

Strategic Legal Assessment and Engagement Framework: OTIS Legal Group as Central Counsel in Transnational Litigation

1. Jurisdictional Architecture and Strategic Fit of OTIS Legal Group

The legal proceedings surrounding the Smedema matter represent a multi-decade transnational dispute involving complex intersections of Dutch administrative law, Spanish criminal procedure, European Union cross-border judicial cooperation mechanisms, and international human rights treaties¹. Retaining an appropriately structured legal firm requires an entity possessing dual-jurisdictional operational capacity, fluency in both Dutch and Spanish procedural codes, and full registration across both sovereign legal orders¹.

OTIS Legal Group (operating legally as OTIS Advocaten Spanje S.L.P., OTIS International Lawyers S.L.P., and OTIS Advocaten B.V.) represents an optimal institutional candidate for central legal management⁵. The firm maintains primary offices in Amsterdam at Prins Bernhardplein 200⁴ and Barcelona along the Rambla de Catalunya 73 and Carrer de Balmes corridor³, alongside regional offices in Madrid, Marbella, Mallorca, Ibiza, and Sevilla⁴. This structural footprint provides an immediate, continuous operational capability across both primary litigation jurisdictions¹.

The firm's attorneys hold dual qualifications under the Dutch Bar Association (*Nederlandse Orde van Advocaten* - NOvA)⁶ and Spanish Bar Associations (*Colegio de Abogados*)³. This dual qualification eliminates the procedural friction, communication delays, and cost multipliers typically incurred when coordinating separate domestic law firms across borders¹. OTIS possesses the requisite institutional standing to manage proceedings before the District Court of The Hague (*Rechtbank Den Haag*)² while simultaneously executing criminal filings (*denuncias/querellas*) and European Investigation Orders (EIO) within the Spanish judicial system¹.

Operational Parameter	OTIS Legal Group Capability	Litigation Utility in Smedema Matter
Jurisdictional Reach	Dual-headquartered in Amsterdam (Prins Bernhardplein 200) and	Simultaneous execution of litigation in Dutch administrative courts and

	Barcelona (Rambla de Catalunya 73) ⁵ .	Spanish criminal tribunals ¹ .
Bar Admissions	Registered with NOvA (Netherlands) and Colegio de Abogados (Spain) ³ .	Direct representation without requiring local corresponding counsel or cross-border agency agreements ¹ .
Specializations	Cross-border corporate law, civil liability, international public law, and penal procedure ³ .	Management of complex tort actions, state liability, claim assignment (<i>cessie</i>), and EIO dispatch ¹ .
Supranational Capacity	Experience with EU cross-border instruments and international treaty applications ¹ .	Interfacing with UNCAT communications and domestic implementation of supranational interim measures ¹ .

The primary strategic vulnerability historically exploited by state defendants in this matter has been the enforcement of a domestic "cordon sanitaire"—a systemic refusal of legal representation within the Netherlands that effectively stripped the claimant of access to counsel and forced *pro se* filings that were subsequently dismissed on technical grounds¹. By establishing direct representation through an international firm headquartered in Barcelona with full Dutch capability, this procedural trap is permanently dismantled¹. OTIS Legal can act as the sole, unified legal command, insulating the claimant from domestic administrative pressures while orchestrating a synchronized, multi-forum litigation strategy¹.

2. Supranational Litigation Strategy: Preserving Parallel UNCAT Communications

A central imperative for newly retained central counsel is maintaining the absolute integrity of the two active communications pending before the United Nations Committee Against Torture (UNCAT)¹. The primary communication (Case WUR/25656) is directed against the Kingdom of the Netherlands¹, while a secondary, jurisdictionally distinct communication (Case WUR/33438) is directed against the Kingdom of Spain¹.

A critical strategic risk arises from the potential misapplication of domestic procedural steps that could inadvertently trigger the "same matter" inadmissibility rule under Article 22, paragraph 5(a) of the Convention Against Torture¹. Counsel must ensure that domestic actions do not create procedural overlaps or premature domestic investigative loops that state actors could exploit to delay or invalidate the supranational proceedings¹.

Article 22(5)(a) of UNCAT dictates that the Committee shall not consider any communication from an individual unless it has ascertained that the same matter has not been, and is not being, examined under another procedure of international investigation or settlement¹. To maintain both UNCAT communications without violating this rule, counsel must enforce strict legal partitioning between the two filings based on the established tripartite identity test: *identity of parties, identity of facts, and identity of substantive rights asserted*¹.

