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Patrick F. Kennedy  
Under Secretary of State for Management  
US State Department  
2201 C Street NW  
Washington, DC 20520

June 26, 2013

RE: Human rights violations under the failure to protect and the principle of due diligence

Dear Under Secretary Kennedy,

First, I would like to thank you, as Ms. Namde, European Division Chief, Office of American Citizens Services and Crisis Management responded to my correspondence to you dated March 16, 2013. Please see enclosed a copy of her response.

Second, I am contacting you as the problems and issues within my case potentially affect the 6 million Americans residing abroad, all living under foreign jurisdictions. Whether they are involved in commerce or commercial transactions, judicial proceedings of any kind, or victims of crimes or abuses of power, they are all potentially exposed to the same discrimination and violation of rights as I have experienced, and the failure of their Consulate to comply with the Convention of Consular Relations, 7 FAM, and 22 CFR in providing them with assistance.

Therefore, as a concerned citizen as well as Founder of Global Expats, whose mission is to assist American expatriates, I feel it is my duty to contest the US Department of State's policy of non-assistance and non-intervention in defending the interests and rights of American expatriates involved in judicial proceedings abroad. It is for this reason that I have taken the liberty of contacting you concerning my ongoing requests for assistance with the US Consulate in Madrid.

While the US Consulate in Madrid assisted me in the past months recuperating the legal documents from my lawyers, my case in Spain is far from over. **My case is now against my legal counsel for their gross negligence and mis-conduct, as well as discrimination and failure of due process by judicial actors.**

The failure of regulatory agencies in Spain to appropriately examine and investigate my allegations in the complaints presented, **will give rise to liability of the Spanish government for human rights violations under the principle of due diligence and their obligation to protect (Gonzales vs. USA, Inter-American Commission of Human Rights, inter alia.)** The probability that they will fail to exercise due diligence in the examination of my allegations is highly likely due to the fact that the

*Defensor del Pueblo, Consejo General del Poder Judicial* and *Instituto de Mujer* have previously refused to diligently examine the facts of the case that fall under their authority.

For this reason, I am requesting that the American Consulate and Embassy in Madrid, officially request that the Bar Association of Madrid (*Ilustre Colegio de Abogados de Madrid*) diligently review my complaint and take appropriate action, thereby avoiding the necessity to present my case to the European Court of Human Rights.

Please note that my present and previous **requests for assistance have at no time been for legal services or advice, and/or inappropriate intervention or influence of legal proceedings in Spain** by the US government or its representatives (as Ms. Namde, and her predecessor Mr. Miller contended.) At all times my requests have been **in total accord**ance with international law, Spanish law, US law, and **are even mandate by US and international law, as well as US Department of State guidelines and regulations, notably 7 FAM and 22 CFR.**

Ms. Namde (and previously Mr. Miller) have contended that the US government cannot assist me as my case involves “private legal matters.”

**Domestic abuse and the failure of a State to protect are human rights violations, not a “private matter.”** I refer you to the **amicus brief on *The Duty to Protect in Gonzales vs. USA, 2011*** (Inter-American Commission on Human Rights - <http://web.law.columbia.edu/human-rights-institute/inter-american-human-rights-system/jessica-gonzales-v-us/gonzales-case-page>.) “*The European Court of Human Rights has regularly recognized that domestic violence is not a private matter and that states have a positive obligation to protect individuals against acts of violence by private individuals. See Osman v. The United Kingdom, 1*” Additionally, as many of the problems in my case, and the issues I have presented to US State Department officials, **involve unlawful and unconstitutional actions, and omission of actions, by Spanish officials, they fall under public law (not private law.)**

US State Department representatives have also contended that the State Department is unable to provide assistance to victims of domestic abuse involved in judicial proceedings in a foreign country because of sovereignty and/or judicial independence issues. The US government (or any government) cannot sanction the human and/or civil rights violations of their citizens (by state or non-state actors) on foreign soil, under the contention of “sovereign” rights when a foreign (democratic) government is clearly in violation of their obligation to protect under international law, as well as their constitutional obligations.

**And, the failure to assist or covering-up of domestic abuse (or any other human rights violations) by judicial actors can in no way, shape or form, nor under any circumstance, be justified under “judicial independence.”** Judicial independence is a valid argument in the protection, and assurance, of a democratic and transparent judiciary, but **is not valid in protecting judicial actors involved in the corruption of due process, violations of citizen’s rights, nor illegal/unlawful activity.**

As the American Consulate in Madrid (and my lawyers) have been aware from the beginning (2007), my case involves my ex-husband’s efforts to prevent me from working outside the home, and starting a company, Global Expats – [www.global-xpats.com](http://www.global-xpats.com). The negligence of my legal counsel couple with that of the Spanish judicial system has, until present, prevented me from doing just that.

