

# The public Court Trial of Dutch Government

**Case: confesses the necessity of the legislator's intentions**



## Introduction

Cause by the corona pandemic is the Dutch government forced to take measures with very short term effectivity. To keep and maintain a social physical distance is one of these measures. Necessary group work became under surveillance including the homing in case of immigrant's labour. Suddenly a corona outbreak appeared, in a location of a meat processing company.

The police closed this location temporarily after survey of the busses in which the personnel is transported from home to the location. The busses were crowded and the social distance was not at all kept. The company got warned that the closure only stopped after the measure of social distance was executed.

The average opinion of the people was a negative surprise. Why must the common people keep a distance and companies' personnel not? The company governing board gave as reason for its behaviour its believe that the migrant workers' communal housing could be equalized to a family household in which case the social distance is not obligatory.

The next day the social distance was precise executed and the police stopped the closure.

The newspaper article is attached.

## 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 meat processing company's governing board executed a law-like measure according to its own opinion, interpretation or perception.

Corollary:

This way of live up to a law-like measure or a law-article results in thousands and thousands different circumstances and situations. These divergences guarantee that the goal of this measure or law-article is never achieved.

Refutation:

Freedom of speech contains the eternal ownership of what is expressed. The law-like measure or the law-article must be executed according to the intentions and aims of the measure-designer or the law-article's legislator. Only this provokes the unity of rights and freedom.

## The accountability of the government

The government is accountable for the health of the individual civilian. This aims at the healthcare, at the protection against diseases like corona and also at the food production or in this case the meat processing.

So, the government is accountable for the meat processing company and at the same time for the protection against the corona illness of the employees and the common citizens.

## The legal empowerment of the public to judge

The public is by law empowered to examine and judge judge-decisions inside the legal frame of the Human Rights (\*1). This empowerment is not misused by examining and judging the government's executive actions or decisions on the Human Rights.

## Legal frames and arised rights

Due to the deliberate lack of legal frames –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.

(01) The Warranty Agreement

Rights do solely arise out of a preceding law article. The Human Rights are proclaimed in and by the UN Universal Declaration (\*2). 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. This EU-Convention is a

Warranty Agreement (\*3) 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 UN-contract and the EU-contract implemented in the national law. What more is agreed on is in the EU-Convention and guaranteed the supply to everyone. Example: The Dutch Constitution –by article 94– establishes the priority and dominance of the EU-Convention 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.

## (02) 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.

## (03) Guarantee of an effective remedy against Courts and judges

Against criminal Courts and judges who commit perjury must be available for everyone an impartial and independent tribunal with sworn judges (\*4). When not available is the public –or the involved civilian– the only legally empowered judge.

## (04) The equalizing power of Human Rights

The Human Rights are an equalizing power (\*5) 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.

## (05) The sole detectability of the presence of Human Rights

Human Rights exist unconditional (\*6), 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 (\*7).

### (06) The ownership of an expression

The EU-contract contains the Protection of the Fundamental Freedom of speech or expression (\*8). 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 ownership and 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. Therefore does also each law-article remain the sole ownership of the legislator who made it.

## Conclusion

### (07) Practice-based evidence by the government

Particular in this event is the fact that the legislator –one of the two participants is the government– and the State's executive power are one and the same. Now that the corona pandemic is very serious is the government hurt as legislator and became conscious.

By this event proves the Dutch Government to be fully aware that a law-like measure –similar to a law-article– is not efficient executed by the executor's interpretation or perception. The measure –or law-article– must be executed according to the legislator's intention and aim, to achieve its meant circumstance and situation.

### (08) Classic example of equal powers

Not anyone can limit the Human Rights. A company or an employee is not a civilian and therefore each has no Human Rights. Each employee has employee-rights which are derivated from the Human Rights but are not the same or not comparable.

The to a company or employee given freedom is not offended by Human Rights because the Human Rights are equalizing and thus can never destroy other one's rights. Because the Human Rights are equalizing these rights can never decline or decrease otherwise then by a violation of or a crime against the Human Rights.

So, the employer's power to order employees what and how to do, can not offend the Human Rights of citizens to be protected against –in this event– an outbreak of corona infection. The equality of powers is proven by practice-based evidence with the stop of the closure after the measure is obeyed and precise executed.

## Notice of default

The dependency on the national executive power is a crime against Human Rights (\*9). Also the discrimination of deploy between the control of the corona-pandemic and the control of peace-keeping is a crime against Human Rights.

Usually each right contains such a power that it is obeyed in its correct use. The meat processing company did not apply the Human Rights out of its own righteous conviction. This is a disgrace to a strong and humanitarian community. Then deploy of a national executive power has to enforce the compensating of the shortage in Human Rights. While

the EU-Convention for the Protection provides a guarantee for equal powers in each circumstance and situation.

## Determination

### **Deeds are committed**

The concluded crimes –in paragraph 7-8– are committed, these are done by the Dutch government and these cause irremediable damages. The lack of guaranteed tribunal grew up to the criminal practice to ignore the law or to ignore judge-decisions which publishes application(s) of Human Rights.