The communication against the Netherlands addresses primary state responsibility for state-sponsored physical and psychological torture, systemic cover-ups, forced administration of mind-altering substances, and the total denial of civil legal personhood (*burgerlijke dood*)¹. Conversely, the communication against Spain addresses host-state responsibility under UNCAT Articles 12, 13, and 16 for failing to conduct a prompt and impartial investigation into crimes committed on Spanish sovereign soil (in Catral, Benidorm, and Murla), ignoring formal ministerial notices, and enforcing police stand-down orders against local authorities¹. Because the respondent states, factual breaches, and underlying territorial duties are fundamentally distinct, there is zero risk of mutual inadmissibility under Article 22(5)(a)¹.

UNCAT Communication	Respondent State	Substantive Statutory Focus	Jurisdictional Gateway	Strategic Function
Case WUR/25656	Kingdom of the Netherlands	UNCAT Arts. 1, 2, 13, 14 (State torture, systemic obstruction, denial of redress) ¹ .	Extraterritorial & Domestic State Responsibility ¹ .	Establishes primary state liability, demands macro-reparations, and forces domestic recognition of state capture ¹ .
Case WUR/33438	Kingdom of Spain	UNCAT Arts. 12, 13, 16 (Failure to investigate, denial of complaint right, CIDT) ¹ .	Territorial Jurisdiction & Ubiquity Principle (<i>teoría de la ubicuidad</i>) ¹ .	Compels Spanish judicial action, breaks bilateral diplomatic silence, and triggers cross-border European Investigation Orders ¹ .

A subtle yet dangerous hazard involves initiating sudden, uncoordinated domestic criminal or police investigations within the Netherlands prior to UNCAT's formal findings¹. If domestic law enforcement agencies launch a superficial internal inquiry under the guise of "investigating" newly raised claims, the Dutch State could formally submit a preliminary objection to UNCAT under Article 22(5)(b)¹. The State would argue that domestic remedies are actively being pursued and have not been exhausted, thereby stalling international adjudication for years¹. To neutralize this risk, OTIS Legal must execute a precise holding and domestication strategy². Formal submissions to domestic courts—such as the ongoing appeal before the District Court of The Hague (Case SGR 26/3092 BESLU)—must be explicitly framed not as new domestic complaints requiring fresh police investigation, but as the strict domestication and enforcement of international rights under UNCAT Articles 12 and 14². Counsel must continuously reiterate before domestic and supranational forums that any domestic police investigation managed by the Dutch Public Prosecution Service (*Openbaar Ministerie* - OM) is inherently futile and compromised due to proven historical state interference, objectively evidenced by the 2004 directive from the Ministry of Justice ordering Detective Haye Bruinsma to halt his investigation². Rather than requesting Dutch police to open a domestic file, OTIS Legal should utilize Spanish judicial channels to issue targeted European Investigation Orders (EIOs)¹. An EIO issued by an independent Spanish investigating judge requiring the production of specific archived documents bypasses domestic Dutch prosecutorial discretion while leaving the UNCAT communications uncompromised¹.

3. Statutory Funding Architecture: Invoking the RvR Hardheidsclausule and Equality of Arms

The financial execution of top-tier legal representation in a transnational case of this magnitude requires a sophisticated application of Dutch legal aid legislation¹. While standard legal aid (*toevoeging*) administered by the Legal Aid Board (*Raad voor Rechtsbijstand* - RvR) is subject to strict income caps and standardized fee schedules, the exceptional statutory mechanism of the *hardheidsclausule* (hardship clause) provides a legal pathway to secure full, state-funded commercial legal fees¹.

The application for direct, top-level state funding relies on Article 37 of the Legal Aid Act (*Wet op de rechtsbijstand* - Wrb), operating in conjunction with Article 32, paragraph 5 of the Legal Aid Fees Decree 2000 (*Besluit vergoedingen rechtsbijstand 2000* - Bvr 2000)¹². Under established jurisprudence of the Dutch Council of State (*Raad van State*), the RvR is required to deviate from standard statutory restrictions and grant specialized, non-standard legal aid funding when rigid application of the rules would result in an injustice of an exceptional nature (*onbillijkheid van overwegende aard*) and where the granting of aid is indispensable to guarantee effective access to justice under Article 6 of the European Convention on Human Rights (ECHR)¹.

