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Ambassador Alan Solomont
American Embassy in Madrid
c/ Serrano, 75
28006 Madrid, Spain

June 24, 2013

RE: Domestic abuse as a human rights violation, and a State's obligation to protect

Dear Ambassador Solomont,

I am once again contacting the American Embassy in Madrid as the problems and issues I have encountered with the Spanish judicial system concern the estimated 6 million Americans living abroad. Additionally, with increasing high-profile, media coverage of international child abduction cases like Maria Jose Carrascosa, Ana Serrot,¹ and David Goldman² the problems and issues that my case exposes will increasingly create contentious diplomatic relations between governments.

It is my contention that preventing these cases from escalating to crisis proportions is a much more effective strategy than currently employed by Consulates around the world. My own case is no longer just about seeking justice and retribution for me and my children, **but about setting judicial precedent, as well as proper protocol for government agencies and their representatives** in order to prevent these crisis situations from arising in the first place. I am therefore officially informing the American Embassy that I have filed a complaint with the *Illustre Colegio de Abogados de Madrid* against the following legal counsel:

- Gonzalo Martínez de Haro of Vinader, Carlos y Asociados (*procuradora*³ Juan Bosco Hornedo Muguero) (**found on the American Embassy website <http://madrid.usembassy.gov/citizen-services/professional-services/attorneys2.html>**);
- Maria Fernanda Guerrero Guerrero

¹ See enclosed "In the Press" document

² http://en.wikipedia.org/wiki/Goldman_child_abduction_case

³ Bajo el ley Española y parámetros indicado por el *Consejo General de Procuradores de España* parece que mis *procuradores* eran bajo un obligación de notificar el tribunal y el juez de instrucción, y/o autoridades apropiadas sobre cualquier irregularidades, transgresiones, o negligencia profesional o criminal (o el intención de cometerlo) por actores judiciales, y entonces poseen un responsabilidad legal y obligación por daños financieros sufrido por mi y/o mis hijos en relación de mi caso. Mismo si no eran autores de dichos infracciones, ellos se vuelven encubridor de un delito por su omisión de actuar bajo la ley Española.

- Belén García Martín (*procuradora* María Pilar Lantero) (**recommended by Steven Plehn from Plehn Abogados found on the American Embassy website <http://madrid.usembassy.gov/citizen-services/professional-services/attorneys2.html>**);
- Jose Manuel Hernández Jiménez (*abogado de oficio*);
- Jorge Capell de Cuatrecasas, Gonçalves Pereira (*procuradora* Pilar Poveda Guerra) (**posted on the American Embassy website <http://madrid.usembassy.gov/citizen-services/professional-services/attorneys2.html>**);
- Alberto Fontes García Calamarte (*procuradora* Rafael Gamarra Megias);
- Miguel Martínez López de Asiain y Ignacio González Martínez (*procuradora* Rafael Gamarra Megias);

I also wish to notify the US Embassy in Madrid that I am officially requesting assistance from the American Consulate in Madrid in regards to my petition to the *Ilustre Colegio de Abogados de Madrid* to investigate the allegations against my legal counsel with due diligence and to the letter of the law. Additionally, I am requesting that the American Consulate refer my case, and allegations against legal counsel, to the appropriate law enforcement authorities in Spain who oversee white-collar crimes, judicial corruption, or any other pertinent Spanish authority, for a full investigation.

After the refusal of the *Defensor del Pueblo*, *Consejo General del Poder Judicial* and *Instituto de Mujer* to review and investigate my allegations and complaints filed in April 2012, I have every reason to believe that the *Ilustre Colegio de Abogados de Madrid* will also fail to diligently investigate my allegations of criminal and professional negligence and mis-conduct by my lawyers between September 2007 and November 2012.

