

## Spain ANNEX 12 - Detailed Factual Response to Questions 5 - 8 (State Party: Kingdom of Spain)

**Preemptive Declaration of Admissibility (Article 22, paragraph 5(a)):** The Committee's attention is urgently drawn to the fact that the complainant currently has an active communication registered before this Committee (Reference: WUR/25656) directed against the Kingdom of the Netherlands. To preempt any procedural dismissal under the "same matter" doctrine of Article 22(5)(a), the complainant explicitly clarifies that this present communication is legally and jurisdictionally distinct. Under established UNCAT jurisprudence, the "same matter" requires the same parties and the same substantive rights. This communication is directed against a distinctly different State Party (the Kingdom of Spain) and concerns entirely different substantive legal violations—specifically Spain's distinct territorial failures to investigate, protect, and provide redress under Articles 12, 13, and 16. This is fundamentally distinct from the primary acts of torture (Article 1) alleged against the Netherlands in WUR/25656. Therefore, this communication satisfies all *ratione personae* and *ratione materiae* criteria, is fully admissible, and does not constitute a duplication of international procedures.

**5. Facts: Introduction to the Factual Basis of the Complaint** This communication outlines the Kingdom of Spain's failure to protect a resident alien on its sovereign soil and its active obstruction of justice regarding allegations of transnational state capture. While the primary acts of torture were orchestrated by operatives of the Kingdom of the Netherlands, the Kingdom of Spain is cited for its absolute administrative blockade, institutional gaslighting, and the failure to investigate incidents of chemical subjugation, digital spoliation, and physical torture occurring within its jurisdiction.

### Incidents on Spanish Sovereign Territory (2008–2025):

- **Extraterritorial Torture (Catral, Benidorm, Murla):** Between 2008 and 2011, the complainant, living in forced exile in Spain, was subjected to clandestine sessions of chemical incapacitation and "secretly forced criminal electroshock torture" orchestrated by Dutch operatives (specifically Prof. Dr. Onno van der Hart and Jaap Duijs) in the Spanish municipalities of Catral (2008), Benidorm (2010), and Murla (2011) (See Annex 1).
- **The 2010 Benidorm "Stand-Down" Order:** During an incident of profound chemical incapacitation in Benidorm on May 20, 2010, civilian witnesses successfully alerted the *Policía Local*. However, responding local law enforcement officers were explicitly ordered to "stand down" and prevented from intervening by higher authorities in Madrid, acting under intelligence directives originating from the Dutch Ministry of Justice (See Annex 1).
- **The 2015 AIVD Doppelgänger Impersonation and Police Interrogation (Alfaz del Pi):** In December 2015, a young female witness was severely harassed by a foreign operative impersonating the complainant. This operative utilized falsified state documents, specifically a passport bearing the complainant's exact name ("Hans Smedema"), to terrorize the woman and frame the complainant. The terrified victim, accompanied by a lawyer, filed an official stalking complaint with the *Policía Local* in Alfaz del Pi. During a subsequent interrogation by a plainclothes Spanish police officer, the complainant successfully proved his absolute innocence, demonstrating his alibi (lacking a vehicle) and distinct physical differences from the perpetrator (such as lacking the tan lines the perpetrator reportedly had). This incident serves as objective Spanish police evidence of a state-sponsored identity theft and harassment campaign (*Zersetzung*) designed to isolate the complainant on Spanish soil (See Annex 13).
- **The 2016 Deceptive Medical Mandate and Spanish Institutional Capture (Brew Rock, Albir):** On January 29, 2016, at the Brew Rock establishment in Albir/Altea, the complainant was targeted by a Dutch psychologist, Drs. Janne (Johannes) Geraets, acting under the direction of the Dutch Secret Service (AIVD). Geraets lured the complainant into signing an unknown, highly technical legal document written entirely in Spanish, which he subsequently confiscated under false pretenses (See Annex 5). Crucially, the complainant possesses an objective covert audio recording (janne.mp3) captured on July 20, 2018, wherein Geraets explicitly and corruptly denies that the complainant ever signed this document. This recorded denial serves as forensic proof of the clandestine and illicit nature of the operation. The consequence of this fraudulently obtained signature was the creation of a secret Spanish institutional mandate allowing Geraets to establish directives with Spanish medical personnel

(such as Dra. Carmen Montoya and local *Farmacias*), placing the complainant under a pseudo-legal extrajudicial curatorship authorizing covert medical treatment (**See Annex 5**).

