

The public Court Trial of European Court of Justice



Introduction

The Court of Justice of the European Union issued on out of its own free initiative a press release –No 58/20– following the judgement of the German Constitutional Court of 5 May 2020. This release expresses a few statements on the judgement and the statement of the instant closure of the communicating further on the matter and the statement that the release is not binding “the institute” unmistakably referring with this to the European Court of Justice (Hereafter mentioned as: ECoJ).

The facts of violation

(01) The press release is (1) from a Court in judge function, (2) written after a serious deliberation, (3) for the public issued and aimed to spread around.

Corollary:

The ECoJ is accountable for its departments or Directories doing and saying. Thus is only the ECoJ accountable for the content of the press release.

(02) **(Quote):** “In order to ensure that EU law is applied uniformly, the Court of Justice alone – which was created for that purpose by the Member States – has jurisdiction to rule that an act of an EU institution, is contrary to EU law.”

Corollary:

The ECoJ testifies –in its own words– that (1) the law-system discriminates the EU-law from other laws or binding conventions, (2) the ECoJ discriminates itself from all other Courts in Europe and (3) the ECoJ discriminates EU institutions from all other institutions in Europe, with an own Court. These statements in order to apply EU-law uniformly.

Refutation:

The EU-law is applied uniformly only because there is only 1 EU-law made by only 1 EU-legislator with only this EU-legislator's intentions and aims with the EU-law or its articles. The ECoJ is not empowered to interpret otherwise. Equally is the ECoJ not empowered to interpret otherwise the legislator's intentions and aims. Equal to the ECoJ is no other Court empowered to interpret otherwise the legislator's intentions and aims. The ECoJ or any other Court in Europe or group or person is prohibited to destruct any of the Rights and Freedoms or interpret their limitations to a greater extend then those as prescribed in the European Convention for Protection of Human Rights and the Fundamental Freedoms (*1). Thus these discriminations are violations and crimes for any Court of Justice.

(03) **(Quote):** *“In general, it is recalled that the Court of Justice has consistently held that a judgment in which the Court gives a preliminary ruling is binding on the national court for the purposes of the decision to be given in the main proceedings.”*

Corollary:

The ECoJ testifies –in its own words– that (1) all other Courts in Europe are not independent, (2) the ECoJ gives binding rules thus not the law with the legislator's intentions and aims is binding, (3) the ECoJ rules discriminates one national Court from all other Courts in Europe, (4) the ECoJ rules discriminates the purposes of the decision to be given in the main proceedings from all other equal cases in Europe in the past or pending or in the future.

Refutation:

The law-system as intended by the EU-legislator contains only independent tribunals or judges. The ECoJ is not empowered to make the judiciary in Europe into a multi-national organisation with a hierarchy and itself the ruling Court over all other Courts in Europe. In this out-law opinion the ECoJ ignores the European Convention for Protection of Human Rights and the Fundamental Freedoms.

In this out-law opinion the ECoJ declines the European Court of Human Rights. The European Court of Human Rights as the EU-legislator intended and aimed, is the only Court that is empowered to destroy any judge-decision including each decision of the ECoJ.

(04) **(Quote):** *“Divergences between courts of the Member States as to the validity of such acts would indeed be liable to place in jeopardy the unity of the EU legal order and to detract from legal certainty.”*

Corollary:

The ECoJ testifies –in its own words– that (1) Courts in Europe make divergences between each other, (2) having divergences destroys the unity of the EU legal order, (3) divergences detract from legal certainty.

Refutation:

The Courts in Europe make divergences by each applying its own opinion instead of the legislator's law with the legislator's intentions and aims. No Court is empowered to applying its own opinion. Each Court of Justice is prohibited to participate as third party or be partial with one of the two litigants.

(05) **(Quote):** “Like other authorities of the Member States, national courts are required to ensure that EU law takes full effect.”

Corollary:

The ECoJ testifies –in its own words– that (1) in Europe all authorities include the national Courts, (2) all authorities are equal and not separated powers, (3) all authorities are required to secure that EU law takes full effect.

Refutation:

No refutation but support, although this statement does not match the previous testimonies or it does subscribe the refutations.

The accountability of European Court of Justice

The Treaty of Lissabon is a contract in which the Member States offers its citizens an area of freedom, security and justice with combating crime (*1). The European Commission shall oversee the application under the control of the European Court of Justice (*2).

