

Public



Scrutiny

Interpretation of the Articles of the Convention for the Protection of Human Rights and Fundamental Freedoms

this version and the Dutch version are authentic
second issue

The interpretations are temporarily limited to the Articles 6, 10, 13, 14 and 17 in this issue.

Introduction

The European Court of Human Rights (hereafter: European Court) is the appointed (in express terms) authority to interpret the Convention for the Protection of Human Rights and Fundamental Freedoms (hereafter: Convention) when applying collides with insufficient clarity. The European Court is obliged to interpret in the Convention's author's object and purpose. This includes that at some moment an Article is (nearly) completely interpreted for the intended applying. This moment is reached many, many years before 2018, the year of the Draft Copenhagen Declaration. The Convention is adopted in 1950 and entered in force in 1953.

The European Court neglected his obligation and interpreted the Convention, over-and-over with as result interpretations in disharmony, based on new treaties or laws. It is obvious that this disharmony concerns the judgments over the many last years not the first years. The Public Scrutiny is the only legal authority to scrutinise courts and has condemned this neglected assignment once, for all equal cases (judgment on ECHR in the case of Golder, www.publicscrutiny.nl, The Public Scrutinies). To fill the gap that the European Court left open, the Public Scrutiny publishes the round up of the "Interpretations of the Convention Articles" but only the ones that are in harmony. Until the European Court joins the Public Scrutiny's unity this round up in an "Interpretations of the Convention Articles" is the only legal interpretations and their only legal issue.

1. Identification of "interpreting" and the interpreting process

The Public Scrutiny's unity is the respect for the Convention's author's ownership of its object and purpose with its Convention. In line with this is the interpreting of latent rights and freedoms which are not written in express terms but nevertheless intended. Interpreting is to reveal these latent rights and freedoms that are protected by the Convention.

a. The Court's duty

The Court recognises when it deliberated on article 6, §1, that it is the duty of the Court to ascertain, by means of interpretation, whether an implied right constitutes one factor or aspect of the right in express terms (*case of Golder vs. the United Kingdom, 21 February 1975, §28*).

b. The law is formulated for any individual thus interpretations or judgments too

The above meets the goal of any law, that it is "foreseeable" and (quote) "is formulated with sufficient precision to enable any individual – if need be with appropriate advice – to regulate his conduct." (*case of Rotaru vs. Romania, 4 May 2000, §55*). Any judgment (being the correct application of a law) requires the same. Next, the Court declares on the Convention (quote) "Given that it is a law-making treaty, (...)." (*case of Wemhoff vs. Germany, 27 June 1968, §8*). So, equal requirements are obligated for the Convention and its interpretations.

c. The Convention's author's ownership and individual's right to receive this

The right to freedom of thought (Article 9, §1, Convention) is a possession in express terms, like any other Human Right, and thus an inalienable ownership. The right to manifest own thoughts (Article 9, §2, Convention) is equally a possession and ownership. So, knowing that not one legislator or Convention's author has Human Rights, any private individual has the inalienable right to freedom of receiving the legislator's or Convention's author's thoughts, intentions, objects and purposes with its expression: its law or Convention (Article 10, Convention). This is the Court's duty (see subparagraph a above).

The Court in the case of Golder (*vs. the United Kingdom, 21 February 1975*) revealed in §35 to be able to reveal and publish the considerations and intentions, and thus the objects and purposes too, of the author of the Convention, in fact the Consultative Assembly of the Council of Europe (and naturally the Contracting States) on an article or articles in general by exposing its documents and specific location; (quote) "Documents of the Consultative Assembly, working papers of the 1950 session, Vol. III, no. 93, p. 982, para. 5".

d. The Court's obligation to the public scrutiny's safeguarding

The Court is obligated, to ensure scrutiny of the judiciary by the public with a view to safeguarding the right to a fair trial (*case of Pretto and Others vs. Italy, 8 December 1983, §28*), to reveal and publish the documents and location of the Convention's author's object and purpose with each interpretation for a cursory verification that the interpretation is in line and closely according this author.

The interpreting process

e. Articles and interpretations "must be" in harmony

The Court deliberated in §32 up to §36 in the case of Golder (*vs. the United Kingdom, 21 February 1975*) when two sources are in line but not overlapping then the least restrictive is valid. Next, (quote) "The Court reiterates at the outset that the Convention and its Protocols cannot be interpreted in a vacuum but must be interpreted in harmony with the general principles of international law of which they form part." (*case of A.M. vs. the Netherlands, 5 July 2016, §77*). This "must be" is exactly similar on the articles of each law and thus on the article's interpretation.

f. Interpreting is to reveal implied rights

Any article in law or Convention prescribes the equality of the purposed cases and the several rights: (quote) "It would be inconceivable, in the opinion of the Court, that Article 6 para. 1 (art. 6-1) should describe in detail the procedural guarantees afforded to parties in a pending lawsuit and should not first protect that which alone makes it in fact possible to benefit from such guarantees" (*case of Golder vs. the United Kingdom, 21 February 1975, §35*).