- **Medical Weaponization (2022):** Exploiting this secret mandate, the complainant was subjected to covert chemical subjugation on Spanish soil. On March 24, 2022, an independent anesthetist at Hospital Marina Baja objectively identified that the complainant was being secretly administered powerful antipsychotic medication (Risperdal) disguised in official boxes of "baby aspirin 100mg" without his knowledge or consent (**See Annex 6**).
- **Formal Medical Warning and Health Risk Notification:** The complainant has formally documented that the psychiatric history exported by the Dutch Ministry of Justice—specifically the fabricated diagnoses of "delusional disorder" and "schizophrenia"—is the result of documented institutional abuse and a state-sponsored cover-up. As detailed in the *Dossier Médico y de Trauma* and supported by independent Deep Research forensic analysis, there is an absolute medical contraindication for the administration of any antipsychotic medication to the complainant. The Kingdom of Spain has been formally warned that relying on these fraudulent Dutch diagnoses poses a severe and immediate health risk to the complainant, yet Spanish institutions continue to enable a medical environment where covert chemical subjugation remains a critical threat (**See Annex 11**).
- **Ongoing Covert Surveillance and Digital Spoliation (Albir, October 2025):** The failure of the Spanish State to secure its territory against foreign intelligence operations remains active and continuous. On October 22 and 23, 2025, in the municipalities of Altea and Albir, the complainant was targeted by a coordinated interception operation. During a scheduled meeting with a witness ("Marcel") at Restaurant Tutti Quanti in Albir on October 23, an unidentified female operative utilizing social engineering tactics—specifically impersonating the spouse of the witness—gained unlawful physical access to the complainant's mobile device. This operative subsequently executed unauthorized commands to intentionally destroy digital photographic evidence of the meeting. This act of digital spoliation and computer trespassing demonstrates that an active, hostile intelligence network continues to operate with absolute impunity on Spanish soil (**See Annex 10**).
- **The Institutional Wall of Silence:** When the complainant escalated these matters to the highest levels of the Spanish executive branch in 2013, 2014, and 2025, the Spanish government responded with absolute institutional silence (*silencio administrativo*), refusing to acknowledge the complaints, initiate a preliminary inquiry, or provide a reasoned administrative rejection (**See Annex 2, Annex 3, and Annex 4**).

**6. Exhaustion of Domestic Remedies** Have you exhausted all domestic remedies? Yes. Domestic remedies within the Kingdom of Spain have been exhausted because they are practically unavailable, structurally incapable of bringing relief, and fall under the "futility exception" of UNCAT Article 22(5)(b). The complainant details the following steps taken:

1. **2010 (Policía Local):** Immediate domestic remedy was actively obstructed when local police in Benidorm were ordered to "stand down" by Madrid authorities, preventing forensic medical documentation and initial fact-finding (**See Annex 1**).
2. **July 26, 2013 (Minister of Finance):** A formal, detailed open letter was sent to Spanish Minister of Finance Don Cristóbal Montoro Romero, explicitly linking forced tax default to severe human rights violations and the Dutch conspiracy. No answer was received (**See Annex 2**).
3. **October 6, 2014 (Minister of Justice):** Formal criminal charges were filed directly with the Minister of Justice, Don Rafael Catalá Polo, documenting the brainwashing, torture in Benidorm, and the "stand-down" of local police. No answer was received (**See Annex 3**).
4. **July 8, 2025 (Prime Minister):** A formal demand for a prompt, impartial UNCAT investigation into extraterritorial torture and chemical subjugation was sent to Prime Minister Pedro Sánchez. No substantive investigation was launched (**See Annex 4**).