### **Damages**

Although the government confesses by its behaviour that measures and law-articles must be executed according to the legislator's intentions and aims, each individual civilian has the Human and Civil Right to this exclusive fundamental ground for applying its rights also by the Dutch judiciary, Courts and judges. The lack of this fundamental ground in applying 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 notice of default and other accusations or charges 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 also against judicial tyranny and judicial oppression causes huge damage.

### **Executability**

It would be judicially insane of the government 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 government and King. The Dutch King is sufficient informed and also about the damages and all details for payment (\*10).

This payment impossibly dismisses the government 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. Case Campbell and Fell versus the UK, 28-06-1984, paragraph 91.
- \*2. Universal Declaration of Human Rights, preamble last consideration
- \*3. Convention for Protection of Human Rights and the Fundamental Freedoms, preamble and article 1
- \*4. European Convention for Protection of Human Rights and the Fundamental Freedoms, article 13.
- \*5. Universal Declaration of Human Rights, preamble first consideration
- \*6. Universal Declaration of Human Rights, whole preamble
- \*7. Universal Declaration of Human Rights, preamble third consideration
- \*8. European Convention for Protection of Human Rights and the Fundamental Freedoms, article 10
- \*9. Universal Declaration of Human Rights, preamble fifth consideration and article 3 and more.
- \*10. The webdossier at the URL "[www.de-openbare-zaak.nl](http://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".

This document suffers expansion.



Donderdag 28 mei 2020 · Het laatste nieuws het eerst op NU.nl



## Vion krijgt laatste waarschuwing na volle busjes, slachterij blijft niet dicht

27 mei 2020 19:52

Laatste update: 11 uur geleden

104



**Vleesverwerker Vion hoeft de slachterij in Apeldoorn waarschijnlijk niet te sluiten, blijkt woensdag uit een persconferentie van Ton Heerts, voorzitter van Veiligheidsregio Noord- en Oost Gelderland.**

Woensdag sloot de politie de locatie in Apeldoorn tijdelijk, na een controle van busjes met arbeidsmigranten onderweg naar hun werk. Zeventien busjes onderweg naar de Vion-slachterij in Apeldoorn bleken overvol te zitten. Eerder leek het te gaan om achttien busjes.

De locatie in Apeldoorn blijft woensdag nog gesloten, totdat alle medewerkers op een manier naar huis kunnen waarbij de coronamaatregelen nageleefd kunnen worden, aldus Heerts tijdens de persconferentie.

Zeven andere gecontroleerde busjes voldeden wel aan de voorwaarden, maar die gingen naar andere bedrijven.

**Donderdag extra controles op busjes**

Heerts liet weten dat de politie in de veiligheidsregio's Noord- en Oost-Gelderland en Midden-Gelderland donderdagochtend extra zal controleren bij busjes met arbeidsmigranten.

Naast de actie in Apeldoorn heeft de politie ook het terrein van Vion Retail in Groenlo afgezet. Politie en de GGD zijn bezig alle tweehonderd aanwezige medewerkers te controleren.

De slachterij in Apeldoorn mag donderdag weer open, mits Vion woensdag schriftelijk garandeert dat de coronamaatregelen op alle locaties nageleefd zullen worden, aldus Heerts.

Hij sprak daarbij ferm over Vion: "Ik mag aannemen dat de Vion-directie heel goed weet hoe laat het is." En voegde toe dat vertrouwen "te voet komt en te paard vertrekt".

Vion laat enkele uren na de persconferentie weten gehoor te geven aan de oproep van Heerts.

Het bedrijf gaat de betrokken uitzendbureaus "scherp" instrueren en tientallen touringcars inzetten voor de arbeidsmigranten. Ook wordt het gebruik van mondkapjes bij gezamenlijk woon-werkverkeer verplicht.

Vion zegt dat het bedrijf dacht dat de arbeidsmigranten gezien konden worden als één huishouden, omdat ze gezamenlijk wonen in een huisvesting van het uitzendbureau. Heerts wees erop dat dit niet geldt voor arbeidsmigranten die op deze manier gemeenschappelijk wonen.

### **Mogelijk medewerkers uit Groenlo in Apeldoorn**

Het is de derde keer in korte tijd dat het misgaat bij de vleesverwerker. Een Vion-slachterij in Groenlo zit op slot nadat 157 van de ruim 600 medewerkers daar inmiddels positief zijn getest op het virus.

Eerder was ook al een brandhaard aangetroffen bij een Vion-uitsnijderij in Scherpenzeel: tientallen medewerkers bleken besmet. Alle 657 medewerkers van de locatie in Groenlo bevinden zich momenteel in thuisquarantaine.

Momenteel onderzoekt de veiligheidsregio of er medewerkers uit Groenlo werkzaam waren op de locatie in Apeldoorn. Dat is nog niet uitgesloten: tot nu toe zou twee derde van hen gecontroleerd zijn.

## **Duitse flatbewoners besmet door uitzendkrachten**

De veiligheidsregio's werken naarstig samen met de GGD's, Vion en Duitse autoriteiten om de recente uitbraak in Groenlo in te dammen.