It should be noted that **the failure of Spanish regulatory agencies to diligently and effectively investigate, sanction, and provide restitution for all acts, and omissions of acts, of state and non-state actors who fail to effectively defend victims of domestic abuse within family courts **give rise to responsibility and liability of the Spanish government** (under the principle of due diligence) as set forth in *Gonzales vs. USA* (Inter-American Commission on Human Rights, 2011,) inter alia.**

The cover-up of domestic abuse by family courts is well documented in studies and reports, with high profile cases in the Spanish press such as Maria Jose Carrascosa and Ana Serrot *par for the course* in cases of domestic abuse. These cover-ups are only equaled by the cover-up of the widespread negligence and corruption of judicial actors by other judicial actors.

Please find enclosed:

- Submission to the *UN, Commission on the Status of Women* against the Spanish government in July 2012 under their obligation to protect and principle of due diligence with posted on <http://worldpulse.com/node/55730>.)
- *Crisis in Family Courts*, May and June 2013 newsletter posted on www.quenby.wordpress.com and <http://worldpulse.com/node/71182>
- Articles in the Press

Activists in the USA equate the cover-up of domestic abuse by family courts to the cover-ups seen in the cases of sexual abuse within the Catholic Church, Penn State (Jerry Sandusky,) Boy scouts, schools, entertainment industry, etc. And, the dynamics, social traditions and customs **are the same**.

The discriminatory and antiquated traditions and customs which serve to cover-up and sanction domestic abuse in all its forms (as well as promote and sustain the domination and oppressive of women) supersede even the most progressive laws by the majority of judicial actors in North America, Europe, and Australia. Their actions and omissions of actions, while highly illegal, immoral, and resulting in judicial corruption (also due to antiquated traditions) are sub-sequentially covered-up by colleagues and government regulatory agencies, often by omission of action.

The first step in combating, and reversing the rampant negligence and corruption in family courts is through diligent and effective governance by the regulatory agencies responsible for supervising and sanctioning lawyers, judges, court psycho-social teams, evaluators, monitors, law enforcement officials, etc. In my own case, I indicated to implicated parties that I would pursue every legal channel at my disposition, upon which they responded “*We do this all the time. Who are you going to tell?*” And, effectively it is the lack of good governance and accountability by regulatory agencies and the Spanish government which is the motor behind the entire dynamics.

Patriachal traditions and customs are still very much in vigor amongst legal counsel, judges and court personnel in Spain (and elsewhere.) All contents of a home (including women and children) and financial assets are considered the “property” of the husband and father by most judicial actors. Housewives, particularly upper-middle class ones, are considered “toxic, trophy wives,” who are parasites, profiting from the hard-work of their husbands, and not deserving of “ill-gotten gains” in the liquidation of assets, nor even recognition of their contribution to the home, raising of children, or husband’s career.

This is why in 6 years of litigation (and upon my continual insistence) my lawyers categorically and repeatedly refused to request a subpoena from the courts for common-property, financial records (1991-2008.) Additionally, their actions and omission of actions which denied me access to all and any common property assets and funds (2007-2013,) assured that I would lack the funds necessary to initiate litigation against them in Spanish courts, or against the Spanish government in the international courts. (Not counting on the fact that I am perfectly capable of submitting my case (**and a propelling one**) to Spanish regulatory agencies and/or the European Courts of Human Rights (and or CEDAW) without the assistance of a lawyer.)

The negligence and malfeasance of my legal counsel, particularly **Jorge Capell of Cuatrecasas, Gonçalves Pereira, Belén García Martín, Miguel Martínez López de Asiain, and Ignacio González Martínez** was confirmed on several occasions (2008-2012) by the Federación de Asociaciones de Mujeres Separadas y Divorciadas (www.separadasydivorciadas.org) and Federación de Mujeres Progresistas (www.fmujeresprogresistas.org.) These organizations are well aware of the rampant discrimination against women and corruption in family courts. But, unless the *colegios de abogados* (Bar Associations), *Consejo General del Poder Judicial*, the *Defensor Pueblo*, *Instituto de Mujer*, and *colegios de psicólogos* are willing to exhibit due diligence in their investigation into complaints by aggrieved citizens (including foreign nationals,) women’s rights organizations are powerless to effectively combat problems within the courts.

Of additional consideration in the examination of my case is how rampant corruption and discrimination in the courts deter foreign investments to and entrepreneurial efforts in Spain.