#### **Justification for the Futility Exception:**

- **The 1968 Official Secrets Act (*Ley de Secretos Oficiales*):** The escalation of this claim to the Spanish Contentious-Administrative Courts or the Constitutional Court (*recurso de amparo*) is mathematically guaranteed to fail due to a "jurisdictional black hole" created by this pre-constitutional

law. It provides an impenetrable shield over the very evidence—such as CNI intelligence logs, police directives, and records of the Benidorm "stand-down" orders—required to substantiate a judicial claim in Spanish courts.

- **The Concealment of the 2016 Mandate:** Exhaustion of domestic remedies regarding the covert administration of antipsychotics is rendered impossible due to institutional deception. As proven by objective audio evidence captured on July 20, 2018, the foreign operative (Drs. Janne Geraets) who procured the deceptive Spanish medical mandate completely denies its existence. Because the Spanish document signed on January 29, 2016, was confiscated, and Spanish medical professionals refused to provide copies of subsequent directives, the complainant is stripped of the fundamental documentary evidence required to initiate a medical malpractice or criminal claim (**See Annex 5 and Annex 6**).
- **The Transnational "Cordon Sanitaire" and Embargo on Spanish Legal Counsel:** Exhaustion of domestic remedies is structurally impossible because the complainant is entirely denied access to legal representation on Spanish soil. Numerous law firms in the Costa Blanca region (including Lex Foris International Law, Albir Abogados, CLF International Lawyers, and Colas International Lawyers) have collectively refused the case after being proactively and fraudulently warned by state actors regarding the complainant's state-manufactured psychiatric label (**See Annex 7**).

**7. Claims (Violations of the Convention)** The Kingdom of Spain has flagrantly violated its distinct, positive territorial obligations under the Convention Against Torture:

- **Violation of Article 12 (Failure to Investigate and Unlawful Deference to Falsified Foreign Intelligence):** The Kingdom of Spain cannot invoke the EU doctrine of "Mutual Trust" or rely on diplomatic deference to justify its failure to investigate acts of torture committed on its sovereign territory. The complainant has filed formal charges demonstrating that the Dutch intelligence oversight body (CTIVD) committed institutional fraud by actively covering up the conspiracy and refusing to investigate following an official hearing in April 2008. Consequently, the intelligence Spain received from the Netherlands through data-sharing frameworks—which pathologized the complainant as "delusional" to hide covert operations—was factually and legally void. By ordering the *Policía Local* to "stand down" during the 2010 Benidorm torture incident based on these fraudulent Dutch directives, and by routinely dismissing the complainant's pleas for help due to state-sponsored psychiatric flagging, Spain unlawfully substituted its mandatory, independent duty to investigate under Article 12 with blind obedience to a corrupted foreign intelligence apparatus. The state's absolute inaction in response to the formal 2013, 2014, and 2025 ministerial communications is a direct breach of this non-derogable obligation (**See Annex 2, Annex 3, and Annex 4**).
- **Violation of Article 13 (Denial of Right to Complain):** Article 13 guarantees the right to have a case promptly and impartially examined. Spain's response of "negative administrative silence" at the ministerial level, combined with active police stand-down orders, structurally stripped the complainant of his fundamental right to have his case examined by competent authorities, enforcing a transnational "cordon sanitaire" (**See Annex 1 and Annex 7**).
- **Violation of Articles 2 and 16 (Failure to Prevent Torture/CIDT & Medical Complicity):** By ordering local police to retreat during an active incapacitation event (Benidorm, 2010), the Spanish authorities demonstrated active complicity (**See Annex 1**). By accepting a fraudulently obtained signature as a valid medical mandate in 2016, Spain effectively placed a foreign national under a secret, extrajudicial curatorship resulting in the covert administration of mind-altering antipsychotics (**See Annex 5 and Annex 6**). The illegitimacy of this mandate is forensically proven by audio recordings wherein the operative himself denies having the complainant sign any document, confirming it was an act of state-sponsored deception. Furthermore, the Kingdom of Spain is fully liable for the severe health risks imposed upon the complainant by its unquestioning acceptance of fraudulent Dutch medical files. The *Dossier Médico y de Trauma* explicitly warns that the Dutch diagnoses are falsified instruments of state capture, not legitimate medical findings. By failing to empirically verify these foreign psychiatric flags, and by ignoring objective forensic warnings regarding the acute health risks of unwarranted antipsychotic administration, the Spanish State is actively facilitating life-threatening medical malpractice and psychological torture. Spain's continued failure to monitor or neutralize foreign operatives operating within its borders has directly allowed the

