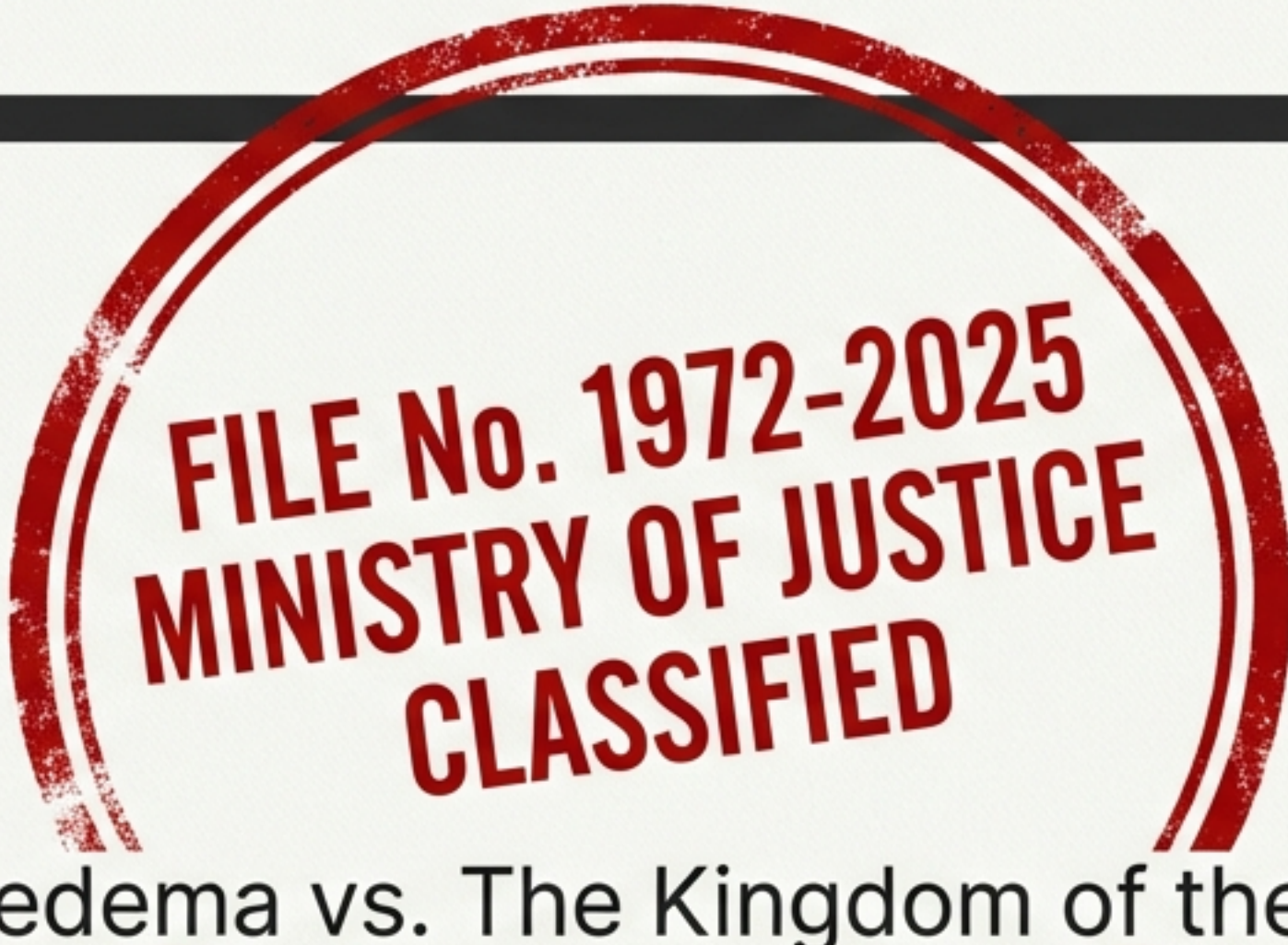


The Smedema Affair

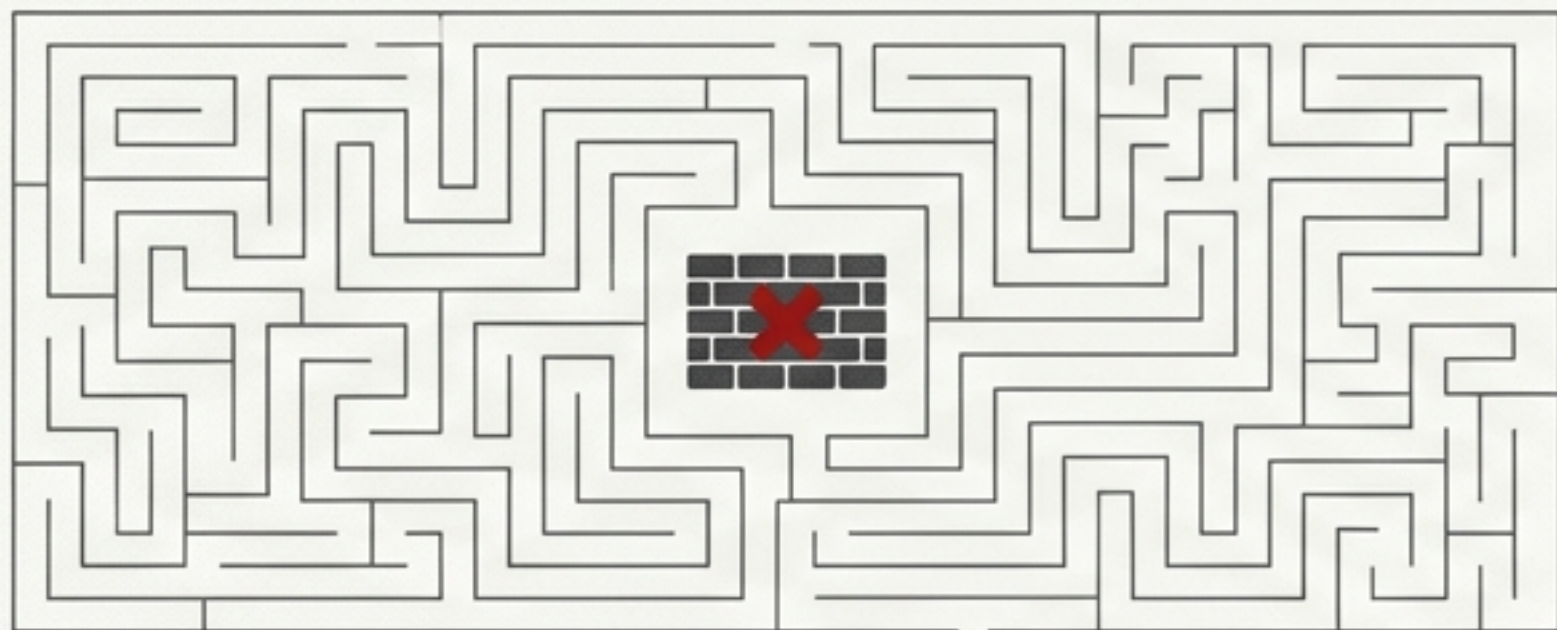
A Case Study in the Systemic Obstruction of Justice



**FILE No. 1972-2025
MINISTRY OF JUSTICE
CLASSIFIED**

Ing. Hans Smedema vs. The Kingdom of the Netherlands

The Central Thesis: This is Not the Case You Think It Is



Proving The Past

DENIED
~~Initial Premise: Proving a 50-year-old~~
conspiracy involving torture, sexual abuse,
~~and high-level corruption.~~ **REDACTED**
(IMPOSSIBLE BURDEN OF PROOF)



