

January 26, 2014

RE: Domestic Violence as a Human Rights Violation & the Obligation to Protect – González de Alcalá vs. Wilcox

Dear Madams,

I am contacting you regarding the lack of protection that victims of domestic violence in Spanish Judicial systems and the role that your association plays in the defending the rights of these victims.

For the past 7 years I have been fighting to defending my rights and interests in Spanish tribunals, with no success. During these years, and on various occasions, the Asociaciones de Mujeres Divorciadas y Separados de Madrid (www.separadasydivorciadas.org), Federacón de Mujeres Progresistas (www.fmujeresprogresistas.org), y Themis - Asociación de Mujeres Juristas (www.mujeresjuristasthemis.org) have confirmed the malpractice and negligence of my lawyers.

Please find attached the decision of the Ilustre Colegio de Abogados de Madrid (Bar Association of Madrid), the *Preliminar 859/13* (posted on <http://worldpulse.com/node/80671>) where they contend that it is the **right of lawyers in Spain to violate the rights of their clients under the principle of “judicial independence”**.

A contention that is absurd, and incredible that they would dare to include it in an official decision and in writing. **The refusal of the Colegio de Abogados de Madrid to investigate my allegations regarding said lawyers (with absurd rationalizations) are in violation of art. 10, 11, 404, 408, 412.3, 451, 510, 511, 512, 542, y 607bis of the Spanish penal code.** Please find attached my appeal to this decision in which are enumerated the infraction of the implicated lawyers.

Unfortunately, the actuation (more appropriately the lack of actuation) of the Ilustre Colegio de Abogados is not surprising, given the systematic and extensive lack of accountability for the negligence, malpractice and impunity of judicial actors by public, regulatory agencies in investigating the cover-up of domestic violence (in Europe, North America, and Australia). Also, their failure to act makes them accessories to the crimes of the abuser as well as the crimes committed by judicial actors, noting that the cover-up of domestic violence by lawyers and government agencies is resulting in:

- The delivery of 400.000 children each year to abusive parents (physical & sexual) by family courts in Europe, North America, y Australia, which translates into court-sanctioned physical and sexual violence of 4 – 6.5 million children each year (without counting the millions of child victims of psychological abuse)
- The homicide of almost 4000 women every year in these 3 continents
- The encouragement and support of harassment, mistreatment, torture, and rape of ≈350 million women in these 3 continents
- Public spending of €186 – 250 billions de (\$252 – 338 billions) each year in these 3 continents
- Noting that the global consequences, are **33.000 murdered women** from domestic violence, and between **500 million and 1,5 billions children and up to 2.45 billion women** that suffer from at least one form of violence in their communities and/or homes, with associated costs of trillion s of dollars.

Please find attached the last edition of *Family Courts in Crisis* (FCC) that provides a resume of the reports by Amnesty International’s [What Specialized Justice\(in Spanish\)](#) and Save the Children’s [Spanish Justice Confronted with Sexual Abuse within the Family \(in Spanish\)](#) that exposes the problems in Spanish systems. (Please see FCC may ’13 – Feb. ’14 posted on <http://worldpulse.com/node/71182> that examines the problems of ‘Western’ courts as well as an in depth examination of each aspect of the issues).

Also, please see below *Table 1 – Resume of the infractions committed by the violations of rights and indicated laws – González de Alcalá vs. Wilcox*, and the following complaints which expose the various facts, infraction under international Conventions, Spanish Constitution, civil & penal codes, and applicable national laws and the failure of judicial actors in their respective responsibilities in my case (and millions of cases like mine):

- the *Defensor del Pueblo & Consejo General del Poder Judicial* (<http://worldpulse.com/node/52011>)
- *Instituto de la Mujer* (<http://worldpulse.com/node/50602>)
- *Colegio de Abogados de Madrid* (<http://worldpulse.com/node/80671> y <http://worldpulse.com/node/80536>)
- *American Embassy / US Department of State* (<http://worldpulse.com/node/73335> y <http://worldpulse.com/node/64031>)
- *US Congress* (against the US Dept. of State for the failure of the American Consulate to fulfill its obligation to assist - <http://worldpulse.com/node/64298>) (at present a law firm in Washington, DC is examining the possibility of bringing suit against the US State Dept. for their refusal to assist Americans living abroad – see the document attached *Gonzalez vs. Wilcox - Spanish, French, US & Intl. Jurisdictions* with applicable jurisdictions & laws)

While lawyers, judges, and psycho-social teams are in their ‘rights’ to violate the rights of victims and infringe laws (with systematic and extensive ‘impunity’, in full knowledge of the facts) by responsible authorities to investigate the facts, all of the laws (and public funding) in this world will not protect victims from domestic abuse.