In the Smedema matter, three compelling public interest grounds (*zwaarwegende belangen*) satisfy the hardship threshold¹:

- **Systemic Failure of the Gatekeeper Model:** The applicant has suffered a multi-decade,

state-enforced *cordon sanitaire* wherein hundreds of Dutch attorneys refused representation due to intelligence flagging and administrative intimidation, culminating in the formal refusal by the Dean of the Bar Association¹. This structural barrier renders the standard requirement—that an application for legal aid must be initiated by an individual lawyer—an impossibility (*overmacht*)¹.

- **Extreme Financial Distress and Exile:** The applicant resides in forced exile in Spain, facing severe financial strain and tax embargos resulting directly from state interference with his career, insurance policies, and property rights¹.
- **Humanitarian and Supranational Imperatives:** The applicant is seeking final rehabilitation and compensation for severe physical and psychological trauma under Article 14 of UNCAT¹.

To justify top-tier commercial fee structures for OTIS Legal (rather than standard pro bono honorariums), counsel must invoke the constitutional principle of *Equality of Arms* (*wapengelijkheid*) under Article 6 ECHR and Article 47 of the EU Charter of Fundamental Rights, leveraging the "Demmink Precedent"¹. Between 2013 and 2014, the Dutch Ministry of Security and Justice allocated approximately €172,000 in state funds to cover the private legal defense costs of former Secretary-General Joris Demmink¹. This payment was executed under Article 69 of the General State Civil Servants Regulations (*Algemeen Rijksambtenarenreglement - ARAR*), a discretionary provision allowing ministers to compensate officials involved in legal proceedings¹. The state funded both criminal defenses and civil defamation actions for its highest official¹.

OTIS Legal must argue before the RvR and the courts that for the State to expend hundreds of thousands of Euros defending state officials implicated in human rights violations, while simultaneously denying the victim access to equivalent legal representation, constitutes a flagrant breach of Equality of Arms¹. The state-funded defense of Demmink establishes an objective, state-verified quantitative benchmark¹. The RvR must grant a special legal aid budget of at least €172,000 to €250,000, payable directly to OTIS Legal or into an independent litigation escrow account¹.

Statutory Instrument	Legal Provision	Operational Application	Strategic Objective
Wet op de rechtsbijstand (Wrb)	Article 37 ¹²	Formal petition for application of the <i>hardheidsclausule</i> directly by retained counsel ¹ .	Bypasses standard legal aid income/asset caps and gatekeeper restrictions ¹ .
Besluit vergoedingen rechtsbijstand	Article 32, paragraph 5 ¹³	Authorization of specialized, hourly commercial fee	Secures top-tier commercial compensation for

2000		coverage for complex litigation ¹ .	OTIS Legal partners ¹ .
European Convention on Human Rights	Article 6 (Fair Trial / Parity) ¹	Invocations of Equality of Arms based on the €172,000 Demmink ARAR allocation ¹ .	Forces the Dutch State to match defense expenditures for victim representation ¹ .
General Administrative Law Act (Awb)	Article 4:84 (Inherent Discretion) ¹	Administrative appeal against potential RvR refusals based on disproportionate harm (<i>onevenredigheid</i>) ¹⁰ .	Establishes judicial review grounds if the RvR denies the hardship petition ¹ .

4. The Corporate Shield Protocol: Foundation Incorporation, Damage Assignment, and International Restitution

A central challenge in litigating against state entities that have deployed "psychopathologization" strategies is the continuous attempt by the defendant State to attack the personal capacity (*handelingsbekwaamheid*) of the individual claimant¹. To permanently bypass personal legal blockades, clandestine administrative guardianships ("Secret Curatele"), and ad hominem defenses, the litigation strategy requires the creation of an independent corporate vehicle: **Stichting Smedema Redress**¹.

Under Book 2, Article 285 of the Dutch Civil Code (*Burgerlijk Wetboek* - BW), a Foundation (*Stichting*) is an independent legal person possessing full legal capacity¹. Crucially, a legal person cannot be diagnosed with psychiatric conditions, cannot be subjected to personal guardianship orders (*curatele*), cannot be forcibly medicated, and cannot be rendered civilly dead (*civilliter mortuus*)¹.