Proving The Obstruction

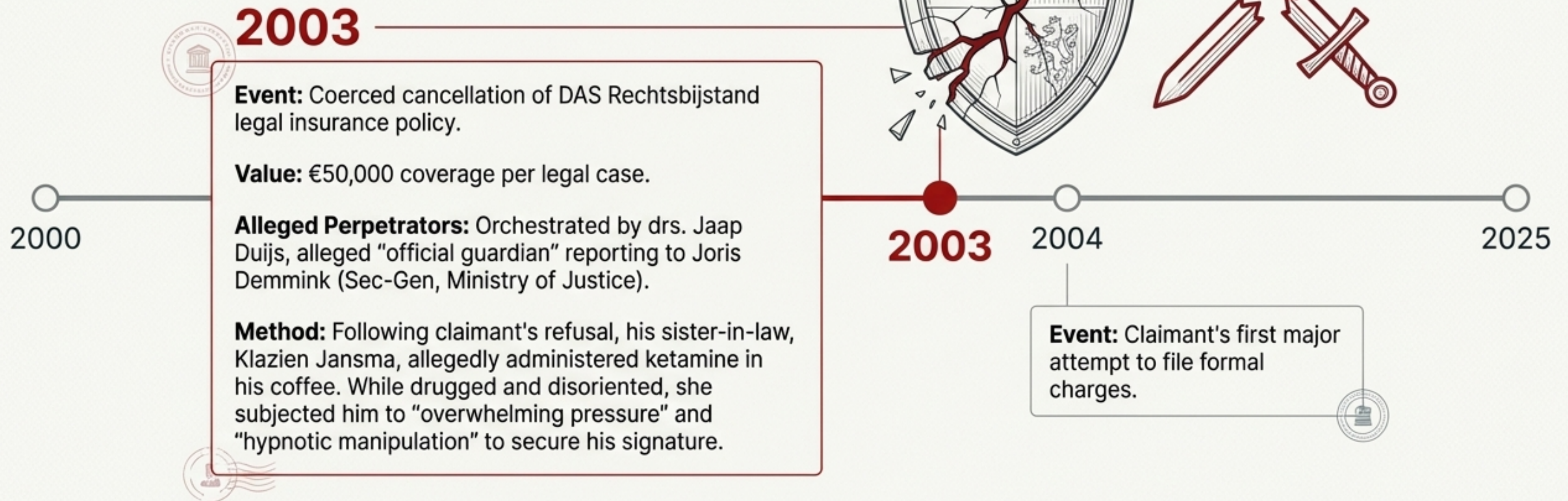
Strategic Pivot: Proving a **25-year, ongoing,**
and meticulously documented pattern of
unlawful State Obstruction of Justice.
(PROVABLE ONGOING TORT)



“The State’s **cover-up** is not an obstacle to the case; the cover-up *is* the case. Its actions are the **evidence.**”



