuse of Process**" Doctrine, a recognized principle of public international law, prohibits the exercise of a procedural right in a manner that contravenes the purpose for which that right was established.<sup>1</sup> This doctrine applies to the misuse of procedural instruments for fraudulent, procrastinatory, or frivolous purposes, or to gain an illegitimate advantage.<sup>1</sup> This principle, rooted in the broader concept of good faith, could be invoked if the Netherlands is found to have deliberately provided false information to international bodies with the aim of obstructing justice or denying effective remedies.<sup>1</sup>

C. Challenges in Activating Mechanisms

While the legal arguments are strong in principle, the practical challenge lies in proving the systemic nature of "State Capture" and the deliberate intent behind the alleged obstruction and dissemination of false information.<sup>1</sup> The alleged destruction of evidence and suppression of investigations inherently complicates the collection of direct proof.<sup>1</sup>

Furthermore, the activation of certain EU mechanisms, particularly Article 7 TEU, faces significant political hurdles due to the unanimity requirement for punitive measures.<sup>1</sup> The Rule of Law Conditionality Regulation, while relevant, requires establishing a "sufficiently direct link" between Rule of Law breaches and EU financial interests, which, despite Mr. Smedema's arguments, still needs to be legally substantiated with compelling evidence.<sup>1</sup> The persistent challenges in activating EU Rule of Law mechanisms, including political hurdles and high evidentiary thresholds, in cases like Mr. Smedema's reveal a structural vulnerability in EU governance.<sup>1</sup> Despite robust legal frameworks, the political will and practical capacity to enforce foundational values against an entrenched Member State apparatus may be insufficient, creating a de facto zone of impunity for alleged systemic breaches. This suggests that even with the legal tools, their application is constrained by political considerations and high evidentiary burdens, especially when the state itself is allegedly obstructing evidence. This creates a systemic weakness: the EU's ability to protect its own foundational values is compromised if it cannot effectively intervene in cases of alleged state capture within its own members, leading to a perception of a two-tiered system of accountability.

Table 4: Overview of EU Rule of Law Mechanisms and their Relevance to the Case

| EU Mechanism           | Legal Basis/Description <sup>1</sup>   | Specific Relevance to Mr. Smedema's Allegations <sup>1</sup>                                       | Key Challenges/Limitations <sup>1</sup>  |
|------------------------|--|--|--|
| Infringement Procedure | Article 258 TFEU. Commission initiates legal action against Member States failing to implement EU law. | Alleged systemic obstruction of justice, denial of effective remedy, potential non-compliance with | Commission discretion in initiating; often settled pre-court; political reluctance |

|                                       |  |  |  |
|---------------------------------------|--|--|--|
|                                       |  | EU anti-corruption obligations.  | for systemic Rule of Law cases.  |
| Rule of Law Conditionality Regulation | Allows suspension of EU funds to Member States violating Rule of Law principles that affect the EU budget. In force since 2021.  | Alleged systemic corruption within Ministry of Justice affecting ability to combat fraud against EU budget (Article 325 TFEU).                                       | Requires establishing a "sufficiently direct link" between Rule of Law breaches and EU financial interests; applied only once to date. |
| Article 7 TEU Procedure               | Addresses "serious and persistent breach of EU values" (e.g., Rule of Law, human rights). Can lead to suspension of voting rights.   | Alleged systemic assault on Rule of Law, denial of fundamental rights, and "State Capture" undermining EU foundational values.                                       | Requires unanimous vote for punitive measures (Article 7(2)), leading to political hurdles and "stymied" application.                  |
| EU Anti-Corruption Framework          | Article 83 TFEU (euro-crime), Article 325 TFEU (financial interests). Modernized framework criminalizes corruption, including obstruction of justice and abuse of functions. | Alleged systemic corruption within Ministry of Justice, active obstruction of investigations, manipulation of evidence, and abuse of function by high-level figures. | Enforcement relies on national authorities; political will to act against systemic corruption within Member States can vary.           |

## V. Conclusions and Recommendations

### A. Synthesis of Failures: A Multi-Layered Impasse

The apparent failure to address the alleged "State Capture" involving Joris Demmink in the Netherlands much earlier stems from a complex, multi-layered impasse rather

than a singular oversight.

Firstly, the very nature of the allegations describes a deeply entrenched, multi-agency "State Capture" and "cordon sanitaire" that actively subverted legal and administrative processes, designed to prevent detection and ensure impunity.<sup>1</sup> This was not a passive failure but an active, deliberate strategy.

Secondly, national oversight bodies, particularly the Dutch National Ombudsman, adhered to strict procedural limitations, such as not investigating "after the judge has decided" or requiring the "exhaustion of domestic remedies".<sup>1</sup> This created a "legalistic impunity," where the state's alleged obstruction of legal representation, prohibition of police investigations, and provision of false information effectively sabotaged the very remedies required for oversight, creating a "catch-22" for the complainant.<sup>1</sup> The Ombudsman's initial refusal in 2005 predated any court judgment on the merits of Mr. Smedema's claims, further highlighting the rigidity of their stance.<sup>1</sup>

Thirdly, a significant fragmentation in the Dutch oversight architecture is evident in the conflicting signals from different independent bodies. The CTIVD reportedly validated the existence of a "cover-up and conspiracy" and advised Mr. Smedema to approach the Ombudsman, yet the Ombudsman maintained its dismissive refusal.<sup>1</sup> This suggests that even when serious misconduct is identified by one independent body, the lack of a cohesive, integrated mechanism for escalating or compelling investigations across jurisdictional lines allows cases to fall into a "blind spot" within the state's accountability framework.