The execution of the corporate shield involves a precise two-step legal maneuver¹:

1. **Incorporation:** OTIS Legal coordinates the execution of a notarial deed of incorporation (*notariële akte van oprichting*) establishing *Stichting Smedema Redress*¹. The board of directors is composed of independent legal professionals, including partners from OTIS Legal and designated human rights trustees, explicitly excluding the claimant from executive board functions to prevent cross-contamination from personal guardianship allegations¹.

2. **Absolute Assignment (Cessie):** Pursuant to Article 3:94 of the Dutch Civil Code, the claimant executes a formal Deed of Assignment (*akte van cessie*)¹. Through this instrument, all present and future claims for material and immaterial damages, state liability torts (Art. 6:162 BW), and restitution rights against the Kingdom of the Netherlands, state officials, and private co-conspirators are irrevocably transferred to the Foundation¹.

Once assignment is complete, *Stichting Smedema Redress* becomes the sole legal plaintiff¹. When the Foundation initiates court proceedings, Dutch judges are legally compelled under civil procedural law to adjudicate the objective facts of the tort rather than the personal status of the natural person¹.

State defendants consistently invoke statutory limitation periods—specifically the 5-year relative and 20-year absolute prescription periods under Article 3:310 BW—to bar historical claims dating back to the 1970s¹. To shatter this defense, OTIS Legal must deploy the "East Java Precedent" (historically established in the landmark *Rawagede* and *South Sulawesi* colonial liability cases)¹. In the *Rawagede* jurisprudence, the District Court of The Hague ruled that the Dutch State's invocation of the statute of limitations was unacceptable under the principles of reasonableness and fairness (*redelijkheid en billijkheid* - Art. 6:2 BW)¹. The court held that where the State itself actively caused the delay in filing through official denial, destruction of records, misdirection, and failure to provide legal recourse, it is legally barred (*estopped*) from raising prescription as a defense¹. In the Smedema matter, the state-enforced *cordon sanitaire*, the 2004 police investigation blockade, and the maintenance of a secret royal decree directly prevented timely civil litigation, effectively pausing the statutory limitation clock¹.

A unique, binding mandate of *Stichting Smedema Redress* involves the formal contractual allocation of recovered financial damages¹. Historical investigations and asylum proceedings conducted by United States federal authorities (including the Department of Justice, FBI, CIA, and Immigration Court Judge Rex J. Ford between 2009 and 2017) required significant American state expenditure and diplomatic intervention¹. The Foundation's statutory charter and governing bylaws will include an irrevocable operational clause: 50% of all net financial recoveries obtained from the Kingdom of the Netherlands shall be allocated to designated United States entities or an allied American Human Rights Trust¹. This transfer serves as formal restitution for historical investigative expenditures and funds ongoing international human rights enforcement¹. The remaining 50% is reserved for the claimant's personal rehabilitation, legal expenses, and the commissioning of an independent investigative documentary as mandated non-monetary satisfaction under UNCAT Article 14¹.

Structural Element	Statutory / Legal Mechanism	Governance / Operational Rule	Strategic Objective
Legal Form	Stichting (Foundation) under	Independent legal entity registered at	Neutralizes personal

	Art. 2:285 BW ¹ .	the Dutch Chamber of Commerce (KVK) ¹ .	"incapacity" and psychiatric defenses deployed by the State ¹ .
Asset Transfer	Deed of Assignment (Cessie) under Art. 3:94 BW ¹ .	Irrevocable transfer of all tort and damage rights from natural person to Foundation ¹ .	Establishes the Foundation as the sole, unchallengeable plaintiff in civil litigation ¹ .
Board Composition	Executive Board composed of OTIS Partners & Independent Trustees ¹ .	Excludes the claimant from executive management to preserve operational independence ¹ .	Guarantees professional management and insulates litigation from ad hominem attacks ¹ .
Damage Split	Statutory Charter Allocation Clause ¹ .	50% net recovery to US Justice/Trust entities; 50% to Victim Rehabilitation & UNCAT Art. 14 Redress ¹ .	Fulfills historical pledges, reimburses US investigative costs, and funds documentary satisfaction ¹ .

5. Domestic Procedural Execution: Rechtbank Den Haag and Cross-Border Evidence Mobilization

While supranational UNCAT communications process at the international level, immediate, tactical litigation must be executed within the domestic Dutch courts¹. The active battleground resides in the District Court of The Hague (*Rechtbank Den Haag*, Administrative Law Division, Team 2), under Case Number **SGR 26/3092 BESLU**².