In the past 6 years, networking, advertising sales, and local search has experienced explosive growth, with these websites earning hundreds of millions, and even billions of dollars per year. **Lost revenues to [www.global-xpats.com](http://www.global-xpats.com) in the past 6 years are estimated to date at \$200 million dollars.**

I am more than willing to come to an equitable and prompt agreement, which would permit me to restore my website and project, to the competitive position on the Internet it enjoyed in 2006-2007, and the technological capabilities it would possess at present, if its development had not been impeded for the past 6 years (by the negligence of my legal counsel.) I believe it would be in the best interest of all parties concerned to move forward in a timely manner, and sincerely hope that further legal action within the Spanish courts, and/or international courts might be avoided.

For your convenience, I am including a copy of my correspondence to the American Embassy and Consulate in 2007 (in regards to Global Expats ([www.global-xpats.com](http://www.global-xpats.com)) as well as my problems with the courts in Spain) with all correspondence with US State Department officials and representatives (2007 -2013) posted on <http://worldpulse.com/node/64031> and <http://worldpulse.com/node/73335>.

I hope that by bringing the problems and issues that I have experience with the Consular Affairs division of the US Department of State, notably their failure to comply with federal law, 7 FAM, and 22 CFR, will persuade the US State Department to re-examine its policies and procedures in regards to American living abroad involved in judicial processes.

Thank you in advance for your time and consideration. If you should require further information, or have any questions, please feel free to contact me at [quenby@global-xpats.com](mailto:quenby@global-xpats.com) or (202) 213-4911.

Sincerely,



Quenby Wilcox  
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[www.global-xpats.com](http://www.global-xpats.com)

cc: Ambassador Alan D. Solomont, Embassy of the United States in Madrid  
Congressman Steny Hoyer



United States Department of State

*Washington, D.C. 20520*

May 3, 2013

Dear Ms. Wilcox:

Thank you for your letter of March 18 to Under Secretary Kennedy regarding the allegations of human rights abuse in Spain and your legal dispute against the Government of Spain. Your letter was referred to our office for response.

The U.S. Embassy in Madrid and the Office of Overseas Citizens Services of the Department of State in Washington have both been in frequent communication with you to provide assistance and information, within the limits permitted by international law and domestic laws within the United States and Spain. Under the Vienna Convention on Consular Relations, the Department's duty is to protect the welfare of U.S. citizens within the constraints of the host country's domestic laws and relevant U.S. laws.

We continually strive to assist U.S. citizens overseas with appropriate consular services. Thank you for notifying us that you have received your legal files of the law firm with which you had worked previously, which we assisted you in obtaining. We understand that you were not satisfied with the legal representation you received in Spain and that you plan to pursue a formal complaint there. As we explained previously in our communications, the U.S. government may not intervene in the private legal matters of U.S. citizens in foreign domestic courts. We are prohibited by federal regulations from acting as attorneys or agent or in any fiduciary capacity in 22 CFR 92. You can find more about the Spanish legal system generally and a list of Spanish attorneys at the U.S. Embassy website at <http://madrid.usembassy.gov/citizen-services/professional-services/legal-assistance.html>.

Quenby Wilcox  
10 Southway, Unit P,  
Greenbelt, MD 20770

We trust this information is helpful to you. If you have any additional questions, please contact Jo-Ann Hunter in the Office of American Citizens Services and Crisis Management at (202) 736-4988 or by e-mail at [HunterJL@state.gov](mailto:HunterJL@state.gov).

Sincerely,

A handwritten signature in cursive script, appearing to read "Joyce", written in black ink.

Joyce Namde  
European Division Chief  
Office of American Citizens Services  
and Crisis Management



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Eduardo Aguirre  
U.S. Ambassador to the Kingdom of Spain and the Principality of Andorra  
American Embassy  
calle Serrano, 75  
28006 Madrid, SPAIN

Dear Ambassador Aguirre;

March 12, 2007

I have taken the liberty of contacting you because I am in the process of promoting a project that I have been developing for the past two years, and that I feel that will be of interest to American Embassies as well as their expatriated communities.

Briefly, I have created an entirely free-of-charge, multi-lingual, information based website, [www.global-expats.com](http://www.global-expats.com), which has been available on the Internet since November 2006. It will eventually be complimented by a global *trailing spouse* organization, which through networking will assist them in their efforts to maintain careers and financial independence while abroad.

Please find enclosed a prospectus, which defines and explains this project in its' entirety.

In the promotion of this project I am experiencing great difficulty in contacting the appropriate people within governmental organizations who might assist in the development of this project. Therefore, I have written to you in the hope that you may assist me in contacting the appropriate person, or persons, within the US State Department.