The Convention for the Protection of Human Rights and Fundamental Freedoms (hereafter mentioned as: EU-Convention) is the Warranty Agreement that founded the ECHR. Each judge (1) is of high moral character and (2) posses the required qualifications for appointment to high judicial office and (3) sits on the Court in its individual capacity (*3).

- * Although the European Commission oversees the ECoJ, does this Court have an own accountability for its share in violations or crimes.
- * Although the European Commission oversees the ECoJ, this Court works under the Warranty Agreement and Agreements Rights of the Universal Declaration of Human Rights or the Convention for the Protection of Human Rights and Fundamental Freedoms.
- * Although each of the ECoJ’s judges does not meet the individual high requirements of a judge at the European Court of Human Rights, each does have an own accountability for its actions or deeds.

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 (*4).

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 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.

(06) The Warranty Agreement

Rights do solely arise out of a preceding law article. The Human Rights are proclaimed in and by the Universal Declaration (*5). 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 (*6) 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 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.

(07) 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 –European's– everyone 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.

(08) 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" (*15). An appeal is only a notice of default and solely the right of a State to repair: nothing more.

Confirmed by the European Court of Human Rights (*15), is it prohibited to create levels of justice with levels of Courts like a Court of first instance and a 'higher' Court like Court of appeal or Supreme Court.

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 an –at the least partly– irremediable damage.

- (09) **The supremacy over the judiciary, a Court, a tribunal or a judge**
Only the Governments signatory are the High Contracting Parties involved in the EU-Convention, that secured to everyone the Rights and Freedoms defined in the Convention (*6). 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 extent than is provided in the Convention (*7).

Although the EU is not a State it is for sure a group or a gathering of persons.

The Human Rights are protected by the supremacy of the rule of law and not by a Court's tribunal (*8).

- (10) **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 clears 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.

- (11) **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.

- (12) **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.

- (13) **The effective remedy against Courts and judges**
Against criminal Courts and criminal judges who commit perjury must be supplied to everyone an effective remedy (*9). This remedy can impossibly be effective at a Court and tribunal that beforehand does not judge and condemn its colleague-judge. When this Court and tribunal is not made available then the public –or the involved civilian– is the only legal empowered judge.

- (14) **The equalizing power of Human Rights**
The Human Rights are an equalizing power (*10) 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.

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

Human Rights exist unconditional (*11), 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 (*8).

(16) The ownership of an expression

The EU-contract contains the Protection of the Fundamental Freedom of speech or expression (*12). 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.

(17) Only the EU-legislator 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. This is established by UN-Declaration article 30 and EU-Convention article 17.

In Europe 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 (*7).

Conclusion

(18) verified and correct,

that the ECoJ closed the communication;

that the ECoJ let not have itself be judged by a Court of first instance or authority;

that the public remains empowered to judge each judge-decision (*4);

(19) legal power of the documents

Nevertheless its lack of legal power by its crime, remains each written expression the lasting declaration of the writer's or signatories' deliberated will. A –once in a while– confessed Human or Civil Right surely does not contradict the crimes by a judge in a judge-decision. The fact that these rights are not with consistency determined –in or as a legal frame– but accidentally establishes the deliberately deletion and the crime.

(20) the legal consistency, the unity of legal order and the legal certainty

Some layers of Courts with on top a single or European Court does not erect:

* the unity of legal order.

Exclusively the one legislator guarantees this.

* the consistency of legal order.

Exclusively one decision for everyone civilian and executable at every place in the country guarantees this.

* the legal certainty.

Exclusively the reproducibility of the litigation, the detect-ability of the case and the executive power of the public's judgement –also on the application of the law and derivated rights– guarantees legal certainty.

The ECoJ establishes levels in Human Rights or in judging Human Rights with in the top-level one supreme Court. This is by law prohibited (*15): the Human and Civil Rights are undividable, out of levels, everywhere and equal.

The ECoJ is role model and drags other Courts into similar crimes. This is a unity of crime. Each decision of the ECoJ is the practical model for each judge –in ordinary courts the ones leading the disciplinary courts– on how to put into practice the ruling of its own opinion. Each judge is practical example for the society on how to put cheating into practice and get away with it.

A dictatorial decree

The ECoJ exhibits how to make a complete useless decision that does not change a thing in the dispute and in the judicial or practical situation before and after the decision. This decision is similar with an authorial dictatorial decree.