The Foundational Sabotage: Engineering Defenselessness

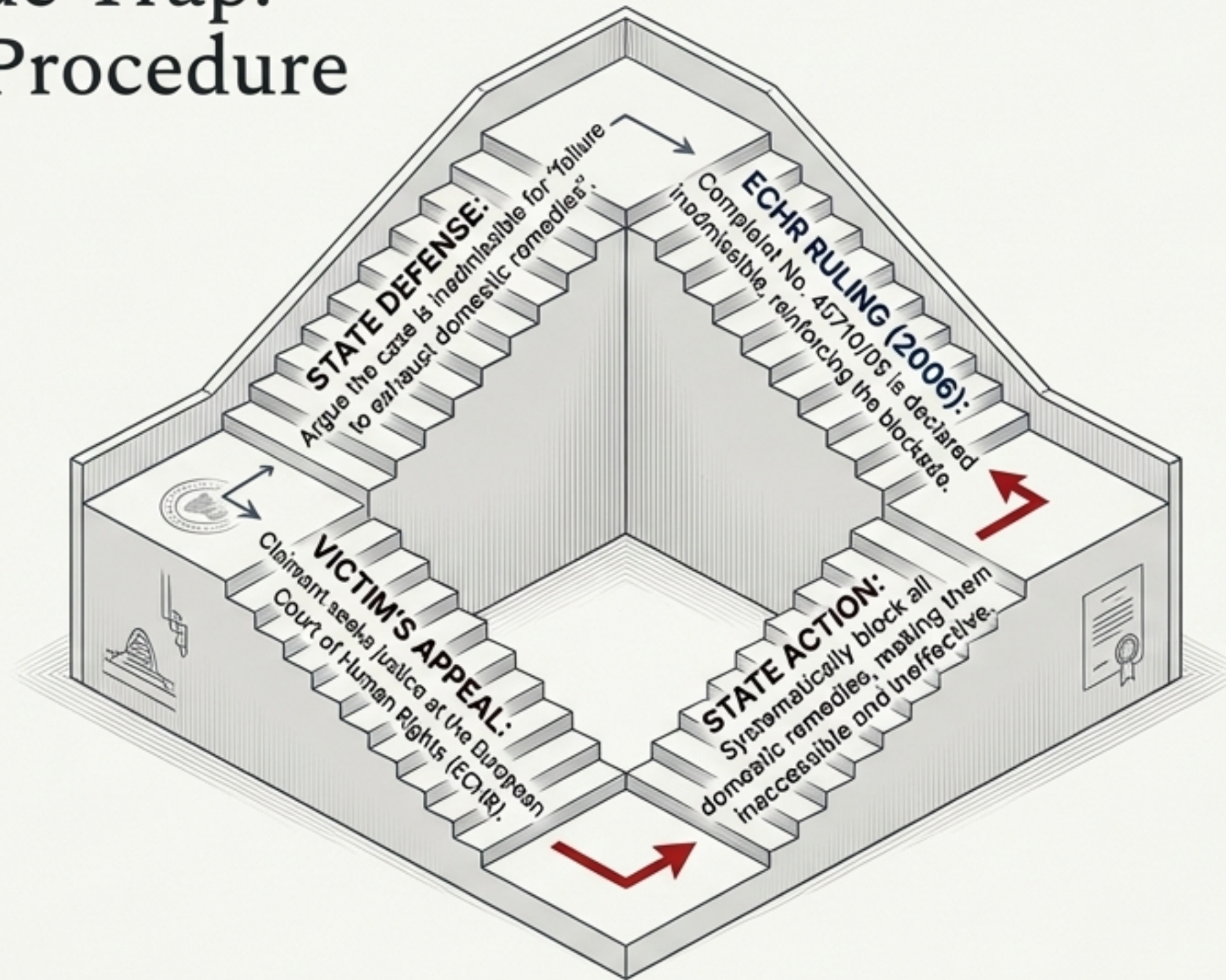


Impact: Stripped the claimant of the financial means to access justice at the exact moment he needed it most. This transforms the State's role from passive failure to active, premeditated sabotage.

The Wall of Denial: A Coordinated Multi-Agency Blockade (2000-2025)



The Kafkaesque Trap: Weaponizing Procedure for Impunity



INSIGHT

This transforms the State's defense from a standard procedural argument into compelling evidence of a malicious, premeditated strategy to ensure impunity.

The State's Counter-Narrative: Invalidation Through Diagnosis



The Tactic: The weaponization of a psychiatric diagnosis—officially documented in 2016 US detention records as **'297.1 (F22) Delusional Disorder'**—to invalidate the claimant and all associated evidence.

The Mechanism: Institutional Gaslighting—systematically denying factual events, refusing to investigate, and using a medical label to erode the victim's sense of reality and public credibility.

The Consequence: This makes it procedurally simple to dismiss all legal filings as unsubstantiated or the product of a disturbed mind, as seen in the rejections by Dutch courts and oversight bodies.