Additionally, I hope that you may be able to assist me in notifying the American expatriated community in Madrid and throughout Spain as to the existence of this website. For your convenience, I have enclosed copies of a publicity "flyer" that I have prepared, and respectfully request that it be posted within the American Embassy and Consuls in Spain.

Thank you in advance for your time and consideration, and please feel free to contact me with any questions that you may have.

Sincerely,  
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Maria Teresa Aguirre  
American Embassy  
calle Serrano, 75  
28006 Madrid  
SPAIN

Dear Mrs. Aguirre;

March 12, 2007

I have taken the liberty of contacting you because I am in the process of promoting a project that I have been developing for the past two years, and that I feel that will be of great interest to American Embassies worldwide as well as their expatriated communities.

Briefly, I created an entirely free-of-charge, multi-lingual, information based website, [www.global-expats.com](http://www.global-expats.com), that has been available on the Internet since November 2006, and which will eventually be complimented by an international, global *trailing spouse* organization, that through networking, may promote entrepreneurial and philanthropic interests as well as cross-cultural understanding and cooperation. Please find enclosed a prospectus that I have prepared, which defines and explains this project in it's' entirety.

In the promotion of this project I am experiencing great difficulty in contacting the appropriate people within multinationals and governmental organizations who may inform expatriated employees and communities as to the existence of my website. And for this reason I have written to you in the hope that you may assist me in contacting the person, or persons, within the US State Department who are responsible for transferring Foreign Service Officials and their families abroad.

Additionally, I hope that you may be able to assist me in notifying the American expatriated community in Madrid and throughout Spain as to the existence of this free service. For your convenience, I have enclosed copies of a publicity "flyer" that I have prepared, and respectfully request that it be posted within the American Embassy and Consuls in Spain.

Thank you in advance for your time and consideration, and please feel free to contact me with any questions that you may have.

Sincerely,

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Ambassador Eduardo Aguirre  
US Ambassador to the Kingdom of Spain and the Principality of Andorra  
American Embassy  
c/ Serrano, 75  
28008 Madrid, Spain

Dear Ambassador Aguirre,

October 28, 2007

Because I am an American citizen residing in Madrid, I am once again contacting you as I am literally being held "hostage" in this country by my husband and its antiquated legal and judicial system. I am requesting the assistance of the American Consulate in assuring that my legal, civil and human rights are respected and protected here in Spain.

While in college I worked for the former Senator J. Bennett Johnston from Louisiana. One of the services that he provided to his constituents was assurance that their legal and civil rights were protected during judicial proceedings in his state. He no way influenced decisions or judgments; but all proceedings were closely monitored by his staff in order to assure that no prejudice or corruption was allowed to occur during these proceedings. I trust that the American Consulate in Madrid will provide me with this same service here in Spain.

On September 3, 2007 I filed a complaint against my husband's continual threats to kill me the proceeding day. After filing the complaint I contacted Senor Gonzalo Martinez de Haro of Vinander, Carlos y Asociados, whose name I had found on the American Embassy website and had consulted with in July 2007. Senor de Haro agreed to represent me the next day. On September 4, 2007 I presented myself along with Senor de Haro at *juzgado* of Mostoles, and after the trial he informed me that I would lose custody of my children because my husband had accused me of substance addiction. I found this ridiculous and decided to look for another lawyer.

Due to the fact that my husband has all of our assets and funds blocked in his name. I find myself at the mercy of the competence of a court appointed lawyer, even though our assets amount to over, €1,000,000. Unfortunately, I believe that my legal and civil rights will fail to be defended within the public system. Copies of my complaint, court proceedings are already on file at the American Embassy in Madrid, However, for your convenience I am including a copy of all pertinent documents as well as a detailed history or what transpired over the past months in regard to this case.

On March 12, 2007 I sent a correspondence to you, the American Consul General and one to your wife, Maria Teresa Aguirre, requesting assistance in contacting the appropriate person or persons within the State Department who could examine a project designed to assist the unemployed spouses of expatriated employees, for possible sponsorship by the US State Department. I received a response stating that the American Embassy does not advertise commercial websites on the Embassy web page.

I find it paradoxical that a for-profit Spanish lawyer, Senor de Haro, would be advertised on your web page, while a philanthropic one would not. Additionally, I feel that this lawyer, recommended by the American Embassy, was negligent in representing me due to prejudice against me as a woman and/or American.

When I do finally procure a lawyer and initiate divorce proceedings I fear for my own life and perhaps that of my 2 sons. Due to the stigma and the public humiliation surrounding problems like mine all too many women everywhere remain silent. All too many end up losing their lives.

I respectfully request the assistance of the American Consulate in protecting me from the archaic social and cultural norms in Spain, as provided for in the Convention of Consular Affairs (1963.)

Sincerely, Quenby Wilcox

