

The Case Against the Kingdom of the Netherlands

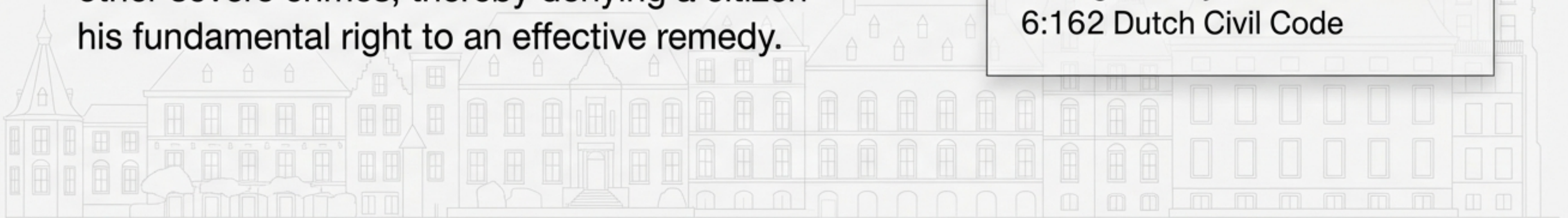
A File on the Systemic, Multi-Decade Obstruction of Justice in the Matter of Ing. Hans Smedema

The Core Charge: An Ongoing Wrongful Act

The Kingdom of the Netherlands, through its executive and judicial organs, is engaged in an ongoing wrongful act (*onrechtmatige daad*) under Dutch, EU, and International Law. This act consists of the systemic, multi-decade refusal to investigate credible allegations of torture and other severe crimes, thereby denying a citizen his fundamental right to an effective remedy.

‘The State’s continuous refusal to launch an investigation, dating from the claimant’s first formal attempts in 2000, constitutes such an **ongoing wrongful act**.’

— Legal Analysis based on Art. 6:162 Dutch Civil Code



The Foundational Crimes and the Subject



The Subject

- **Name:** Ing. Hans Smedema
- **Profile:** B.Sc. Electronics & Business Administration; Former CEO and Executive Headhunter; Member of Rotary International.
- **Status:** Forced into exile in Spain since 2008.

The Allegations (c. 1972-1979)



- **Forced Sterilization (1972):** Unconsented surgical procedure resulting in physical mutilation and permanent scarring.
- **Systematic Torture:** Clandestine electroshock sessions to induce amnesia and enforce submission, recurring over years.
- **Psychological Manipulation:** A sustained campaign of drugging, gaslighting, and conditioning, leading to 28 years of trauma-induced amnesia.
- **State Complicity:** Crimes allegedly concealed by a 'Royal Special Decree' (c. 1972-75) forbidding investigation to protect high-level officials, including top Ministry of Justice official Joris Demmink.

PILLAR I: THE ONGOING TORT OF OBSTRUCTION

A Legal Claim Immune to the Statute of Limitations

The claim is for the ongoing tort of obstruction, not the historical crimes of 1972. Under Article 6:162 of the Dutch Civil Code, the State's continuous refusal to investigate constitutes a wrongful act. Each day the State fails in its duty is a new breach and a new cause of action.



Legal Precedent

Case: East Java Torture Cases

Ruling: Dutch courts set aside the statute of limitations where a claimant was "**de facto kept from access to justice for a long period of time.**"

Relevance: This precedent precisely mirrors the systemic blockade detailed in this matter.

A Visual Map of State Obstruction (2000-2025)



The Cruel Paradox: Weaponizing Process to Deny Justice

State Action - The Blockade

- **Police:** Refuse to file official reports.
- **Ministry of Justice:** Actively forbids investigations.
- **Legal System:** Systemic refusal of legal aid ('30 advocaten' decline the case, allegedly due to pressure).
- **Result:** All domestic remedies are rendered inaccessible and ineffective in practice.

International Consequence - The Rejection

- **Body:** European Court of Human Rights (ECHR), 2005
- **Decision:** Application declared inadmissible.
- **Reason:** '**Failure to exhaust domestic remedies**' (Article 35 § 1).

**The State actively blocks all paths to justice, then cites the victim's failure to walk those paths as the reason to deny him justice internationally.
This is not a procedural failure; it is a calculated trap.**

An American Court Confirms a Dutch Reality

U.S. Immigration Court, Miami (2009), Judge Rex J. Ford (Case A087-402-454)



1. **Credibility Affirmed:** The Court relied on an independent forensic psychological examination (Dr. Joseph James) which concluded the claimant was “mentally healthy, rational, and not delusional.”
2. **Conspiracy Confirmed:** Based on the evidence, Judge Ford confirmed the claimant’s account of the conspiracy was factual.
3. **Asylum Grounds Validated:** The Court found **five good grounds for Asylum**, a finding Judge Ford noted had “never happened before in American history.”

“When presented to the Court of Appeal in Arnhem (2011/2012), Dutch Judges dismissed these objective findings solely on formalistic jurisdictional grounds.”

