

The public Court Trial

of

Dutch Courts' judges

Case: have fear to apply Human Rights



Introduction

This case is a national matter, but impossibly only in this country in Europe due to the power of a Court over its judges.

Suddenly a group of judges took initiative to communicate to the press (*1) to publish their protest against the measurement of functionality by the amount of decisions each of them produce and not by the quality of the decisions they produce. The judges protest against the increase of workload and leaked to the press a manifest (*2) that they issued earlier.

The manifest is anonymous and leaked, not published. Orally is explained to the press that a significant amount of judges do not want to encounter problems by their support and signature. And by keeping the manifest anonymous the judges want to present the protest as a collective action. The judges state that good case-law is impossible.

The facts of violation

The following facts are selected by their international judgeable ability.

The national law violations are earlier submitted and addressed to the Dutch King in the appeal that is available in the webdossier "www.de-openbare-zaak.nl" in the international

section in English in the rubric "Exceptional Letters" behind item 00 "Higher appeal to the Dutch King". These are involved because in other countries is a judiciary comparable working.

(01) The judges do not apply to themselves their by law established right to maintain the Human Rights but instead they turn via the press to the public.

Corollary:

The judges pretend courage and collectivity with asking for help of the public via the press.

Refutation:

The judges can use the court-meeting and the specific Dutch Court Trial of dismissal from the case.

* Each Dutch judge has the by law established right to dismiss itself from handling a Court Trial in case their handling possibly damages the case-law (*3). This judge's decision is handled and judged by a specific tribunal of the same Court. The legislator of this law-article does not limit the grounds for dismissal and neither it limits the sorts of damage.

* Each Court has a by law prescribed Court-meeting of which each judge is –by law prescribed– an obligatory member. The chair of this Court-meeting is the Court's president and this meeting aims to keep up a good quality of case-law.

(02) The judges protest against the measurement of their functionality, by the measure of the amount cases they handle.

Corollary:

The judges pretend asking for help of the public via the press.

The judges pretend to remain independent also in how to handle a case.

Refutation:

The judges are helped by the public via the accusations and charges in the specific Dutch Court Trial named "Wraking" and the amount of "Wraking"-trials. The judges throw this help away. Another help is via the appeals and the amount of appeals. The Courts and judges together throw this help away.

The judges are not independent –also not ordered– by the Court but controlled by the functionality measurement that controls –salary– promotion.

(03) The judges protest against the increase of workload by the increase of cases to be handled in the same –period of– time.

Corollary:

The judges' communication is not otherwise explainable than in the way as if it is normal justice to produce –as many as possible– judge-decisions like a product.

Refutation:

The judges are silent about the only possible solution: restoration of the Human Right that a –**one**– decision in a category of cases is for everyone and executable by everyone at every place in the country.

By this lack do the judges confess and confirm that a business is created by the judiciary, Courts and judges out of the civilians' misery and the violating of their Human or Civil Rights

(04) The judges leak the manifest to the press, have fear to support the manifest with a signature and do not use the lawful ways to communicate with the Court governing board.

Corollary:

The judges pretend that they and their Court are fair and just.

Refutation:

The judges work under a fearing control of Courts and judiciary. The judges do not stand-up for the Human Rights and equally not for the civilians or their rights.

Equal to everyone employee is a judge empowered to sue it's Court. In it's official capacity is each Dutch judge empowered to order the prosecution to sue it's Court for it's crimes (*17).

The accountability of each or all of the judges

The judges are sufficient equipped with means which they do not use in their dispute with their Courts. The not-use is only the judges to blame.

The judges are repeatedly accused and charged with the webdossier (*4) which also contains the facts against some of which they now at last protest. In the Court Trials "Wraking" the judges did not once refute by serious legal contrary facts. That these crimes remain is undisputable the judges to blame. Now surely must each judge –by Dutch law enforced– accept and handle these accusations as true.

Regardless the 'overhead' accountability of the Dutch King by the King's oath does these judges have an own or individual accountability for each one's deeds. Plus each individual who did not persecute the Court for its crimes.