ongoing psychological terror and digital sabotage of the complainant, as evidenced by the October 2025 spoliation incident in Albir (**See Annex 10**). Additionally, the Kingdom of Spain's failure to investigate the documented identity theft and harassment carried out by a state-sponsored doppelganger in December 2015, which is formally registered with the *Policía Local* in Alfaz del Pi, allowed foreign operatives to execute extreme psychological warfare against the complainant on Spanish soil (**See Annex 13**). This systemic failure to protect a resident alien subjects the complainant to perpetual vulnerability and constitutes a continuing breach of Article 16.

**8. Interim Measures Request interim measures:** Yes. Pursuant to Rule 114 of the Rules of Procedure, the complainant urgently requests that the Committee recommend interim measures to prevent irreparable harm. The complainant, a 77-year-old victim of torture, remains living in exile on Spanish territory where he is continuously subjected to extreme psychological distress, isolation, and covert chemical subjugation (**See Annex 9**).

**Requested Measures directed at the Kingdom of Spain:**

1. **Cessation of Harm & Protection:** Spain must immediately ensure the physical, psychological, and digital protection of the complainant on Spanish soil, explicitly halting any ongoing covert medical/chemical subjugation (e.g., the disguised administration of antipsychotics by Spanish pharmacies or doctors) (**See Annex 6**). The recent October 2025 intelligence infiltration and digital spoliation incident in Albir proves that the complainant remains under active, hostile surveillance by foreign operatives within Spanish jurisdiction (**See Annex 10**). The Kingdom of Spain must be directed to proactively shield the complainant from further transnational harassment and evidence destruction.
2. **Preservation of Classified Evidence:** The Spanish State must be directed to immediately secure, preserve, and prevent the destruction of all CNI intelligence logs, Ministry of Interior communications, local police dispatch records concerning the 2010 Benidorm "stand-down" order and coordination with the Dutch Ministry of Justice (**See Annex 1 and Annex 8**), and the December 2015 *Policía Local* records from Alfaz del Pi regarding the stalking complaint filed against the complainant's impersonator (**See Annex 13**).
3. **Immediate Invalidation of Secret Mandates:** The Committee must request that the Kingdom of Spain immediately freeze and declare legally void any and all secret institutional mandates, medical directives, or guardianship orders derived from the Spanish documents signed by the complainant under fraudulent pretenses with Drs. Janne Geraets (January 29, 2016) and Dra. Carmen Montoya (**See Annex 5**).
4. **Disclosure of Medical and Intelligence Directives:** Spain must be directed to disclose to the complainant and his legal representatives the exact nature of the Spanish documents he was lured into signing in 2016, and to reveal the origin of the directives that authorized Spanish *Farmacias* and medical personnel to dispense disguised antipsychotic medication (**See Annex 5 and Annex 6**). Because the operative who procured this mandate has been recorded explicitly denying its existence to cover his tracks, the Committee must order the Spanish State to bypass this deception and formally release all internal medical and intelligence files pertaining to the complainant's pseudo-legal curatorship.
5. **Facilitation of Independent Legal Aid:** To remedy the transnational "cordon sanitaire," Spain must facilitate independent legal assistance for the complainant within Spanish jurisdiction, entirely free from any undue influence, "false fraudulent information," or psychiatric flagging provided by the Dutch state (**See Annex 7**).
6. **Facilitation of Independent Forensic Evaluation:** To comply with its investigative obligations under Article 12 and to objectively document the ongoing chemical and psychological subjugation, the Kingdom of Spain must be directed to formally facilitate, mandate, and fully fund an independent forensic medical evaluation of the complainant under the strict guidelines of the UN Istanbul Protocol. This evaluation must be conducted outside the compromised medical jurisdiction of the Valencian Community, specifically by the **Basque Institute of Legal Medicine** (or affiliated experts of the