The Clinical Rebuttal: Reframing Diagnosis as Injury

THE STATE'S LABEL

**Delusional
Disorder**

Presented as a pre-existing condition that invalidates the claimant's testimony.



THE CLINICAL REALITY

**Complex PTSD
(C-PTSD)**

Betrayal Trauma

Clinically recognized injuries resulting from long-term, inescapable trauma inflicted by the **very institutions** meant to protect.

**The State's main defense is powerful evidence of the severity of its own abusive conduct.
The symptoms are not the problem; they are the result of the problem.**



This Is Not an Anomaly; It Is a Documented Pattern

Malicious Capture



Precedent 1: The Joris Demmink Affair

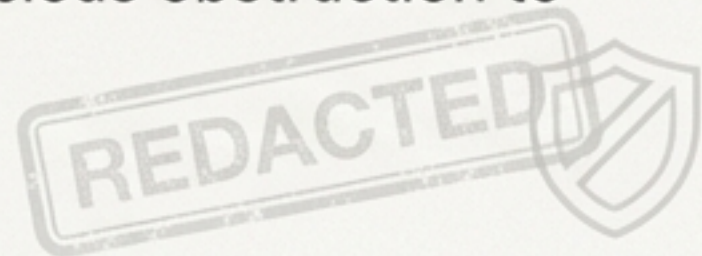
Demonstrates: Institutional Capture & a 'culture of fear' within the Ministry of Justice.

"The Dutch investigation was a 'travesty' because the government 'freely admits that it never so much as interviewed one of the two alleged victims pressing charges'."



- U.S. Helsinki Commission Briefing, 2012

Relevance to Smedema Case: Establishes a precedent for targeted, malicious obstruction to protect a high-level official.



Systemic Indifference



Precedent 2: The Childcare Benefits Scandal (Toeslagenaffaire)

Demonstrates: Systemic Indifference, where all three branches of government failed.

"[The government, parliament, and judiciary were] 'blind to their inhumane and unjust treatment of citizens,' violating fundamental rights and dismissing the rule of law."

- Parliamentary Inquiry Report, 2024

"Blind voor mens en recht" (Blind to people and the law).

Relevance to Smedema Case: Establishes a precedent for passive, bureaucratic obstruction and a state apparatus capable of violating fundamental rights for years.



INSIGHT

The State's Binding, Non-Discretionary Duties



UN Convention Against Torture (UNCAT)

Article 12: Duty to Investigate

An absolute, non-negotiable duty to conduct a 'prompt and impartial investigation' wherever there is reasonable ground to believe an act of torture has occurred.



European Convention on Human Rights (ECHR)

Article 6: Right of Access to a Court

Deliberately stripping someone of the financial means to hire a lawyer, as alleged with the DAS policy, is a fundamental breach.



European Convention on Human Rights (ECHR)

Article 13: Right to an Effective Remedy

Rendering all domestic remedies an illusion through systemic, coordinated obstruction is a clear and profound violation of this right.

REDACTED

Justice Does Not Expire When Access is Denied

The State's Likely Defense:

The historical claims from 1972 are time-barred by the statute of limitations.

The Rebuttal:

The claim is not for the historical events, but for the **ongoing tort of obstruction**. Each day the State fails its duty to investigate constitutes a new breach and a new cause of action.

The Decisive Precedent:

The Dutch courts in the **East Java Torture Cases** explicitly set aside the statute of limitations where claimants were “de facto kept from access to justice for a long period of time”—a situation that precisely mirrors the systemic blockade in this case.



The Remedy, Part 1: Restitution

The remedy is not compensation; it is restoration.

BEFORE



The claimant is equipped with the means to access justice.

WRONGFUL ACT



The State commits an act of premeditated sabotage (2003).

