

*To the Supreme Court of the Netherlands  
at The Hague*

## **PETITION FOR REVIEW**

The Appellant in this matter, Kevin Alexander Sweeny, date of birth July 24<sup>th</sup> 1950, baptized at Poonah (India), a British national detained at her Majesty's pleasure in the Torentijd Penitentiary Institution at 4330 EB Middelburg, humbly states as follows:

The Petitioner's home address is c/o \*\*\*\*\* \*\*, \*\*\*\*\* \*\* Apeldoorn, the Netherlands.

On October 24<sup>th</sup>, 1996, the bench at 's Hertogenbosch acquitted the Petitioner of the charges brought against him.

On February 20<sup>th</sup>, 2001, the district court at 's Hertogenbosch found the petitioner guilty of murder (by arson).

The appeal seeking to have this judgement overturned was refused by the Supreme Court on November 26<sup>th</sup> 2002. At the same time, the judgement became irrevocable. A case put before the European Court of Human Rights was deemed inadmissible because remedies available under Dutch law had not yet been exhausted.

During the investigation preceding the trial and the examination of the facts at the trial, the new facts and circumstances set out below were not brought before the court even though either in themselves or in relation to the details supplied at the time, these new facts and circumstances are inconsistent with the deliberations and pronouncements in the judgement at issue.

Petitioner in all reasonableness suspects that the case could not possibly have resulted in a statement of 'proven as charged' had the Court had cognizance of the new actual facts presented herewith.

The aforementioned suspicion on the part of the Petitioner has arisen following a recent in-depth analysis of the facts yielding verifiable conclusions as conducted by the independent researcher F.W.J. Vos MA, whose written report of his findings is appended to this petition and is deemed by petitioner to have been submitted and duly introduced herewith. Furthermore, the report details the means that are to serve as evidence of the new facts and circumstances, as well as of the incompatibility of the court decision in respect to the fire at Schiphol airport and the judgement in the case at hand.

1. It has been established by the above-mentioned Mr. Vos MA that the white spirit, presented to the Court as the means of committing the crime in '*a demonstrable, relatively large quantity*', which phrase subsequently was adopted by the Court as '*relatively large quantities*', was not proven in accordance with the scientific standard pertaining to the field of forensics. Moreover, the contamination, considered by the Court inevitable and not to be judged serious, actually was serious according to prevailing standards which contained explicit and detailed measures aimed at prevention of such contamination. The standards referred to were

neither disclosed to the Court by the Technical Research Officers nor were they adhered to, neither by these officers nor by the Justice Department's laboratory technician.

2. From the chronological (rather than virtual) reconstruction of the facts composed only at this late stage through the efforts of F.W.J. Vos MA, by way of counteracting this breach of standards by the TR, and on comparison with the charges formulated by the Prosecution Service as evident from the Attorney General's indictment, it appears that the Court had no knowledge of verifiable conclusions attained in an expert manner in respect of these empirically verifiable and direct facts relating to the real origin and development of the fire at Steensel here at issue. No arson took place at that location.

3. Before, during and after the times at which, according to the scenario of the virtual fire at Steensel, the victim lay on a burning bed, supposedly having been rendered unconscious beforehand – by the arsonist, the Court implicitly assumes, commenting on the incomprehensible lack of resistance on the part of the victim – , the victim tapped on a window / window frame in the adjacent dressing room for some considerable length of time.

Silent witnesses irrefutably point towards the tools and the damage caused therewith. The facts at Steensel are not at all consistent with the virtual circumstances which the Court took to be 'lawful and conclusive' evidence of a murder at Steensel. Simple, objective, pyrotechnical statements in respect of decreased levels of oxygen and consciousness were ignored by the Court.

4. Prior to initiating their 'reconstructions', both representatives of the police posing as pyrotechnical experts and Reijman failed to conduct such an analysis, including analysis of thermics and of the (silent) witnesses present, despite the Court order clearly stating this purpose.

Mr. Vos, MA, counteracts this omission in his report.

The police and Reijman replaced the research orders with the contents of a quote in which the defendant stood already guilty as charged and which put the judicial question of culpability in the hands of a commercial lie detector and self-styled judge (Reijman).

The principle of the '*presumption of innocence*', as organized by the Prosecution Service, was ignored altogether.

Subsequently, whether wittingly or unwittingly damaging, potent deviations from the circumstances, decisive for the course of events of the real fire, crept into the reconstructions which, because of this, were invalid from a pyrotechnics material point of view. Objections raised by expert scientists were simply ignored.

Thus, predictably unsound and untenable findings came into being on the back of the Prosecution Service's subcontracted wish list of conclusions.

Omitting empirical facts and circumstances from the prescribed chronological reconstruction (time line), prior to drawing causal conclusions, contravenes the Dutch standards, equally applicable at that time, pertaining to research into the causes of fires.

Even to a layman, this would have falsified immediately the so-called reconstructions carried out by Reijman (DGMR, formerly TNO) that not only transgressed against the law and against rights but also deliberately breached the standards in effect.

5. The (commercial) infiltration of the investigation, aided by an examining judge and making use of materially unsound and unlawful means in the process, resulted in a series of breaches of the law and of (human) rights on the part of the State and the infiltrators at TNO. Add more commercial infiltration, this time in the defence, by a free lancing police officer, B. Postema, introduced ‘*undercover*’ as a private independent investigator and acting of all things as a so-called defence expert witness, which was even facilitated by the examining judge D.H. ter Beek MLB.

B. Postema has stated that in practising his ‘expertise’, he does not refer to any form of literature. It would appear that this police officer was not scrutinized on relevant expertise prior to being appointed as an expert.

6. Expert witness L.J. Bijl MA (NFI) found out retrospectively that the Court, in its judgement, had applied his statement incorrectly. Mr. Bijl is prepared to give evidence under oath once again as to this matter.

**None of the above was known to the Court at the time.**

7. Petitioner is also of the opinion that the decisions of the Haarlem Court in respect of the Al Jeballi/CPS (Schiphol fire) case as to the cause of the fire, stated proven, having possibly been a burning cigarette igniting a bed fire, are incompatible with the Court’s judgement in the petitioner’s case, where such was explicitly deemed impossible. This legal fact, too, is grounds for requesting a review, in accordance with art. 457 of the Sv.

Although Petitioner is fully aware that the judgement in the Al Jeballi case has not yet become irrevocable, he finds this part of his petition for review on the following text, spoken by one of your judges:

*“The statement of ‘proven’ which the petition addresses must be irrevocable but this is not true for the other statement of ‘proven’ that allegedly contradicts the former. The statements of ‘proven’ may have been pronounced by different judges in respect of the same person or in respect of various persons.”*

Apeldoorn, 17 May, 2008

K.A. Sweeney