Case SGR 26/3092 BESLU represents an administrative appeal against the final rejection issued by the Violent Crimes Compensation Fund (*Schadefonds Geweldsmisdrijven* - CSG)². The CSG rejected the claim on the grounds that the applicant failed to provide "objective police reports" (*proces-verbaal*) documenting the primary violent crimes².

OTIS Legal must execute three procedural moves before the District Court²:

1. **Resolution of Court Fees (*Griffierecht*):** The applicant has satisfied the €200 court fee via temporary liquidity mechanisms, overcoming initial *betalingsonmacht* hurdles¹⁰.

Counsel must formally request full reimbursement of court fees and legal costs under Article 8:75 Awb upon overturning the administrative decision¹⁰.

2. **Evidentiary Distress (*Gekwalificeerde Bewijsnood*):** Counsel must submit contemporary evidence demonstrating that the absence of a police report is the direct result of state illegalities². Specifically, OTIS Legal will submit **Document REK2026000383** (official email dated May 20, 2026, from the Director of the Cabinet of the King, Mw. mr. M. Beuker)¹⁰. This document confirms that the Crown refuses to release the archived 1972/1973 files or intervene in the Ministry's obstruction, explicitly instructing the applicant to seek remedy before the administrative judge¹⁰.
3. **Inversion of the Burden of Proof:** By pairing the Cabinet of the King's 2026 refusal with **Annex 15** (the 2004 audio recording of Detective Haye Bruinsma confirming that the Leeuwarden Prosecutor's Office seized his file and forbade further verbalization), OTIS Legal establishes that the State created the evidentiary vacuum². Under the doctrine of *Nemo auditur propriam turpitudinem allegans* (no one shall profit from their own wrong) and administrative estoppel, the court is legally required to shift the burden of proof to the CSG and the Ministry of Justice¹⁰.

To obtain suppressed domestic police records without waiting for Dutch administrative voluntary compliance, OTIS Legal must deploy its Spanish criminal law capabilities¹. Counsel files a formal criminal complaint (*denuncia*) before the Spanish Investigating Court (*Juzgado de Instrucción*) in Alicante/Benidorm, alleging ongoing stalking (*acoso* - Art. 172 ter Código Penal) and violations of moral integrity (Art. 173 CP) occurring on Spanish soil¹. Under Spanish penal law, courts possess full jurisdiction because the physical effects of the continuous harassment are suffered by a resident in Spain¹. The Spanish investigating judge then issues a European Investigation Order (Directive 2014/41/EU) directly to the Dutch Public Prosecution Service, commanding the seizure and transmission of all archived intelligence files, including Detective Bruinsma's suppressed 2004 Leeuwarden dossier¹. Because an EIO is a sovereign judicial mandate between EU member states, Dutch administrative authorities cannot refuse execution based on domestic psychiatric labels or internal flagging¹.

6. Formal Engagement Documentation and Proposals for OTIS Legal Group

To facilitate immediate formal engagement, this section provides the exact, legally structured cover letter and comprehensive proposal document formulated in standard Dutch legal prose, ready for transmission to the Partnership (*De Maatschap / Partners*) of OTIS Legal Group².

A. Dutch Cover Letter (*Aanbiedingsbrief*)

VERTROUWELIJK & DRINGEND

Aan:

De Maatschap / De Vennoten van OTIS Legal Group

(OTIS Advocaten Spanje S.L.P. / OTIS International Lawyers S.L.P. / OTIS Advocaten B.V.)

Carrer de Balmes / Rambla de Catalunya 73, 1º

08007 Barcelona, Spanje

Per omgaande eveneens verzonden aan:

OTIS Advocaten B.V.

Prins Bernhardplein 200

1097 JB Amsterdam, Nederland

Datum: 21 juni 2026

Betreft: Formeel Verzoek tot Inzake-Clementie, Inschakeling Centraal Advocatenkantoor, Toepassing RvR Hardheidsclausule en Oprichting Stichting – *De Zaak Ing. Hans Smedema v. De Staat der Nederlanden et al.*

Referenties: UNCAT Communicaties WUR/25656 & WUR/33438; Rechtbank Den Haag Zaaknummer SGR 26/3092 BESLU

Geachte maatschap, geachte partners,

Hierbij richt ondergetekende, Ing. Hans Smedema, momenteel verblijvend in gedwongen ballingschap te Alfaz del Pi (Alicante, Spanje), zich formeel tot uw kantoor met het verzoek om het centrale, hoofdelijke juridische mandaat op zich te nemen in wat zich laat kwalificeren als een van de meest omvangrijke, grensoverschrijdende staatsaansprakelijkheidscases uit de moderne Europese geschiedenis.