AFTER (THE REMEDY)



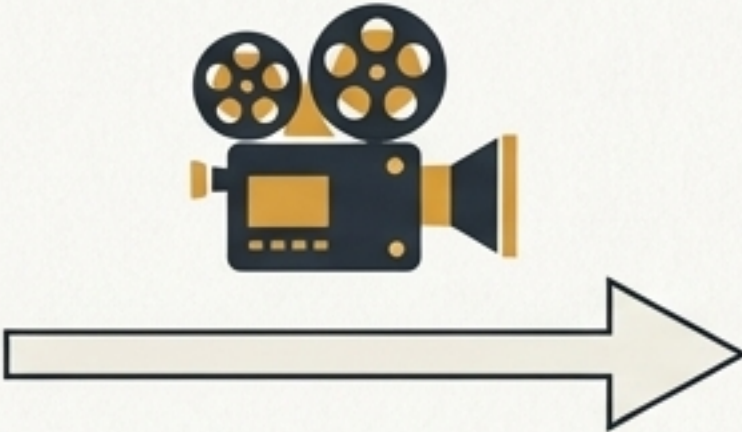
The State must restore the claimant to his original position.

Legal Basis UNCAT Article 14 obligates the State to provide comprehensive "Redress," which begins with Restitution.

The Specific Demand The State must remedy its foundational sabotage by providing an "equal legal insurance for each legal case directly paid for by the State" or establishing a legal defense fund of equivalent value (€50,000 per case).

The Remedy, Part 2: Satisfaction

Repairing the reputational damage.



The Harm

The State's multi-decade campaign of "institutional gaslighting" caused profound reputational and psychological harm that money alone cannot fix.

Legal Basis

UNCAT Article 14 mandates "Satisfaction," including "restoration of dignity" and "public disclosure of the truth".

The Specific Demand

The State is liable for the full cost (€850,000) of commissioning a professional, broadcast-quality investigative documentary. This is not a claim for damages to *fund* a film; it is a claim for the cost of procuring a specific, non-monetary remedy the State was obligated to provide.

A Framework for Comprehensive Damages

Category	Description of Harm
PECUNIARY (Economic) LOSSES	
Lost Earning Capacity	Complete sabotage of a successful business and professional career.
Legal & Ancillary Costs	Decades of out-of-pocket expenses incurred in the blocked pursuit of justice.
Loss of Liberty	A total of 29 months of "innocent detention" in the Netherlands and the United States.
NON-PECUNIARY (Non-Economic) LOSSES	
Psychological Trauma	Severe and prolonged harm clinically recognized as Complex PTSD, Betrayal Trauma , and Moral Injury .
Injury to Reputation	Profound and lasting damage from the state-sponsored campaign of "institutional gaslighting" and psychiatric labeling .