The legal empowerment of the public to judge

The public is by law empowered to examine and judge court-decisions or judge-decisions on the Human Rights (*5).

Both the European Courts brought their deeds, behaviour and actions or themselves out of judgement. So, the public is the only left empowered, independent judge over the Courts.

Legal frames and arised rights

Due to the deliberate lack of legal frames in judge-decisions –in particular the ones that state Human and Civil Rights or out of which these rights corollaries– it becomes necessary to pronounce publicly these legal frames and arised rights.

(05) The Warranty Agreement

Rights do solely arise out of a preceding law article. The Human Rights are proclaimed in and by the Universal Declaration (*6). This declaration is a pledge, so a normal contract. This UN-contract has at the supplying side each Member State of the United Nations and at the receiving side each of the civilians or inhabitants of each Member State.

The UN-contract is in the European Union further elaborated into the Convention for the Protection of Human Rights and Fundamental Freedoms(hereafter mentioned as: ECPHR). This EU-Convention is a Warranty Agreement (*7) on the supply of protection, so a normal contract. This EU-contract has at the supplying side each Member State of the European Union and at the receiving side each of the civilians or inhabitants of each Member State.

By ratification became the VN-contract and the EU-contract implemented in the national law. What more is agreed on is in the ECPHR and guaranteed the supply to everyone. Example: The Dutch Constitution –by article 94– establishes the priority and dominance of the ECPHR over each law-article.

Agreements Rights.

Each country has Agreements Rights in which is elaborated what precise mutual rights, out of a contract arise. Undisputable and crystal clear is, that in the legal frame of the contract on Human Rights first of all must be supplied, a Court with an impeccable staff and the guaranteed tribunal with an average or better quality of sworn judges. The European and national judiciary, Courts and judges work under the Warranty Agreement and Agreements Rights.

(06) Human Rights are possession

Due to the contractually stated possession of –worldwide– everyone civilian, are the Human Rights impossibly a charity. Because these rights are everyone's possession these are impossibly an economic object.

Due to the contractually stated possession of everyone European civilian, is the Protection of Human Rights impossibly a charity. Because this Protection is everyone's possession this is impossibly an economic object.

So, the economic status of a country is no reason or justification to steal –some of– the Human Rights. Besides a theft, is this also a breach of contract of their's Protection. The economic status of a country is impossibly a redress or compensation of damages.

Because the Human Rights and their Protection are no economic objects both are easy to supply everywhere, in any situation and in any legal relationship. Each notice of a stolen possession is an undiscussable and undisputable –instant compulsory– restitution, of which a delay causes a huge financial and immaterial damage.

(07) Only one (1) Court, in fact the Court of first instance

Confirmed by the European Court of Human Rights, contains the Human Rights only one (1) Court, namely the "Court of first instance" (*8). An appeal is only a notice of default and solely the right of a State to repair: nothing more.

Due to the Warranty Agreement or contracts has each individual civilian the right that an appeal is not needed. Each appeal is by default about a partly irremediable damage.

(08) The supremacy over the judiciary, a Court, a tribunal or a judge

Only the Governments signatory are the High Contracting Parties involved in the ECPHR, that secured to everyone the Rights and Freedoms defined in the Convention (*9). This excludes the presumed law-base of a "Judicial Power".

Nothing in the European Convention may be interpreted as implying for any State, group or person any right to any act aimed at the destruction of any of the rights and freedoms or aimed at their limitations to a greater extend then is provided in the Convention (*10).

The Human Rights are protected by the supremacy of the rule of law and not by a Court's tribunal (*11).

(09) The compelling obligation of a public hearing

Each judge's task is to judge the case that the individual civilian submitted for the determination of his Human and Civil Rights (*16). To be sure to understand the writing in the documents a judge must order the Court to let a public hearing take place. To verify the points of dispute by whom of the litigants the judge must order the Court to let a public hearing take place. Already these two necessities clear up the legislator's will by a compelling prescription that a public hearing takes place.