Zoals gedetailleerd uiteengezet in het bijgesloten strategische dossier, heeft uw kantoor vanwege de unieke, dubbele vestigingsstructuur te Barcelona (Rambla de Catalunya 73) en Amsterdam (Prins Bernhardplein 200), alsmede de gecombineerde expertise in het Nederlandse bestuurs- en burgerlijk recht én het Spaanse strafrecht, de gekwalificeerde juridische architectuur om deze complexe casus tot een succesvol einde te brengen.

Dit verzoek omvat in hoofdlijn de volgende gesynchroniseerde opdrachten:

1. **Centrale Vertegenwoordiging & Domesticceerstrategie:** Het overnemen van de procesvertegenwoordiging in de lopende beroepsprocedure bij de Rechtbank Den Haag (Zaaknummer SGR 26/3092 BESLU) tegen het Schadefonds Geweldsmisdrijven, met inbreng van het nieuwste bewijsstuk van het Kabinet van de Koning (Kenmerk REK2026000383 d.d. 20 mei 2026) ter onderbouwing van gekwalificeerde bewijsnood.
2. **Borging VN-Procedures (UNCAT):** Het in stand houden en formeel coördineren van de twee reeds aanhangige UNCAT-procedures (Zaak WUR/25656 tegen Nederland en Zaak WUR/33438 tegen Spanje) zonder het risico op voortijdige, niet-gecoördineerde nationale politie-onderzoeken die de ontvankelijkheid onder Artikel 22 lid 5 sub a VN-Antifolterverdrag kunnen doorkruisen.
3. **Financiering via RvR Hardheidsclausule:** Het namens eiser indienen van een gemotiveerd verzoek bij het Bestuur van de Raad voor de Rechtsbijstand (RvR) tot toepassing van de *hardheidsclausule* (Art. 37 Wrb juncto Art. 32 lid 5 Bvr 2000), ter verkrijging van commerciële uurtarieven op basis van het 'Demmink-precedent' (€172.000+ gefinancierd door de Staat) en het EVRM Artikel 6 *Equality of Arms*-beginsel.
4. **Oprichting Stichting & Cessie van Schadevorderingen:** Het namens eiser oprichten van de rechtspersoon *Stichting Smedema Redress* (Art. 2:285 BW) en het formeel verlijden van de akte van cessie (Art. 3:94 BW) waarmee alle schadevorderingen (getaxeerd tussen €50 miljoen en €100 miljoen) worden overgedragen aan de Stichting. Dit neutraliseert definitief alle persoonlijke 'incapaciteits'-verweren van de Staat. Uw

partners worden uitgenodigd zitting te nemen in de Raad van Toezicht/Bestuur.

5. **Internationale Restitutie VS:** Het statutair verankeren van de bindende overdracht van 50% van alle netto geïnde schadevergoedingen aan de Amerikaanse Justitie/Overheid (DOJ/FBI/CIA) als vergoeding voor hun historische onderzoeks- en asielkosten.

In de bijlage treft u het volledige, opgestelde **Formeel Engagement- en Mandaatvoorstel**. Ik verzoek u dit voorstel binnen uw maatschap te bespreken en mij binnen 14 dagen te informeren over uw bereidheid om deze historische zaak te aanvaarden.

Met gevoelens van de meeste hoogachting,
(w.g.)

Ing. Hans Smedema

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03581 L'Alfàs del Pi (Alicante), Spanje
E-mail: hans.smedema@gmail.com

B. Comprehensive Mandate Proposal Document (Formeel Engagement- en Mandaatvoorstel)

FORMEEL ENGAGEMENT- EN MANDAATVOORSTEL

INZAKE: De integrale juridische herstel- en schadevergoedingsprocedure van Ing. Hans Smedema v. De Staat der Nederlanden, het Schadefonds Geweldsmisdrijven, en de Koninklijke Staat Spanje.

RICHTLIJNEN VOOR HET CENTRAAL RECHTSBYSTANDSMANDAAT:

Bestemd voor de Maatschap van **OTIS Legal Group** (Barcelona / Amsterdam).