The importance and gravity of the problema can no longer be taken lightly, nor considered a ‘private matter’ and/or ‘civil dispute’ as lawyers, judges, psycho-social teams, Congressional and Parliamentary members, Consular and Embassy officials, Foreign Service officials.... The infractions committed by perpetrators of physical, sexual, and psychological violence, as well as accessories, notably judicial actors, that cover-up these infractions, are crimes under national as well as international law. And, therefore these crimes are elevated to ‘crimes against humanity’ under art. 607bis of Spanish penal code¹ and Statutes of the Roma Statutes of the International Criminal Court².

At present my case is in the hands of the Colegio de Abogados de Madrid before presenting it to the *European Courts of Human Rights*. Since Sept. 2013 I have not received any information from the Colegio de Abogados de Madrid. **And therefore, I am requesting your assistance in finding out what is happening with my complaint, as well as assuring that they have sent my complaint to the Fiscalía for an examination of criminal infractions (as provided for under art. 2.1 y 2.2 del Decreto 245/2000³ (and art. 451 of the Spanish penal code).**

Therefore, I hope that you, as an associations whose mission is to defend the rights of women, will officially request that the *Colegio de Abogados de Madrid, la Fiscalía, the Defensor del Pueblo, and Consejo General del Poder Judicial (CGPJ)* fulfill their obligation under Spanish law as well as international law to investigate my allegations against judicial actors.

In consideration of my case and its merits, I wish to call attention to the fact that the violence and manipulations of my ex husband were the result of his efforts to prevent me from starting an Internet company (see attached

¹Art. 607bis de Código penal - *delitos de lesa humanidad quienes cometan los hechos previstos en el apartado siguiente como parte de un ataque generalizado o sistemático contra la población civil o contra una parte de ella. En todo caso, se considerará delito de lesa humanidad la comisión de tales hechos: 1º402 Por razón de pertenencia de la víctima a un grupo o colectivo perseguido por motivos políticos, raciales, nacionales, étnicos, culturales, religiosos, de género, discapacidad u otros motivos universalmente reconocidos como inaceptables con arreglo al derecho internacional. 2º En el contexto de un régimen institucionalizado de opresión y dominación sistemáticas de un grupo racial sobre uno o más grupos raciales y con la intención de mantener ese régimen.*

²“crimen de lesa humanidad” - *cualquiera de los actos siguientes cuando se cometa como parte de un ataque generalizado o sistemático contra una población civil y con conocimiento de dicho ataque: a) Asesinato; c) Esclavitud; d) Deportación o traslado forzoso de población; e) Encarcelación u otra privación grave de la libertad física en violación de normas fundamentales de derecho internacional; f) Tortura; g) Violación, esclavitud sexual, prostitución forzada, embarazo forzado, esterilización forzada o cualquier otra forma de violencia sexual de gravedad comparable; h) Persecución de un grupo o colectividad con identidad propia fundada en motivos políticos, raciales, nacionales, étnicos, culturales, religiosos, de género definido en el párrafo 3, u otros motivos universalmente reconocidos como inaceptables con arreglo al derecho internacional, en conexión con cualquier acto mencionado en el presente párrafo o con cualquier crimen de la competencia de la Corte; i) Desaparición forzada de personas; j) El crimen de apartheid; k) Otros actos inhumanos de carácter similar que causen intencionalmente grandes sufrimientos o atenten gravemente contra la integridad física o la salud mental o física.*

³ 2.1 del Decreto 245/2000 “*hechos y fundamento entre la presunta infracción administrativa y una posible infracción penal, lo comunicará al Ministerio Fiscal o al órgano jurisdiccional competente, solicitando testimonio sobre las actuaciones practicadas respecto de la comunicación,*”

Global Expat – Concept & Structure). And, my inability to create and develop the business in the past 7 years has been a direct consequence of the failure of my lawyers to reclaim common property and funds between 2007 and 2013.

The business model that I was developing (local search directories and networking on the Internet - www.yelp.com - <http://www.marketwatch.com/investing/stock/yelp/financials>) are the most profitable models at present on the Internet. **Therefore, the damages at present are around \$500 million, increasing by 45% per year, with implicated lawyers (and accessories to their crimes) legally responsible for said damages. The failure of regulatory agencies (and therefore the Spanish government) to investigate, sancion and provide damages to me and my children, transfers the financial responsibility to the Spanish government under international law.**

Thanks you in advance for your time and consideration, and I remain at your disposition for any questions or clarifications you might need. I can be contacted through my email Quenby@global-xpats.com and my cel. 00.1.202-213-4911.