(21) Discriminating judge-decision

Each judge-decision must determine completely the involved Human and Civil Rights. Also and emphatic must each judge-decision declare to be valid for everyone and also to be executable at every place in the country. Each judge decision must be detectable as a case of the cases in the category at which the legislator intends and aims and also must this category be detectable. These omissions make this decision discriminating and is a crime which causes damage and a huge delay-damage.

(22) Worst crime: lack of self-cleaning and an own righteous conscience

Each Court must supply a judge with a high moral character (*2).
Each Court and judge is assumed to know and apply the law and Human Rights.
Each Court must supply a sworn judge with an impeccable craftsmanship.
When a Court's tribunal or judge pretends to be the last resort for protection against the injustice then must each Court's judge be enough moral characterised to look in the mirror. The mirror is brought to and held up in front of the ECoJ by each individual civilian with its case. Each condemnation is equally valid for the doing of this Supreme Court. Not look in the mirror at the same time of the good judging is the worst capital crime against the Human Rights and Warranty Agreement.

To develop the protecting task into a dictatorial power –by doing the job not or too late– is the most terrible crime against humanity by this ECoJ and its developments.

(23) 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 ECoJ 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 ECoJ remains fighting and keeps an illegal oversize of power.

(24) Target on the messenger instead of the message

When public servants or public officers are criticized or accused their common behaviour becomes a fall in silence or a fall in doing nothing no more. Also create an inadmissible beyond doubt decision without a public hearing, is a way to do this. This reaction indisputably targets only the messenger and exhibits no attention at all for the message. This change and behaviour delivers evidence of hostility against Human Rights and in particular their equalizing power and the messenger. This change and behaviour is –when done by a Court and its tribunal or judge(s)– a capital crime and causes huge damage.

(25) The breach of contract

Each Court, judge or judiciary works under the Agreements Rights and the Warranty Agreement. The secure of the Human Rights is a by law erected normal contract. Due to the Warranty–Agreements Rights is each appeal a notice of default and only the right of a Member State to repair defects or omissions. The obligation of a litigant to appeal avoids an instant claim for compensating irremediable damage. The litigants in an appeal are the State joined by the appellant versus the tribunal that decided and its Court.

Being communicative not available –verified by the period of silence– for an individual citizen does the ECoJ and in particular its judge target the messenger and show to the public no interest in the message and the seriousness of its content. This does ignore the public's Human Right to correct and complete information and is another evidence of the same crime. This is another breach of contract and a crime.

The disguised refuse of admission to the Court of first instance establishes instantly the ECoJ's –and in the end the EC's– lawful obligation to pay for compensating the irremediable damages and the delay-damage. The payment not dismisses the ECoJ to still fulfil their share of the contract.

(26) call for violence

The injustice and discrimination by the judge-decisions makes the people angry and force each of them 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 (*8).

(27) unattended, authoritarian and dictatorial judiciary

The –out of a free will done– totally one-side reasoning states with proven by evidence that this ECoJ leads the developing into an authoritarian dictatorial judiciary. This is confirmed by the total control by Court and its judge of what itself likes to write. Each Court performs equal to this European Court, inside its declared multi-national organisation.

(28) intolerable unfairness

Besides the crime of theft of the legislator's ownerships, is the replace by a judge's opinion a perjury due to intolerable unfairness. Each doing together is under rules that are known beforehand, while a judge-opinion is always afterwards.

(29) Business model

To force each individual civilian 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. To turn a last resort of justice or peace into a business model is a capital crime.

(30) Perjury and capital crime

By turning away –regardless by which doing– from each crime by the judiciary, does the ECoJ and each member individual commit 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.

The role model to national Courts

The 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”.