As my lawyers in Madrid have been aware from the beginning, the escalation of violence within my home, the threats upon my life, stalking, harassment, and manipulations of my ex husband to intimidate me and defraud me of my assets have all been in his efforts to prevent me from creating Global Expats and www.global-expats.com (presently www.global-xpats.com.) Even though this project, from its inception in

2007, **received enormous support and interest from all sectors of the global mobility industry,⁴ has enormous revenue-generating potential (estimate loss opportunity cost to date is \$200 million usd,) and will create thousands of jobs,** my legal counsel have consistently done everything possible to assist my ex husband (a “respectable,” Spanish male) rather their client (a woman, homemaker, and foreigner.) **My story is an enormous de-motivator, dissuasion, and “alarm” for any foreign investors and entrepreneurs wishing to invest in Madrid.**

Global Expats is modeled after the Federation of American Women’s Clubs Overseas (FAWCO), but will be a revenue-generating organization that will remunerate its managers and employees. As an expat and “employer” of expats, you are well aware that expatriated American families face a myriad of challenges that their employers from the public and private sector are unable to address. In response to this void, in the past 80 years expat organizations modeled after FAWCO have sprung up across the globe serving a wide variety of expat communities. Unfortunately, due to their volunteer, non-profit structure they are hampered in their efforts to fulfill the needs of the communities they serve, and why I am transforming the model into a profit-making entity. **The challenge of course was generating the millions and millions of dollars (euros, etc.) necessary to remunerate a global work-force of “trailing spouse” homemakers, large enough to deliver quality product and services.**

This is where my idea for an all inclusive, information, networking website portal (with revenues from advertising sales) came in. After an extensive 8+ month market study (2006) of Internet trends, Web 2.0, other expat websites, etc., I came up with the idea for my website, www.global-expats.com; a cross between www.yelp.com/ www.citysearch.com/ www.local.com (local search websites); www.about.com/ www.ask.com (city-guide, lifestyle websites); and www.facebook.com/ www.linkedin.com. While in 2006 these websites were still in their infancy, they are now generating millions and even billions of dollars in revenues each year, demonstrating beyond any doubt that not only is my idea viable and profitable, but rather brilliant. (And, exactly why my ex husband has been so desperate to destroy it from the beginning.)

However, the true problem here are not the emotional problems of my ex husband. The true problem lies in unethical lawyers, judges, and court personnel who would not only cover-up for my ex husband’s abuse and manipulations, but also participate in the abuse due to their gender-bias, xenophobia, their own psychopathological tendencies or abusive personality disorder, ignorance, and/or lack of cognitive ability. Whatever their motivation or reasons, they are of little importance. They blatantly and flagrantly violated their deontological obligations and violated numerous articles of the civil and penal code as well as Spanish law; and should be held fully accountable.

As you recognized in your speech at the Rotary Club of Madrid (January 2013) “*entrepreneurs and their innovations are the motor of the... economy and an enormous fountain of prosperity and progress;*”⁵ encouraging the Spanish government “*to initiate reforms that will transform [the] county into a more attractive destination for foreign investors, given the fact that various international organizations have indicated that Spain is not exactly one of the easiest countries in which to start a company.*”⁶

⁴ (HR departments from the private and public sector (US Dept. of State included), relocation companies, moving companies, international schools, global vendors, and expatriates and their spouses)

⁵ <http://www.europapress.es/latam/estadosunidos/noticia-eeuu-espana-embajada-eeuu-espana-promovera-cultura-empredimiento-jovenes-espanoles-20130410190922.html> .

⁶ <http://www.europapress.es/economia/noticia-embajador-eeuu-anima-espana-hacer-reformas-atraer-inversion-20130131120431.html>

At a breakfast briefing with Europa Press in January 2013 you further recognized, that in order to make Spain more economically sound and competitive in the global marketplace and global economy the Spanish government must “*improve the level of transparency... [and] confront the “important” problem of corruption in an “aggressive and rapid” manner in order to not “erode” the confidence of [Spanish] citizens towards their government, who have called for “difficult sacrifices” in tackling the [economic] crisis.*”⁷

Unfortunately, as my case dramatically demonstrates, behind the very same political rhetoric espoused in your speeches and used by leaders across the globe, there lays bureaucratic, nepotistic, and ineffective government agencies and civil servants which are dismally failing to implement and administer the promises, rhetoric, and “exterior” policies of “upper management.”