Fourthly, the European Commission's characterization of the matter as purely an "internal problem," despite clear allegations of cross-border false information, breaches of sincere cooperation, and direct impacts on foundational EU values, points to a reluctance to engage with politically sensitive systemic issues within an established Member State.<sup>1</sup> This stance, if driven by political expediency, undermines the Commission's fundamental role as Guardian of the Treaties.

Finally, the alleged active obstruction and disinformation, including the "knowingly false information" provided to international courts and other Member States, coupled with the alleged destruction of evidence and denial of legal aid, represents a deliberate strategy to obstruct justice and ensure impunity.<sup>1</sup> This weaponization of disinformation and procedural manipulation actively hindered earlier detection and intervention. The cumulative effect of these alleged violations, particularly when framed as "State Capture," suggests a systemic failure that affects multiple areas of

EU competence, systematically eroding mutual trust within the EU and jeopardizing the operational effectiveness of the Area of Freedom, Security, and Justice.<sup>1</sup>

## **B. Recommendations for Hans Smedema: A Multi-faceted Strategic Approach**

Based on the analysis, a multi-faceted strategic approach is recommended for Mr. Hans Smedema's continued pursuit of justice:

### **1. Reframing the Narrative for EU Institutions:**

- **Emphasize Systemic Maladministration and Denial of Access to Justice:** Mr. Smedema should consider re-submitting complaints to the European Ombudsman and European Commission, explicitly framing the case as one of systemic maladministration and denial of access to justice, rather than a direct challenge to specific judicial outcomes.<sup>1</sup>
- **Focus on "Propriety" (for Ombudsman):** For the Dutch National Ombudsman, the complaint should emphasize the "propriety" aspect of their mandate, detailing how specific administrative conduct (e.g., reported refusal of police reports, prohibition of judicial investigations, systematic denial of legal aid) prevented proper legal recourse.<sup>1</sup> It is crucial to highlight that the Ombudsman's initial refusals *predated* any court judgments on the merits of his claims, thereby challenging the basis of their dismissals.<sup>1</sup>
- **Directly Challenge "Internal Problem" (for EU Commission):** For the European Commission, the complaint should meticulously detail how the alleged actions breach specific EU Treaty articles and foundational values, including Article 2 TEU (Rule of Law), Article 4(3) TEU (Sincere Cooperation), Article 19 TEU and Article 47 CFR (Fundamental Rights), and Article 325 TFEU (Protection of EU Financial Interests).<sup>1</sup> It should explicitly argue that the procedural impediments faced by Mr. Smedema are a direct result of state obstruction, and therefore cannot be a legitimate reason for dismissal.<sup>1</sup>

### **2. Leverage CTIVD's Reported Confirmation:**

- It is crucial to explicitly cite the CTIVD's reported verbal confirmation of a "cover-up and conspiracy" and their advice for Ombudsman involvement as a key piece of evidence supporting the need for an Ombudsman investigation.<sup>1</sup> This information, coming from a specialized, independent oversight body with access to sensitive intelligence information, can serve as powerful validation of the seriousness of the claims, potentially urging the Ombudsman to initiate



an "own initiative" investigation into the systemic issues.<sup>1</sup>

3. **Highlight the "Chicken or Egg" Situation:**

- The complaint should clearly articulate how the alleged systematic denial of legal aid and police/judicial investigations created a situation where traditional domestic remedies could not be exhausted.<sup>1</sup> This narrative underscores the critical nature of oversight bodies' "fall-back" role in circumstances where other avenues are allegedly sabotaged by state actors, making it impossible for a citizen to meet the typical procedural prerequisites for intervention.<sup>1</sup>

4. **Re-engage with International Avenues (Strategic Re-evaluation):**

- **European Court of Human Rights (ECHR):** A new application to the ECHR could be considered, specifically addressing the "exhaustion of domestic remedies" issue.<sup>1</sup> This would involve arguing that the state's alleged "deliberate concealment and obstruction" rendered domestic remedies ineffective or inaccessible, thereby excusing the exhaustion requirement under ECHR jurisprudence.<sup>1</sup>
- **Other International Human Rights Bodies:** Exploration of other international human rights bodies or mechanisms where state lies and obstruction can be raised is advisable, leveraging the "abuse of process" doctrine, which applies in international law when procedural rights are misused for illegitimate purposes.<sup>1</sup>

5. **Seek Specialized Legal Counsel and Strategic Advocacy:**

- While Mr. Smedema has faced significant challenges in securing legal aid, it is advisable to continue seeking out legal organizations specializing in human rights, administrative law, or strategic litigation against state abuses.<sup>1</sup> Organizations with a pro bono focus or those accustomed to high-profile systemic cases might be more willing to engage.
- Given the alleged media silence in the Netherlands<sup>1</sup>, strategically engaging with international human rights organizations or investigative journalists outside the Netherlands might be considered. This could bring external pressure and raise global awareness, provided ethical and safety considerations are thoroughly assessed.

## C. Concluding Remarks: The Imperative of Accountability

The Hans Smedema Affair highlights potential limitations in the Dutch administrative oversight architecture and, by extension, the broader EU framework when confronted

with complex, multi-agency allegations of profound human rights violations and systemic state capture. When the very mechanisms designed to provide redress are purportedly sabotaged by state actors, a rigid adherence to procedural exclusions risks undermining public trust and leaving citizens without effective recourse.

The case underscores the imperative for robust, flexible oversight mechanisms, coupled with the political will to enforce foundational values, to maintain public confidence and ensure accountability, especially when the state itself is implicated in alleged widespread misconduct. It demonstrates the need for continuous vigilance and adaptation of legal and institutional responses to evolving forms of corruption and state subversion, particularly those that weaponize legalistic procedures to create a de facto zone of impunity. The ability of a democratic state and a union of states to address such profound allegations is fundamental to their credibility and the integrity of the rule of law.

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