Even when an inadmissibility seems to be beyond doubt then still this is the prohibited opinion of the Court. Then the litigant must be notified with a request for points of dispute with the Court and to start a court fee free Court Trial against the Court on the justice of these points.

(10) The judge-decision for everyone executable

Each judge-decision is the determination of the Human and Civil Rights of everyone (*16). So, this decision must emphatic determine to be for everyone and thus by everyone executable at every place in the country.

Also this by law compelling property does require that the decision makes verifiable how the settled case is detected as a case in the category which the legislator intends and aims at.

(11) Each appeal must be reproducible

When the litigation is not reproducible as it took place –like any other scientific research or investigation– then the right of the public to examine or judge is impossible to execute and thus destructed. Equally is a just appeal impossible. The judge-decision is indisputable on forehand an offence with irremediable damage.

(12) The effective remedy against Courts and judges

Against criminal Courts and criminal judges who commit perjury must be supplied to everyone an effective remedy (*12). This remedy can impossibly be effective at a Court and tribunal that beforehand does not judge and condemn its colleague-judges. When this Court and tribunal is not made available then the public –or the involved civilian– is the only legal empowered judge.

(13) The equalizing power of Human Rights

The Human Rights are an equalizing power (*13) and nothing less and nothing more. In case the civilian and the public with Human Rights should take-over the oversize of power then the difference in power remains: Nothing improves by turn-over the roles. This wisdom gave birth to the Universal Declaration of Human Rights.

(14) The sole detectability of the presence of Human Rights

Human Rights exist unconditional (*14), so are always present for everyone and valid.

Everywhere where an oversize of power is used, undisputable the Human Rights not exist because Human Rights are present or not. In particular the equalizing power of these Rights is impossibly a little present and is impossibly the most powerful.

Note: The use of power is just doing the job right.

So, each misuse of power –like ignore or not use the critics– is a crime, but leave this misuse unpunished is a capital crime.

The call for violence

The absence of Human Rights is a call for violence in whatever way (*11).

(15) The ownership of an expression

The EU-contract contains the Protection of the Fundamental Freedom of speech or expression (*15). To express freely one's will is one's Fundamental Freedom and thus is this expression the speaker's or writer's and signatories' enduring possession. Stealing this expression and exchange it for some interpretation or some perception of a tribunal or judge, is a crime, but leave the theft or the exchanged expression unpunished is a capital crime.

(16) Only the Dutch legislator's intentions and aims rule

By the ownership of its expression does also the legislator remain the sole owner of each by this legislator made law-article. In the Netherlands is also a Court or judge lawful not empowered or not entitled to decide by its own opinion. A judge or tribunal or public are prohibited to ignore the legislator's intentions and aims (*10). By Constitution article 94 does the priority and supremacy of the Convention for Protection of Human Rights and Fundamental Freedoms rule over each law-article.

Conclusion

(17) verified and correct,

after reinvestigating the preceding refutations is,

that the Dutch judges pronounce publicly,

- * judges communicate with the press because a manifest does not help;
- * judges communicate with the press caused by fear for the Court's governing board;
- * judges are controlled by the functionality measurement that on its turn controls –salary– promotion;
- * judges –and their Courts– throw away the help that is given out of the public;
- * judges are silent about the –by law enforced– solution of one (1) judge-decision for everyone in the same category of cases;
- * judges confess by doing, that the Dutch judiciary and Courts have turned into business;
- * the leaked manifest is anonymous out of fear for the governing board;

(18) verified factresults,

that the Court controls its judges;

that the Court's control is secret for the public;

that the Court's control has the medieval basis of fear;

that the judges cowardly also do not supply the law to themselves;

(19) legal power of the manifest document

Nevertheless its lack of signatures has the manifest legal power by the oral confirmation(s) to the press. The manifest remains –despite of its crime against the Human Rights– a written expression with the lasting declaration of the writers deliberated will.