In my case, on the one hand, I have been dealing with the Spanish judicial system which is obligated under international human rights law to protect victims of domestic abuse residing within their borders. And, who in order to fulfill their obligation have a Spanish constitution, judicial and legal system under a democratic model and in accordance with human rights treaties (which is exemplary and almost utopian in its structure) and non-ending political promises and rhetoric from leaders at national, regional and local levels. **But, lack substance and reality beneath the rhetoric.**

And, on the other hand, I have been dealing with the US American Embassy and Consulate in Madrid’s and Department of State in Washington, DC, who are obligated to protect the rights and interests of their citizens residing abroad. And, in order to fulfill this obligation they have at their disposal international treaties, US federal law, State Department guidelines (7 FAM and 22 CFR), State Department and the Obama Administration rhetoric and promises. **But, lack substance and reality beneath the rhetoric.**

As Under-Secretary-General and Executive Director of UN Women Michelle Bachelet stated in her closing remarks to the *Stakeholders’ Forum on Preventing and Eliminating Violence Against Women* “[T]he shortcomings lie elsewhere—in the lack of political prioritization... Now is the time for governments to translate international promises into concrete national action....”

My own research, as well as many of the present efforts and direction of the International Monetary Fund (IMF) under Christine Lagarde (where I have been employed in the past 5 years) demonstrates that these are the challenges of the 21st century. This is where governments, agencies, industries, capital markets, and individuals must direct their efforts in ensuring global economic stability and prosperity in the future. Transforming rhetoric into reality!

As an act of good faith, in the interest of all implicated parties, and in order to avoid protracted, high-profile litigation within the European Courts on Human Rights, I am more than willing to come to an equitable settlement with my lawyers for restitution of damages incurred. However, to date they have not expressed any interest in reaching an acceptable agreement; leaving me no other option than to continue with litigation.

The US Department of State and American Consulate in Madrid have continually said that they are unable to assist me, because they may not act as legal representatives or provide legal advice to American living abroad under 22 CFR 92. **I have repeatedly informed them that my requests in no way, shape or form constituted legal representation or advice from US Department of State officials (see enclosed**

⁷<http://www.europapress.es/nacional/noticia-embajador-eeuu-urge-espana-abordar-corrupcion-manera-agresiva-20130131110020.html>

correspondence.) All the assistance that I have requested in the past, and am requesting at present, has always been in perfect accordance with US law, Spanish law, international agreements and treaties, and in no way jeopardize US – Spanish diplomatic relations.

To the contrary, compliance with my requests by the US Consulate in Madrid from the onset of my case in all probability would have deterred my lawyers, law enforcement officials, presiding judges, etc. from violating my rights and Spanish and international law, and creating a “crisis” situation. **It is my firm belief that crisis prevention is more effective than crisis management in strengthening bi-lateral diplomatic relations between countries and governments.**

I am therefore officially requesting that the American Embassy and Consulate request that the *Ilustre Colegio de Abogados de Madrid* examine and investigation all of the allegations against my lawyers with the highest level of diligence, and to the letter of the law. My complaint in its entirety is available on the Internet and posted on <http://worldpulse.com/node/72778>. It can be freely consulted and downloaded in pdf format by US Department of State official in Madrid or Washington, DC.

Thank you in advance for your time and consideration. If you should have any questions, I may be contacted at my email, quenby@global-xpats.com.

Sincerely,

Quenby Wilcox
Founder – Global Expats
Founder – Safe Child International

cc: Under Secretary of Management, Patrick F Kennedy, US Department of State
Joyce Namde, European Division Director, Office of American Citizen Services and Crisis Management,
US Department of State
US Consulate, Embassy of the United States in Madrid
Congressman Steny Hoyer