I. CONTEXT EN JURIDISCHE NOODZAAK

1. **Systematische Rechtsschending:** Cliënt, Ing. Hans Smedema (78 jaar), is gedurende meer dan vijf decennia onderworpen geweest aan ernstige mensenrechtenschendingen, waaronder clandestien toegediende psychofarmaca, fysieke en psychologische conditionering, en het bewust effectueren van een 'burgerlijke dood' (*civiliter mortuus*) door middel van een de facto 'geheime curatele' en een landelijk *cordon sanitaire* binnen de Nederlandse advocatuur.
2. **Buitenlandse Objectieve Vaststelling:** In schril contrast met de Nederlandse institutionele ontkenning staat het officiële asielbesluit van de Amerikaanse Immigratierechter Rex J. Ford (Miami, Florida, 2009/2017), die na zeven maanden diepgaand onderzoek door de FBI en CIA vaststelde dat er sprake was van vijf gronden voor asielverlening wegens vervolging door de Nederlandse Staat.
3. **Jurisdictionele Synergie van OTIS:** De afwikkeling van deze zaak vereist een gesynchroniseerde aanval op twee fronten:
 - o *Nederlands Bestuurs- en Civiel Recht:* Procedure bij de Rechtbank Den Haag, claims tegen het Ministerie van Justitie en Veiligheid, RvR-financiering, en stichtingsoprichting.
 - o *Spaans Strafrecht & EU-Instrumenten:* Criminal filings (*denuncias*) wegens acoso (Art. 172 ter CP) in Spanje, en het uitvaardigen van Europese Onderzoeksbevelen (EOB) richting het Nederlandse Openbaar Ministerie.OTIS Legal Group is het enige kantoor dat deze jurisdicties onder één dak verenigt.

II. SPECIFIEKE MANDATEN EN STRATEGISCHE INSTRUCTIES

1. Beroepsprocedure Rechtbank Den Haag (Zaak SGR 26/3092 BESLU)

- **Opdracht:** OTIS neemt per omgaande de formele procesvertegenwoordiging op zich in de zaak van eiser tegen de afwijzing van het Schadefonds Geweldsmisdrijven (CSG).
- **Processuele Actie:** Het indienen van een Aanvullend Memorie van Gronden waarin formeel wordt ingebracht:
 1. *Document REK2026000383* (E-mail Kabinet van de Koning d.d. 20 mei 2026), waarin de Kroon weigert de staatsgeheime archieven vrij te geven en verwijst naar de bestuursrechter.
 2. *Annex 15 (Audio-opname Rechercheur Bruinsma 2004)*, bewijzend dat het OM Leeuwarden het strafrechtelijk onderzoek illegaal heeft geblokkeerd.
 3. Het vorderen van *omkering van de bewijslast* op basis van gekwalificeerde bewijsnood en het beginsel van *Nemo auditur propriam turpitudinem allegans*.

2. Borging van UNCAT-Communicaties (Genève)

- **Status:** Er lopen twee actieve VN-procedures:
 - **Zaak WUR/25656** v. Koninkrijk der Nederlanden (Art. 1, 2, 13, 14 UNCAT - Primaire staatsmarteling en doofpot).
 - **Zaak WUR/33438** v. Koninkrijk Spanje (Art. 12, 13, 16 UNCAT - Nalatigheid om op Spaans grondgebied onderzoek te doen).
- **Instructie:** OTIS waarborgt dat nationale stappen de VN-ontvankelijkheid niet doorkruisen. Er worden *geen* ongecoördineerde, spontane politie-aangiften in Nederland gedaan die door de Staat gebruikt kunnen worden om te stellen dat de nationale rechtsmiddelen nog lopen. Nationale procedures worden uitsluitend gevoerd onder het motief van *domesticatie- en tenuitvoerleggingsmaatregelen* van de VN-rechten.

3. Financieringsarchitectuur: RvR Hardheidsclausule & Demmink-Precedent

- **Grondslag:** Artikel 37 Wet op de rechtsbijstand (Wrb) juncto Artikel 32 lid 5 Besluit vergoedingen rechtsbijstand 2000 (Bvr 2000).
- **Uitvoering:** OTIS dient als gemachtigde een formeel verzoek in bij het Bestuur van de RvR tot toepassing van de *hardheidsclausule*.
- **Onderbouwing:**
 - Bewezen structurele overmacht door een 20-jarig advocaat-boycott.
 - *Equality of Arms* (Art. 6 EVRM / Art. 47 EU-Handvest): De Staat heeft in 2013/2014 €172.000 aan private advocaatkosten vergoed voor voormalig Secretaris-Generaal Joris Demmink onder Art. 69 ARAR. De Staat is grondwettelijk verplicht een gelijkwaardig budget (€172.000 - €250.000) beschikbaar te stellen aan OTIS Legal ter verdediging van het slachtoffer.