(20) Discriminating judge-decision

Although each judge exists by the obligation to defend or protest the Human Rights and Fundamental Freedoms, the action discriminates themselves from each of the civilians. The judges had to stand up only for the individual civilian and not selfishness for themselves

- (21) **Worst crime: lack of self-cleaning and an own righteous conscience**
Each judge is assumed to know and apply the law and Human Rights. Each judge must know about the crimes of its Court and judiciary. Now a judge pretends to be the last resort for protection against the injustice then must each judge be enough moral characterised to look in the mirror. The mirror is brought to and held up in front of the judge by each individual civilian with its case, appeal or Court Trial "Wraking". Not look in the mirror at the same time of the supposed good judging is the worst capital crime against the Human Rights and Warranty Agreement.
- (22) **sole respectable behaviour**
Paper rules do not change persons' mentality or thinking. Each person who developed itself above the "enough"-level of righteousness, exposes itself by the genuine receipt of each criticism like a grateful gift which helps to improve the quality of a highest level of protecting justice and peace. And act this way. Others are identifiable and verified by the remain of fighting plus doing all to keep it in silence or to cover it up in many ways and pretending a defence by accusing and fighting the messenger in return. The Human Right of a decision –by the Dutch King– in an equally reasonable period of time is deliberately violated.
- Each of the judges does not exposes itself by the genuine receipt of each criticism like a grateful gift which helps to improve the quality of a highest level of protecting justice and peace. The judges ignore the public's help with mirrors but ask selfish the public's help via the press.
- (23) **The fake role of victim**
The judges present themselves as victim but assumed as independent they created the business themselves and nobody else. Besides is always the individual civilian litigant the victim and never the fake judge (*18).
- (24) **The breach of contract**
Each judge works under the Agreements Rights and the Warranty Agreement. The secure of the Human Rights is a by law erected normal contract. So, the manifest is in the fantasy of positivity of this document a notice of default addressed to each of all Courts and the judiciary. Nothing is repaired.
- (25) **call for violence**
The injustice and discrimination that the judges confirm with their doings force the people to take own measures to protect their rights. The Human and Civil Rights are by law given possessions to everyone which are stolen by Courts, judges and judiciary instead of protected. The arise and grow of violence is primarily and mainly caused by the crimes of each Court and each of its judges. The Courts and judiciary keep only silence. This is another evidence of the same crime.
- (26) **Business model**
To force each individual civilian –by unjust or discriminating judge-decisions– into appealing or new Court Trials is impossibility to declare otherwise then to benefit a business model of the judiciary. These doings creates more cases which are paid for –by the State and by the litigants– and it creates work. So, the claim of the judges is their own fault. To turn a last resort of justice or peace into a business model is a capital crime.

(27) Perjury and capital crime

Nothing is repaired. By turning away –regardless by which doing– from each crime by the judiciary commits each of the Courts perjury and a capital crime against the Human and Civil Rights: the Human Rights for everyone are not secure and were not secured. There is impossibly an excuse to turn this into justice, also because the public can not turn away and is empowered to judge.

More evidence for the corollaries of perjury and crimes by Courts or by judges in the Netherlands –as an example but not the only one– are or are delivered in or by the webdossier at “www.de-openbare-zaak.nl” which has a Dutch and an international section in English. Besides this section is also evidence in the section “Court Trials to the public”.

Determination

Deeds are done

The concluded crimes –in paragraph 17-27– are committed, these are done by the judges and successively the Courts and these cause irremediable damages. The lack of legal frames grew in the case-law up to the criminal practice to ignore the law or to ignore judge-decisions which publishes application(s) of Human Rights. The ignoring of the law makes the ignoring the legislator’s intentions and aims easier and the use of the criminal afterward judge’s opinion effective.

Business or a business model

In the Netherlands the judiciary, Courts and its judges have a business model to acquire –more– work or an increase of income. Unjust or discriminating judge-decisions invoke a need of Court Trials or appeals (*1). The consciousness and deliberate discrimination is a crime beyond the worst capital crime. To do this to contribute the judicial business is an exponent of the consciousness and deliberate discrimination crime.