(31) More perjury and capital crime

- * When the paper decision is not verifiable on the verifiability of the completeness of the information and facts in the decision, then this complete public Human Right by the publicly pronounced decision is destroyed. This is a capital crime.
- * When the Court Trial or litigation is not reproducible as it took place –like any other scientific research or investigation– then the Human Right of the public to examine or control is impossible to execute and thus destructed. Equally is a just appeal impossible and indisputable is the judge-decision on forehand an offence with irremediable damage.
- * In this case the Human Right of access to the “Court of first instance” (*15) under article 6 and 13 of the Convention for Protection of the Human Rights and Fundamental Freedoms, is destructed.
- * The testimonies and its corollaries expose the multi-national organisation nowadays of the European judiciary and unveil its hierarchy. The ECoJ appoints unauthorised itself to be the ruling body over all other Courts and let itself not be judged by a Court. The ECoJ forces illegal the obedience from all European authorities.
- * The ECoJ or any other Court in Europe is not lawful empowered or entitled to bring itself out of the law or out of judgement by a Court of first instance and its independent and impartial and sworn tribunal.
- * Not any judge or tribunal is allowed to ignore the legislator’s intentions and aims (*7). The inadmissible decision is an unlawful own opinion of the Court or judge. A judge’s perception or a judge’s interpretation of the law or a law-article is a theft and a crime.
- * The testimonies and its corollaries expose the judiciary –European and national– as fighting out of their free will against the Protection of Human Rights. While the post WW2 tribunals –world-wide and European and national– are founded out of the Universal Declaration of Human Rights or out of the EU-Convention.

Determination

Deeds are done

The concluded crimes are done, these are done by the ECoJ and these cause irremediable damages.

Damages

Although the document is a press release, it remains the lasting decisions and opinions of a Court and meant to have been pronounced publicly. 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 control is impossible to execute and thus destructed. Equally is a just appeal impossible and indisputable is the judge-decision on forehand an offence with irremediable damage

The omission of protection of its Human and Civil Rights causes damage to each individual European 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 are deliberately not judged by a tribunal or judge causes a huge damage plus 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 the ECoJ 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 ECoJ. The EC or the Dutch King is sufficient informed about the damages and all details for payment. All necessary information or data can be acquired there.

In last resort is the EU's EC responsible and accountable because the Council of Europe is not and has not an Executive Power.

This payment impossibly dismisses the ECoJ from impeccably executing the contract.

References:

- *1. Treaty of Lissabon, amend 4, article 2.
- *2. Treaty of Lissabon, amend 18, article 9D.
- *3. European Convention for Protection of Human Rights and the Fundamental Freedoms, article 21.
- *4. Case Campbell and Fell versus the UK, 28-06-1984, paragraph 91.
- *5. Universal Declaration of Human Rights, preamble last consideration
- *6. Convention for Protection of Human Rights and the Fundamental Freedoms, preamble and article 1
- *7. European Convention for Protection of Human Rights and the Fundamental Freedoms, article 17.
- *8. Universal Declaration of Human Rights, preamble third consideration
- *9. European Convention for Protection of Human Rights and the Fundamental Freedoms, article 13.
- *10. Universal Declaration of Human Rights, preamble first consideration
- *11. Universal Declaration of Human Rights, whole preamble
- *12. European Convention for Protection of Human Rights and the Fundamental Freedoms, article 10
- *13. European Convention for Protection of Human Rights and the Fundamental Freedoms, article 53.
- *14. European Convention for Protection of Human Rights and the Fundamental Freedoms, article 19
- *15. Case De Cubber versus Belgium, 26-10-1984, paragraph 32.
- *16. European Convention for Protection of Human Rights and the Fundamental Freedoms, article 6.



Press release following the judgment of the German Constitutional Court of 5 May 2020

The Directorate for Communication of the Court of Justice received many enquiries concerning the judgment delivered by the German Constitutional Court on 5 May 2020 regarding the European Central Bank's PSPP programme.

The departments of the institution never comment on a judgment of a national court.

In general, it is recalled that the Court of Justice has consistently held that a judgment in which the Court gives a preliminary ruling is binding on the national court for the purposes of the decision to be given in the main proceedings.¹ In order to ensure that EU law is applied uniformly, the Court of Justice alone – which was created for that purpose by the Member States – has jurisdiction to rule that an act of an EU institution is contrary to EU law. Divergences between courts of the Member States as to the validity of such acts would indeed be liable to place in jeopardy the unity of the EU legal order and to detract from legal certainty.² Like other authorities of the Member States, national courts are required to ensure that EU law takes full effect.³ That is the only way of ensuring the equality of Member States in the Union they created.

The institution will refrain from communicating further on the matter.

Unofficial document for media use, not binding on the Court of Justice.

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¹ Case: [C-446/98](#) paragraph 49, Fazenda Pública..

² Case: [C-314/85](#) paragraphs 15 and 17, Foto-Frost.

³ Case: [C-212/04](#) paragraph 122, Adeneler and Others.