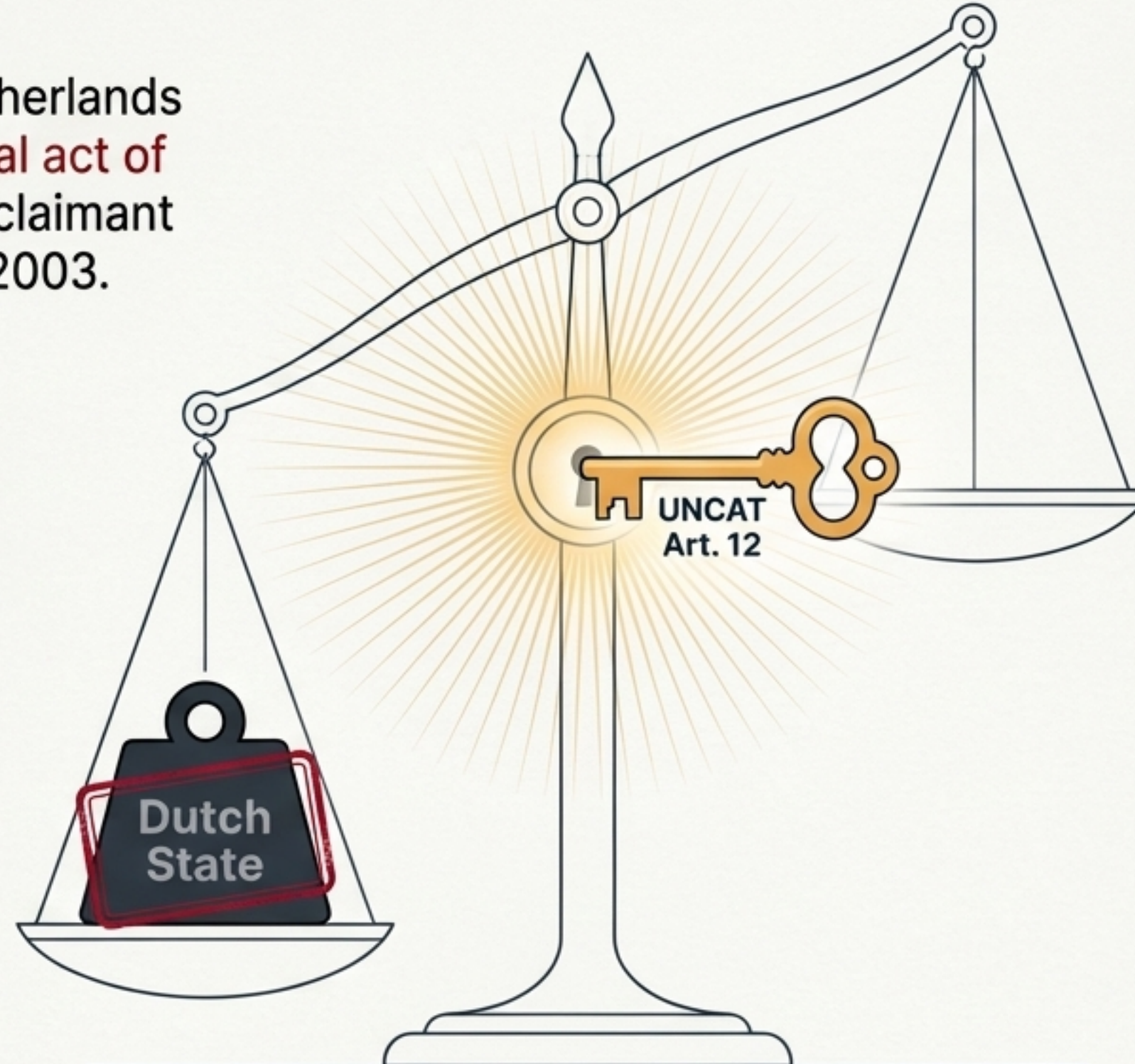
External Valuation

An estimate conducted during 2009 United States legal proceedings provides a credible benchmark for the scale of damages.

US\$100,000,000

The Obstruction is the Crime. The Law Provides the Remedy.

1. The Kingdom of the Netherlands committed a **foundational act of sabotage**, stripping the claimant of his legal defenses in 2003.
2. It maintained a **25-year systemic blockade on justice**, violating its binding obligations under UNCAT and UNCAT and the ECHR.



3. The State's primary defense—a **psychiatric diagnosis**—is re-contextualized as clinical evidence of the **psychological harm** it inflicted.
4. The remedies sought—Restitution and Satisfaction—are not punitive but are direct, logical, and legally mandated actions to restore the claimant's fundamental rights.

A Test Case for the Rule of Law in the European Union

This case file presents a viable, evidence-based pathway to hold a Member State accountable for the systemic denial of fundamental rights.

*Nemo auditur propriam
turpitudinem allegans.*

(No one can be heard to invoke their own turpitude.)

For access to the full legal dossier and supporting evidence, please contact:

[Advocacy Group / Legal Counsel Name]

[Contact Email Address]

[Website URL]