Keeping the secret of the judicial business requires maintaining the –by EU-Convention for the Protection of Human Rights and Fundamental Freedoms prescribed– reasonable (period of) time, must more cases in the same time be handled and decided. This still does not arise the execution of the Human and Civil Right of one (1) judge-decision for everyone in the equal cases in the category that the law-article’s legislator intends and aims. This consciousness and deliberate maintaining crimes against the Human Rights is another crime beyond the worst capital crime. With the same exponent.

Damages

Although the judges confess that in the Netherlands is no fair and honest Court Trial each individual civilian has the Human and Civil Right to a fair and public hearing and Court Trial. So, by forehand is each Court Trial not legal and only for the business. So, the people are forced to take own measurements escalating to violence and beyond. This causes huge damages.

The omission of protection of its Human and Civil Rights causes damage to each individual Dutch civilian. The impact of experiencing in full awareness the injustice or discrimination causes a huge damage. The impact of experiencing in appeal that the issues deliberately are not judged by a tribunal or judge causes a huge damage plus a huge delay-damage. By silencing the submitted appeal –notice of resistance– with the purpose to deliberately exceed a reasonable period of time causes a huge delay-damage. The destroyed trust causes a huge damage. Being forced to take own measures and also to be compelled to

have at last, to rebel against judicial tyranny and judicial oppression causes huge damage. The main case in each of the illegal or unlawful national case-law and European case-law causes significant damage.

Executability

It would be insane of each of the judges and the Dutch King not to obey and execute the law out of an own righteous conscience, but delay again –in fact refuse– until a (yet unknown) public's executive power executes this public's judge-decision with force on the judges. The Dutch King is sufficient informed and also about the damages and all details for payment (*19).

This payment impossibly dismisses each of the judges from impeccably executing the contract.

The defence of the freedoms and rights of all citizens is the sworn task of the Dutch King

Before stepping into the office of Kingship the Dutch King swore the oath (among others): *“that I the freedom and the rights of all citizens and all inhabitants shall defend, (...)”*.

To allow the judge(s), Courts or judiciary to commit their crimes against each individual citizen is perjury by the Dutch King; nothing less and nothing more. Doing significantly less to stop this and return the judicial system back under rule and dominancy of the Human Rights is perjury by the Dutch King and probably more crimes. Each public servant and officer swore an oath to be faithful to the Dutch King, also therefore is the Dutch King accountable.

References:

- *1. The webdossier at the URL “www.de-openbare-zaak.nl”, in the international section in English, in the rubric “Extern listening” under item 06 “Judges find that good judgement is impossible”.
- *2. The manifest is attachment of the newspaper article referenced in *1.
- *3. One of the 3 laws: “Wetboek van Burgerlijke Rechtsvordering”, article 40.
- *4. The webdossier that is or is in the URL “www.de-openbare-zaak.nl”, and its international section in English and its section “Court Trials to the public”.
- *5. Case Campbell and Fell versus the UK, 28-06-1984, paragraph 91.
- *6. Universal Declaration of Human Rights, preamble last consideration
- *7. Convention for Protection of Human Rights and the Fundamental Freedoms, preamble and article 1
- *8. Case De Cubber versus Belgium, 26-10-1984, paragraph 32.
- *9. Convention for Protection of Human Rights and the Fundamental Freedoms, preamble and article 1
- *10. European Convention for Protection of Human Rights and the Fundamental Freedoms, article 17.
- *11. Universal Declaration of Human Rights, preamble third consideration
- *12. European Convention for Protection of Human Rights and the Fundamental Freedoms, article 13.
- *13. Universal Declaration of Human Rights, preamble first consideration
- *14. Universal Declaration of Human Rights, whole preamble
- *15. Convention for Protection of Human Rights and the Fundamental Freedoms, article 10
- *16. European Convention for Protection of Human Rights and the Fundamental Freedoms, article 6.
- *17. The Dutch law “Wetboek van Strafvordering”, article 162.
- *18. Case Dutch Court Hoge Raad versus the public, paragraph 04.
- *19. The webdossier at the URL “www.de-openbare-zaak.nl”, in the international section in English, in the rubric “Exceptional letters” under item 00 “Higher appeal to the Dutch King”.