Sincerely,

Quenby Wilcox

**Violation of the Rights and Criminal Infractions for Judicial Actors
In their Failure to Protect Victims of Domestic Abuse**
(Four Important Problems in the Violation of Rights & Lack of Due Diligence)

Table 1: Resume of the Violation of Rights and Infractions by Judicial Actors and Officials of the American Embassy in their Failure to Protect - Case Study: González de Alcalá vs. Wilcox - <http://worldpulse.com/node/66096>

The Hierarchy of Spanish Judicial Norms								
Judicial Actors & Govt. Official	Action or Omission of Action	Spanish Constitution http://www.wipo.int/wipolex/en/details.jsp?id=6321	(CEDH)* (CEVCM)* (CEDAW)* (ICCPR)* (ICESCR)* (DJVCA)* (CRC)*	Spanish Penal Code http://www.mjusticia.gob.es/cs/Satellite/es/1288774502225/TextoPublicaciones.html	Spanish Civil Code http://www.mjusticia.gob.es/cs/Satellite/es/1288774502225/TextoPublicaciones.html	Equality Act (AI)* Gender Violence (CVG)* Judicial Power Law (ODJ)*	Statutes for Lawyers Decreto 658/2001	Deontological Code
		Art.	Art.	Art.	Art.	Art.	Art.	Art.
Legal Counsel, Judges, Court Psychologists & Evaluators, Court Personnel, Law Enforcement,	Prevent the commission of a crime that affects the life of a person, their integrity, health, liberty or sexual liberty. **	9, 10, 13 14, 15, 24 & 45.1	CEDH 1, 2, 3, 5, 8, 13 & 14 CEVCM 3 & 4 CEDAW 2, 3, 4, 5, 11 13, 15 & 16 ICCPR 2, 6, 7, 9, 17, 23 & 26 ICESCR 1, 6, 7, 10 & 11	10, 11, 22 27, 28, 29 195, 450 451, 465 467.2, 511 512 & 607bis	6, 7, 8, 27, 348, 349 1088, 1089, 1091, 1092 1093, 1094, 1097, 1098 1101, 1102, 1104, 1106 1107, 1254, 1255, 1262 1271, 1279, 1347, 1362 1365, 1369, 1375, 1383 1386, 1390 & 1391	AI 1, 2, 3, 4, 6, 9, 10, 11, 12 & 13 CVG 1, 2, 17, 18, 19 37, 38 & 39 ODJ 1, 5, 6, 9, 11 & 17	1, 4, 5 6, 7, 11 12, 17, 21 22, 23, 87 87bis & 87ter	1, 2, 3 4, 5, 6 9, 10, 11 12 & 13
	Occult evidence of abuse & criminal acts on the part of abusive spouse as well as negligence /abuses of power by legal counsel of victim.							