Further Action (Jan 2017): The United States allegedly initiates a UNCAT complaint against the Netherlands on behalf of the claimant, ordered by then-President Obama.

PILLAR IV: PRECEDENT FOR SYSTEMIC FAILURE & STATE CAPTURE

The Smedema Case Aligns with Documented Patterns of Dutch State Maladministration



The Demmink Affair (Active Obstruction)

Context: Allegations of a pedophile network in high circles, implicating the top official at the Ministry of Justice.

The Pattern: An official investigation was described by the U.S. Helsinki Commission as a **'travesty'** because the Dutch government "freely admits that it never so much as interviewed one of the two alleged victims."

Relevance: Demonstrates a documented precedent for the State conducting deliberately incomplete investigations to protect high-level officials—the same pattern of **active, targeted obstruction** alleged by Smedema.



The Childcare Benefits Scandal / *Toeslagenaffaire* (Passive Indifference)

Context: Thousands of families wrongly labeled fraudsters by state authorities, leading to financial ruin.

The Pattern: A 2024 parliamentary inquiry concluded all three branches of government were **"Blind to people and the law,"** violating fundamental rights through systemic indifference.

Relevance: Demonstrates a documented precedent for the State's bureaucratic apparatus engaging in **passive, systemic indifference** to citizen suffering for years—the same pattern of institutional gaslighting experienced by Smedema.

Deconstructing the State Counter-Narrative: Institutional Gaslighting

The Strategy

1. **Psychiatric Labeling:** The State and its agents intentionally portrayed the claimant as schizophrenic or suffering from a "delusional disorder" to destroy his credibility.
2. **Procedural Dismissal:** This psychiatric label was then used to justify dismissing his legal filings on procedural grounds as being unsubstantiated or incoherent.



Defining the Harm

Betrayal Trauma

Trauma inflicted by those one depends on for protection (family and, critically, the State) is profoundly more psychologically damaging.

Institutional Gaslighting

The State's actions of systematically denying factual events and labeling the claimant "delusional" are a form of psychological manipulation designed to erode an individual's sense of reality.

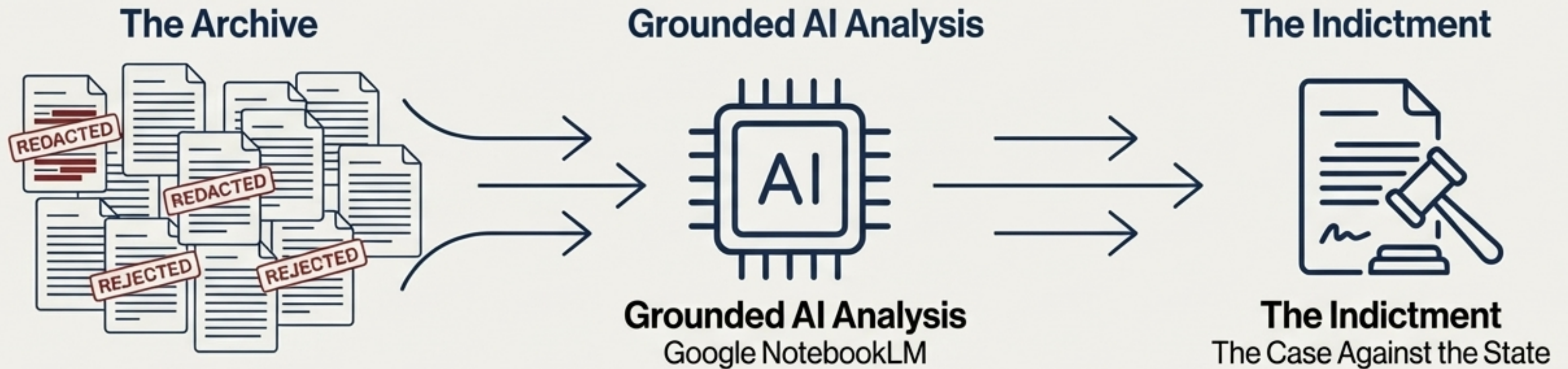
The External Rebuttal

Source: U.S. Immigration Court (2009)

Based on an independent forensic psychological examination by Dr. Joseph James, Judge Rex J. Ford **judicially confirmed the sanity of the claimant, concluding he was mentally healthy and not delusional.**

The Turning Point: AI as the Equalizer

The Challenge: For 24 years, the claimant amassed a vast, complex archive of documents (500+ legal statements, 2.6 GB of files) detailing the state's obstruction. The sheer volume and complexity made a coherent legal case nearly impossible for a single individual without counsel.



The Solution: Grounded AI Analysis (Google NotebookLM)

The claimant uploaded his entire 24-year archive of state denials, alongside public records of state failures (Demmink Affair, Toeslagenaffaire). The AI system analyzed and synthesized this vast dataset, not to generate new facts, but to **structure** the existing evidence, identify **patterns of obstruction**, and connect the claimant's personal experience to the documented public precedents of **systemic failure**.

The Result: Deconstructing the State Narrative

"What took human effort 24 years to document, NotebookLM reportedly processed in mere seconds."