4. Oprichting Stichting Smedema Redress & Cessie

- **Corporatieve Shielding:** OTIS coördineert de notariële oprichting van *Stichting Smedema Redress* (Art. 2:285 BW) te Amsterdam.
- **Cessie-Akte:** Cliënt verlijdt een onherroepelijke akte van cessie (Art. 3:94 BW) waarmee alle schadeclaims op de Staat der Nederlanden worden overgedragen aan de Stichting.

- **Overwinning Verjaring:** OTIS hanteert in de civiele dagvaarding het *Oost-Java/Rawagede-precedent* (HR ECLI:NL:HR:2011:BP8972). De Staat kan zich wegens eigen actieve obstructie en doofpotbeleid niet op verjaring beroepen naar maatstaven van redelijkheid en billijkheid (Art. 6:2 BW).
- **Bestuursstructuur:** Partners van OTIS Legal worden verzocht zitting te nemen in het Bestuur / de Raad van Toezicht van de Stichting om professioneel beheer en procesvoering te waarborgen.

5. Bindende Toewijzing 50% Schadevergoeding aan de Verenigde Staten

- **Statutaire Borging:** In de statuten van *Stichting Smedema Redress* wordt een onwijzigbare bepaling opgenomen dat **50% van alle netto door de Staat der Nederlanden uitgekeerde schadevergoedingen** (getaxeerd op een totale claimomvang van €50M - €100M) rechtstreeks wordt overgemaakt aan de overheid van de Verenigde Staten (U.S. Department of Justice / FBI / CIA) dan wel een door hen aangewezen Human Rights Fund.
- **Ratio:** Volledige restitutie voor de door de VS gemaakte onderzoeks-, beveiligings- en asielkosten gedurende de periode 2009–2017, alsmede vergoeding voor de internationale bijstand.
- **Resterende 50%:** Wordt aangewend voor het persoonlijk herstel van cliënt, juridische kosten, en het opzetten van een mediaproductiefonds voor de verplichte documentaire (rehabilitatie conform Art. 14 UNCAT).

III. ACTIEPLAN EN EERSTE PROCESSTAPPEN

Fase	Termijn	Uitvoerende Entiteit	Substantie van de Processtap
Fase 1	Dag 1 – 14	OTIS Barcelona / Amsterdam	Aanvaarding mandaat, ondertekening engagement letter, en indienen RvR Hardheidsclausule-verzoek ¹ .
Fase 2	Dag 15 – 30	OTIS Advocaten B.V. (NL)	Stellingsname in Zaak SGR 26/3092 BESLU bij Rechtbank Den Haag; inbreng REK2026000383 & Bruinsma-tape ² .

Fase 3	Dag 30 – 45	OTIS Legal Spanje S.L.P.	Notariële oprichting <i>Stichting Smedema Redress</i> (Art. 2:285 BW) en verlijden Akte van Cessie (Art. 3:94 BW) ¹ .
Fase 4	Dag 45 – 60	OTIS Legal Spanje S.L.P.	Indienen <i>Denuncia</i> bij Spaanse strafrechter (Acoso, Art. 172 ter CP) en verzoek tot uitvaardiging Europees Onderzoeksbevel (EOB) richting OM Nederland ¹ .
Fase 5	Continu	OTIS International Law Dept.	Formele berichtgeving aan VN-Comité tegen Foltering (UNCAT) inzake de aanstelling van centraal raadsman en domesticerstatus ¹ .

IV. ONDERTEKENING EN ACCEPATIE

Opgemaakt te Alfaz del Pi (Spanje) en Amsterdam (Nederland), op 21 juni 2026.

Voor Opdrachtgever:

Ing. Hans Smedema

(Eiser / Volmachtgever)

Voor Akkoord en Aanvaarding namens de Maatschap van OTIS Legal Group:

OTIS Advocaten Spanje S.L.P. / OTIS Advocaten B.V.

(Managing Partner / Vennoot)

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