

ANNEX 4 - Formal Demand for UNCAT Investigation sent to Prime Minister Pedro Sánchez, July 8, 2025

RESPONDENT STATE PARTY: The Kingdom of Spain **NATURE OF DOCUMENT:** Formal Demand for UNCAT Investigation, Notification of Transnational State Capture, and Request for Declassification of Evidence **SUBMISSION FOR:** UNCAT Individual Communication

1. Factual Background and Purpose of the Communication

On July 8, 2025, the complainant, Ing. Hans Smedema, escalated his pursuit of justice by sending a formal, direct demand to the Prime Minister of Spain, Pedro Sánchez 1, 2. The explicit purpose of this communication was to formally notify the Head of the Spanish Government that Spain had become a victim of "Dutch State Capture" and to demand an immediate intervention to expose this severe EU Membership violation 1.

The communication detailed a harrowing ordeal of extraterritorial state-sponsored abuses perpetrated against the complainant while living in forced exile in Spain 1, 2. The complainant explicitly informed Prime Minister Sánchez of covert operations involving chemical subjugation (specifically the disguised administration of the antipsychotic Risperdal) and "secretly forced criminal electroshock torture" to suppress memories and discredit him 3. Crucially, he specified that these acts of torture occurred on Spanish sovereign soil in the municipalities of Catral (2008), Benidorm (2010), and Murla (2011) 4, 5.

In this document, the complainant formally requested that the Government of Spain take three immediate actions:

1. **Initiate an immediate, prompt, and impartial UNCAT investigation** into the allegations of secret drugging and electroshock torture on Spanish soil, specifically investigating the involvement of Dutch operatives Prof. Dr. Onno van der Hart and Jaap Duijs, as well as any complicity or obstruction by Spanish authorities 5.
2. **Demand full transparency and cooperation from the Dutch government** regarding the complainant's cases 5.
3. **Ensure the complainant's protection and facilitate independent legal assistance in Spain**, free from any undue influence or pressure from the Dutch State 6. Additionally, he demanded the declassification of Spanish secret files containing evidence of the criminal requests made by the Dutch Ministry of Justice and the Dutch Secret Service (AIVD) since 2008 1, 4.

2. The State's Response: Proof of Institutional Paralysis

Despite the extraordinary gravity of the allegations—which detailed violent extraterritorial intelligence operations and transnational state capture occurring directly on Spanish territory—**no substantive investigation was launched by the Spanish Government** 7, 8. By ignoring this direct, high-level appeal to the Prime Minister, the Spanish executive branch demonstrated a continued reliance on institutional silence 9, 10. The failure to act upon this 2025 demand solidified the fact that the Spanish state prioritizes diplomatic deference to the Kingdom of the Netherlands over its fundamental human rights obligations to a resident alien 11, 12.

3. Legal Significance for UNCAT Proceedings against Spain

Annex 4 serves as the culminating piece of evidence in the UNCAT communication against the Kingdom of Spain, legally proving that the highest echelon of the Spanish government was formally notified but willfully refused to fulfill its treaty obligations. Its significance encompasses the following:

A. Definitive Violation of UNCAT Article 12 (Failure to Investigate) Under UNCAT Article 12, a State Party is mandated to conduct a prompt and impartial investigation wherever there are "reasonable grounds to believe" an act of torture has been committed 12, 13. The July 8, 2025, letter to Prime Minister Sánchez provided specific, detailed locations (Catral, Benidorm, Murla), dates, and names of the perpetrators operating on Spanish soil, unequivocally meeting this evidentiary threshold 4, 5, 12. The absolute inaction of the Prime

Minister's office and the failure to launch any preliminary inquiry constitutes a direct, flagrant breach of this non-derogable international obligation 7, 12.

B. Definitive Violation of UNCAT Article 13 (Denial of the Right to Complain) Article 13 ensures the right of any individual to complain to, and to have their case promptly and impartially examined by, competent authorities 12, 14. The institutional silence from the Prime Minister's office following this formal demand acts as a systemic denial of access to justice, structurally stripping the complainant of his right to have his allegations examined 12, 14.

C. Final Confirmation of the "Futility Exception" (Article 22(5)(b)) The submission of Annex 4 provides conclusive proof that domestic remedies within the Kingdom of Spain are fully exhausted under the "futility exception" of UNCAT Article 22(5)(b) 8, 9. By escalating the grievance to the absolute highest political authority in Spain (the Prime Minister) and receiving no substantive investigation or redress, the complainant demonstrates that the Spanish domestic apparatus is entirely paralyzed 7, 8. When combined with the pre-constitutional 1968 Official Secrets Act (*Ley de Secretos Oficiales*), which shields the requested intelligence files from judicial review, this lack of executive action mathematically guarantees that any further domestic legal pursuit in Spain is practically unavailable and structurally incapable of bringing relief 9, 15.

Conclusion Annex 4 is vital forensic proof that the Kingdom of Spain was given a direct, final opportunity at the Prime Ministerial level to rectify its past failures and uphold its international commitments 1, 16. By ignoring the demand for a prompt and impartial UNCAT investigation, Spain abandoned its positive territorial obligations, thereby justifying the immediate and necessary supranational intervention of the UN Committee Against Torture 12, 17.