The state's own paper trail of denial was transformed from a tool of gaslighting into the **structured, primary evidence** of its ongoing wrongful act.

The Legal Basis for Redress

The State's Binding Obligations Under International Law



1. UN Convention Against Torture (UNCAT)

Article 12: Mandates a “**prompt and impartial investigation**”, wherever there is reasonable ground to believe that an act of torture has been committed.” The State has been in continuous violation since 2000.

Article 13: Guarantees the **right “to complain** to, and to have his case promptly and impartially examined by, its competent authorities.” The systemic obstruction is a complete violation of this right.

Article 14: Guarantees victims an enforceable right to “redress,” including fair and adequate compensation and rehabilitation.



2. European Convention on Human Rights (ECHR)

Article 6 (Right to a Fair Trial): The systemic denial of legal aid has fundamentally compromised the right of access to a court.

Article 13 (Right to an Effective Remedy): The entire pattern of obstruction demonstrates that all domestic remedies were rendered inaccessible and ineffective, a clear breach of Article 13.

Quantifying a Lifetime of Harm

A. Pecuniary (Economic) Damages

A conservative calculation of direct financial losses resulting from the state's actions.

- Lost Pension Pot (used to fund investigation): €400,000
- Loss of income (€145,000/year) since 2003
- Costs of forced exile in Spain since 2008
- Unnecessary costs from detention: €300,000

**Total Quantified Pecuniary Damages
(Initial Claim): ~€4,000,000**

(This total does not include ongoing lost earnings or statutory interest.)

B. Non-Pecuniary (Non-Economic) Damages

For the profound, intangible harm to mental health, reputation, and liberty.

Valuation by U.S. Department of Justice:

Following its investigation, the US DOJ estimated the value of the claim for settlement purposes.

**Potential Starting Negotiation
Point: US\$100 million**

**Estimated Settlement Value:
US\$50 million**

This figure underscores the extreme gravity of the harm inflicted by over two decades of systemic, state-sponsored obstruction of justice.

A Novel Remedy for a Systemic Wrong: The Documentary as ‘Satisfaction’

Legal Basis: Article 14 of UNCAT, as interpreted by General Comment No. 3, mandates that “redress” must include “**Satisfaction**” and “**Guarantees of Non-Repetition**.”

1. The Documentary as “Satisfaction”

UNCAT Requirement: This includes “full and public disclosure of the truth” and measures to “restore the dignity [and] reputation of the victim.”



Application: A simple court judgment is inadequate to deconstruct a decades-long state-sponsored smear campaign. A feature-length documentary is the only medium capable of weaving together the evidence, interviews, and expert analysis required to publicly restore the truth and the claimant’s reputation.

2. The Documentary as a “Guarantee of Non-Repetition”

UNCAT Requirement: This includes measures aimed at “preserving historical memory” and providing “public access to the truth regarding such past violations.”



Application: The film serves as a powerful tool for public education, creating a detailed public record of this systemic failure of the Dutch justice system, acting as a deterrent against future institutional misconduct.

The Cost of Truth: A Quantified Claim for Redress

A remedy must be proportionate to the harm. Reversing a decades-long, state-sponsored narrative requires a production of the highest professional and journalistic standard.

Budget for a Professional, Broadcast-Quality Feature-Length (90-min) Investigative Documentary	
Phase & Description	Cost
Phase 1: Development & Pre-Production <i>(Includes Research, Scripting, Legal Counsel, Fundraising Materials)</i>	€75,000
Phase 2: Production <i>(Includes Director/Producer Fees, Core Crew, Equipment, Travel for shoots in Netherlands/USA/Spain, Insurance)</i>	€350,000
Phase 3: Post-Production <i>(Includes Editor Salaries, Edit Suite, Crucial Archival Footage Licensing, Music, Sound Design, Color Grading)</i>	€250,000
Phase 4: Administration & Contingency <i>(Includes Overhead, Final Legal Review, and a standard 10-15% Contingency Fund)</i>	€130,000
Total Estimated Budget (as a form of Redress): €850,000	

*(Note: Distribution costs for public disclosure are integral to the remedy and included within the budget.)

An Unequivocal Conclusion and Call for Intervention

The Finding

The evidence presented leads to the conclusion that the Kingdom of the Netherlands has committed an ongoing wrongful act (*onrechtmatige daad*). This act consists of the multi-decade refusal to investigate credible allegations of torture, thereby denying Ing. Hans Smedema his fundamental rights under Dutch and international law. The State's defenses, based on proceduralism and psychiatric labeling, are not only without merit but are further evidence of its bad faith and integral to the ongoing tort itself.

The Imperative

The systemic nature of this obstruction, the validation by external judiciaries, and the clear precedent for state failure in the Netherlands create a moral and legal imperative for external intervention. The documented pattern of behavior demonstrates that the domestic system is incapable of providing justice.

The Formal Request

We call upon international human rights bodies, EU institutions, and investigative journalists to initiate a formal, independent inquiry into this grave and ongoing violation of the rule of law by a Member State of the European Union.