Basque Istanbul Protocol Project Network), utilizing the Torturing Environment Scale (TES 2.0) and the Standard Evaluation Form for Credibility Assessment (SEC).

7. **Enforcement of Medical Contraindication Injunction:** The Committee must urgently direct the Kingdom of Spain to formally recognize the warnings outlined in the *Dossier Médico y de Trauma*. Spain must immediately issue a binding, system-wide medical injunction across its national health infrastructure (including all local *Farmacias* and the Hospital Marina Baixa) enforcing an absolute contraindication against the prescription, administration, or covert dispensation of any antipsychotic medication (such as Risperdal/risperidone or haloperidol) to the complainant. Spain must be ordered to cease all reliance on the fraudulent, weaponized psychiatric files provided by the Dutch Ministry of Justice, which pose an imminent threat to the complainant's physical and neurological health (**See Annex 11**).

#### List of Evidence Annexes (Respondent: Kingdom of Spain)

- **Annex 1:** Evidence of Extraterritorial Orchestration and Territorial Complicity (The Catral, Benidorm, and Murla Torture Sessions & The 2010 Benidorm Police "Stand-Down" Order).
- **Annex 2:** Formal Complaint to the Spanish Minister of Finance (Don Cristóbal Montoro Romero), July 26, 2013 (Proof of *Silencio Administrativo*).
- **Annex 3:** Formal Criminal Charges filed with the Spanish Minister of Justice (Don Rafael Catalá Polo), October 6, 2014 (Proof of *Silencio Administrativo*).
- **Annex 4:** Formal Demand for UNCAT Investigation sent to Prime Minister Pedro Sánchez, July 8, 2025.
- **Annex 5:** Evidence of the 2016 Deceptive Medical Mandate (Confiscated Spanish Document procured by Drs. Janne Geraets, Albir).
- **Annex 6:** Objective Medical Evidence of Covert Chemical Subjugation (Hospital Marina Baixa, March 24, 2022 - Falsified "Baby Aspirin").
- **Annex 7:** Evidence of the Transnational *Cordon Sanitaire* (Documented refusal of legal representation by Lex Foris International Law, Albir Abogados, CLF International Lawyers, and Colas International Lawyers).
- **Annex 8:** Legal Analysis of the 1968 Official Secrets Act (*Ley de Secretos Oficiales*) demonstrating the structural futility of Spanish judicial remedies.
- **Annex 9:** Comprehensive Trauma Summary (Justification for Urgent Interim Measures under Rule 114).
- **Annex 10:** Forensic Evidence of Ongoing Covert Surveillance and Digital Spoliation (Computer Trespassing during the "Marcel Incident" at Restaurant Tutti Quanti, Albir, October 23, 2025).
- **Annex 11:** *Dossier Médico y de Trauma (Ing. Hans Smedema)*: Urgent Medical Warning establishing the absolute contraindication for antipsychotic medication and exposing the health risks of the falsified Dutch psychiatric history.
- **Annex 12:** *Detailed Factual Response to Questions 5 - 8 (Respondent: Kingdom of Spain)* (This document).
- **Annex 13:** **Sworn Declaration and Request for Subpoena of Police Records Regarding the 2015 Alfaz del Pi Doppelganger Impersonation.**