The Hierarchy of Spanish Judicial Norms

Judicial Actors & Govt. Official	Action or Omission of Action	Spanish Constitution http://www.wipo.int/wipolex/en/details.jsp?id=6321	(CEDH)* (CEVCM)* (CEDAW)* (ICCP)* (ICESCR)* (DJVCAP)* (CRC)*	Spanish Penal Code http://www.mjusticia.gob.es/cs/Satellite/es/1288774502225/TextoPublicaciones.html	Spanish Civil Code http://www.mjusticia.gob.es/cs/Satellite/es/1288774502225/TextoPublicaciones.html	Equality Act (AI)* Gender Violence (CVG)* Judicial Power Law (ODJ)*	Statutes for Lawyers Decreto 658/2001	Deontological Code
		Art.	Art.	Art.	Art.	Art.	Art.	Art.
Legal Counsel, Judges, Court Psychologists & Evaluators, Court Personnel, Law Enforcement, Regulatory Agencies & in Impl. Cases - Consular Affairs & Embassy Officials	Failure of women to access common property assets & solicit common property documents. & Failure of legal counsel to exhibit due diligence in assuring the defense of right to access fin. records & property render them responsible for all & any financial damages incurred.	33,3, 34 35, 38, 14 & 24	CEDH 1, 4.1 & 14 CEVCM 3 CEDAW 2, 3, 4, 5 11, 13, 15 & 16 ICCP 1, 2, 3, 17, 23 & 26 ICESCR 1, 6, 7, 10, 11 DJVCAP 8 annex	10, 11, 22 29, 110 111, 112 113, 116 117, 120 173, 195 199, 208, 250, 450, 451.2 465, 467.2, 510, 512 & 607bis	103, 137, 138 6, 7, 8, 27 348, 349, 1088 ,1089 1091, 1092, 1093, 1094 1097, 1098, 1101, 1102 1104, 1106, 1107, 1254 1255, 1262, 1271, 1279 1347, 1362, 1365, 1369 1375, 1383, 1386, 1390 & 1391	AI 1, 2, 3, 4 6, 9, 10, 11 12 & 13 CVG 1, 2, 17 18, 19, 37 38 & 39 ODJ 1, 5, 6, 9 11 & 17	1, 4, 5 6, 7, 11 12, 17, 21 22, 23, 87 87bis & 87ter	1, 2, 3 4, 5, 6 9, 10 11, 12 & 13
	Violation of the right to an effective defense, the right to privacy & the right not to testify against oneself.	24 & 18	CEDH 1, 2, 3, 5, 6, 8, 13 & 14 CEVCM 3 & 4 ICCP 9, 17, 23 & 24 ICESCR 1, 6 & 10	11, 12, 22, 29,109, 110, 116 195, 450 451.3 510, 511 & 607bis	6, 7, 8, 27, 348, 349 1088, 1089 , 1091, 1092 1093, 1094, 1097, 1098 1101, 1102, 1104, 1106 1107, 1254, 1255, 1262 1271, 1279, 1347, 1362 1365, 1369, 1375, 1383 1386, 1390 & 1391	AI 1, 2, 3, 4, 6, 9 10, 11, 12 & 13 CVG 1, 2, 17, 18 19, 37, 38 & 39 ODJ 1, 5, 6, 9, 11 & 17	1, 4, 5 6, 7, 11 12, 17, 21 22, 23, 87 87bis & 87ter	1, 2 3, 4 5, 6 9, 10 11, 12 & 13
	Introduction of false information, falsified documents &/or false testimony to the courts	1, 9 10, 24 & 45.1		22, 28b 390.3, 390.4 393, 396 429,450 451, 461 464, 465 467.2, 510 511, 512 & 607bis	6, 7, 8 27, 348 349, 1088, 1089, 1091 1092, 1093, 1094, 1097 1098, 1101, 1102, 1104 1106, 1107, 1254, 1255 1262, 1271, 1279, 1347 1362, 1365, 1369, 1375 1383, 1386, 1390 & 1391	AI 1, 2, 3, 4, 6 9, 10, 11 12 & 13 CVG 1, 2, 17, 18 19, 37, 38 & 39 ODJ 1, 5, 6, 9, 11 & 17	1, 4, 5, 6 7, 11, 12 17, 21, 22 23,87 87bis & 87ter	1, 2, 3 4, 5, 6 9, 10, 11, 12 & 13

CC: AHIGE (Asociación de Hombres por la Igualdad de Género)
Asociación Clara Campoamor
Asociación de Mujeres "Concejales 79"
Asociación de Mujeres Gitanas ALBOREA
Asociación de Mujeres Juristas THEMIS
Asociación de Mujeres por un Envejecimiento Saludable AMES
Asociación Española de Mujeres Profesionales de los Medios de Comunicación AMECO
Asociación Mujeres OPAÑEL
Coordinadora del País Valenciano para el Lobby Europeo de Mujeres – CPVLEM
Coordinadora Española para el Lobby Europeo de Mujeres - CELEM
Departamento de la Mujer
Federación de Asociaciones de Asistencia a Víctimas de Agresiones Sexuales -FAMUVI
Federación de Asociaciones de Madres Solteras
Federación de Asociaciones de Mujeres Jóvenes
Federación de Asociaciones de Mujeres Rurales FADEMUR

Federación de Asociaciones de Mujeres Separadas y Divorciadas (FAMSD)
Federación de Mujeres Progresistas
Federación Española de Mujeres Directivas, Ejecutivas, Profesionales y Empresarias FEDEPE
Forum de Política Feminista
La Asociación de Mujeres Separadas y Divorciadas “Carmen García Castellón”
La Asociación Leonesa "Simone de Beauvoir"
Lobby de Mujeres del Principado de Asturias
Lobby de Mujeres del Principado de Asturias - LES
FILANDERES
Lobby Europeo de Mujeres (LEM)
AFEM (Asociación de Mujeres de la Europa Meridional)
Instituto Europeo para la Igualdad de Género
Mujeres para la Salud
Mujeres Separadas y Divorciadas
Plataforma Andaluza de Apoyo al Lobby Europeo de Mujeres
Secretaría Confederal de la Mujer
Unión de Asociaciones Familiares UNAF