In Duitsland zijn zeker vijftien bewoners van een flatgebouw besmet geraakt door medewerkers van Vion in Groenlo, bevestigde Heerts woensdag. Duitse autoriteiten hadden alle ruim honderd bewoners getest.

Recentelijk had de veiligheidsregio nog het vertrouwen uitgesproken in de samenwerking met Vion bij het indammen van de uitbraak. Volgens Heerts is dat vertrouwen vanwege de aangetroffen busjes "nu niet langer aan de orde".

## **Arbeidsmigranten gedwongen in volle busjes**

Meerdere arbeidsmigranten verklaarden dat hun baas ze dwong mee te gaan in de volle busjes, zegt Heerts, die zich baseert op het proces-verbaal van de politie.

Het gros van de mensen die werkzaam zijn bij vleesbedrijven in Nederland betreft uitzendkrachten uit onder meer Polen, Roemenië en Bulgarije. Een deel van hen woont in Duitsland. Zij worden door de uitzendbureaus vaak krap gehuisvest en in volle busjes vervoerd naar hun werk.

Het is nog niet duidelijk met welke uitzendbureaus Vion samenwerkt. Vion heeft toegezegd het vervoer anders te gaan regelen.

Minister Wouter Koolmees van Sociale Zaken heeft oud-SP-leider Emile Roemer begin mei aangesteld om met een advies te komen over het tegengaan van besmettingen onder arbeidsmigranten. Heerts zegt dat Roemer zo snel mogelijk met een tussenrapportage moet komen.

# Vion receives final warning after crowded vans, slaughterhouse does not remain closed

27 May 2020 19:52 Last update: 11 hours ago

Meat processor Vion probably does not have to close the slaughterhouse in Apeldoorn, according to a press conference by Ton Heerts, chairman of the Safety Region North and East Gelderland, on Wednesday.

On Wednesday, the police temporarily closed the location in Apeldoorn, after checking vans with migrant workers on their way to work. Seventeen vans on the way to the Vion slaughterhouse in Apeldoorn were overcrowded. Earlier it seemed to be eighteen vans.

The location in Apeldoorn will remain closed on Wednesday, until all employees can go home in a way that allows compliance with the corona measures, Heerts said during the press conference.

Seven other checked vans met the conditions, but they went to other companies.

## ***Extra checks on vans on Thursday***

Heerts announced that the police in the security regions of North and East Gelderland and Central Gelderland will do extra checks on vans with migrant workers on Thursday morning.

In addition to the action in Apeldoorn, the police also cordoned off the Vion Retail site in Groenlo. Police and the GGD are checking all two hundred employees that are present.

The slaughterhouse in Apeldoorn will be open again on Thursday, provided Vion guarantees in writing on Wednesday that the corona measures will be observed at all locations, according to Heerts.

He spoke firmly about Vion: "I can assume that the Vion management knows very well what time it is." And added that trust "comes on foot and leaves on horseback".

## ***Vion obliges to use mouth masks***

Vion announced a few hours after the press conference that it had answered Heerts' call. The company will instruct the employment agencies involved "sharply" and deploy dozens of coaches for the migrant workers. The use of mouth masks is also mandatory for joint commuting.

Vion says that the company thought that the migrant workers could be seen as one household, because they live in a communal housing of the employment agency. Heerts pointed out that this does not apply to migrant workers who live together in this way.

## ***Possible employees from Groenlo in Apeldoorn***

It is the third time in a short time that things have gone wrong with the meat processor. A Vion slaughterhouse in Groenlo is closed after 157 of the more than 600 employees have now been tested positive for the virus.

A hotspot had previously been discovered at a Vion cutting plant in Scherpenzeel: dozens of employees were found to be infected. All 657 employees of the Groenlo site are currently in home quarantine.

The safety region is currently investigating whether employees from Groenlo were working at the location in Apeldoorn. That is not excluded: two thirds of them have so far been audited.

### ***German apartment dwellers infected by temporary workers***

The security regions are working diligently with the GGDs, Vion and German authorities to stem the recent outbreak in Groenlo.

In Germany, at least fifteen residents of an apartment building have been infected by employees of Vion in Groenlo, Heerts confirmed on Wednesday. German authorities had all tested over a hundred residents.

Recently, the security region had expressed their confidence in working with Vion to contain the outbreak. According to Heerts, that confidence is "no longer relevant" because of the buses found.

### ***Labor migrants forced into crowded vans***

Several migrant workers stated that their boss forced them to go in the crowded vans, says Heerts, based on the police report.

The majority of people who work at meat companies in the Netherlands are temporary workers from, among others, Poland, Romania and Bulgaria. Some of them live in Germany. They are often cramped by temporary employment agencies and transported to work in crowded vans.

It is not yet clear with which employment agencies Vion works. Vion has promised to arrange the transport differently.

Minister Wouter Koolmees of Social Affairs appointed former SP-leader Emile Roemer at the beginning of May to come up with advice on combating infections among migrant workers. Heerts says that Roemer should come up with an interim report as soon as possible.