If the express terms are not sufficient clear, it is the Court's duty to reveal the implied case and rights (sub-paragraph a, above). To round up, implied rights are the ones that are necessary for the right in express terms to happen and also the ones which are meant to result into by the expressed rights. One example: (quote) "The Court further observes that the Contracting States have the right as a matter of international law and subject to their treaty obligations, including the Convention, to control the entry, residence and expulsion of aliens. However, expulsion by a Contracting State may give rise to an issue under Article 3, and hence engage the responsibility of that State under the Convention, where substantial grounds have been shown for believing that the person concerned, if deported, faces a real risk of being subjected to treatment contrary to Article 3. (*case of A.M. vs. the Netherlands, on finally 5 October 2016, §79*)

g. The interpreting process is a single combined operation

Interpreting is the opposite of opinion ("www.publicscrutiny.nl", "The Manual for Public Scrutiny (...) and more documents" in document "Inventory of the identifiers"). In addition to sub-paragraph e, above: (quote) "The process of interpretation of a treaty is a Unity, a single combined operation;" (*case of Golder vs. the United Kingdom, 21 February 1975, §30*). "The preamble to a treaty forms an integral part of the context." "(...) interpreting the terms of Article 6 para. 1 (art. 6-1) according to their context and in the light of the object and purpose of the Convention." (*case of Golder vs. the United Kingdom, 21 February 1975, §34*). "This is not an extensive interpretation forcing new obligations on the Contracting States: it is based on the very terms of the first sentence of Article 6 para. 1 (art. 6-1) read in its context and having regard to the object and purpose of the Convention, a lawmaking treaty, and to general principles of law (*case of Golder vs. the United Kingdom, 21 February 1975, §36*). The meanings of words in the text are the commonly known: (quote) "The Government have emphasized rightly that in French "cause" may mean "procès qui se plaide" (Littré, Dictionnaire de la langue française, tome I, p. 509 , 5o)." (*case Golder vs. United Kingdom, 21 February 1975, §32*)

NOTE: the interpreting and the process of interpreting is equal for all articles and all laws and does corollary into that the work and process determined in one case is valid for all cases, Conventions or laws.

h. A right's limitation is strict and not interpretable

The Court declares on the Convention (quote) "Given that it is a law-making treaty, it is also necessary to seek the interpretation that is most appropriate in order to realise the aim and achieve the object of the treaty, not that which would restrict to the greatest possible degree the obligations undertaken by the Parties." (*case of Wemhoff vs. Germany, 27 June 1968, §8*). Judge Zekia stressed on page 24 of the Golder judgment (*vs. the United Kingdom, 21 February 1975*) (quote) "What is significant about these Articles (art. 9, art. 10, art. 11) is the fact that each Article prescribes in detail the restrictions and limitations attached to such right." Finally, the Convention's Articles 17 "Prohibition of abuse of rights", 18 "Limitation on use of restrictions on rights" or 53 "Safeguard for existing human rights" are not the limiting or restricting Articles, because each describes "in this Convention" and not "in this Article". To round up is each right only limited in its own Article and are the Articles in any law, treaty or Convention in harmony.

i. An interpretation is always retroactive

When a law or Convention enters in force, immediately the implied rights enter in force too. So, the revealed implied rights, by means of a legal interpretation, were already in force at the moment of determined interpretation. The Convention's author knew that each tribunal is always the last in line, while this author knew that "a claim generally exists prior to the legal proceedings and is a concept independent of them." (*case of Golder vs. the United Kingdom, 21 February 1975, §32*). This excludes judgment by opinion and obligate to judgment

by the law. Interpretations of many years later establishes very bad work of the Court, or discrimination, because Article 46 foresees in one (1) judgment for every one in all equal cases.

This continues in chapter below "Interpretation of all Articles or the Convention"

2. Groundwork cleansing

The understructure for the fundamentals of judging on Human Rights is completely ruined by the European Court. (*) Firstly due to it's disregarding the rules of "fair play". (*) Secondly due to it's dominating the interpreting of the Convention by its own ever changing and illegal opinion. (*) Thirdly due to its policy to let new cases, national laws or international treaties be the basis for its own new disorderly opinions on the not changing Convention. (*) Fourthly due to it's totally ignoring of the Public Scrutiny: the safety net against crimes committing tribunals.

Elaboration

1. The rules of "fair play" exist and obligatory to apply, to void wrangle. These rules are:
 - (a) Valid rules are only the ones that the participants know beforehand;
 - (b) A referee is a dead element in a difference of opinions;
 - (c) Each do not do to another what one does not want to be done to oneself;
 - (d) Equality of arms during the making of a law, a ruling, a Convention or a Treaty.
2. Interpretation is totally separated from opinion. At the risk of repeating the following; Each law or rule is made to enable any individual to regulate his conduct (*Case of Rotaru v. Romania, 4 May 2000, §55*), thus the judgments too. Everyone has the right to freedom of expression that results in the right of any private individual to know about the Convention's author's object and purposes with its Convention and each of its Convention's Articles. The European Court too must obey this Human Right in doing the interpreting. This interpreting is always in a close according to the expression's author. In the domain of Human Rights: the Convention's author's object and purposes with the Convention and its Articles. The Convention does not change after is came in power, thus there is a moment that the Convention or a law is sufficient interpreted and this task is ended. The interpreting of the Convention ought to have stopped many, many years before 2018 (year of the Draft Copenhagen Declaration).
NOTE: Because a law is **retroactive** since the date it came in power, also a judgment is **retroactive** since the date the law involved came in power.
3. Each law, rule, Convention or Treaty has intrinsic a sufficient foreseeing. The Convention has not changed after it comes in power. The European Court too must obey the warranty to any private individual and must apply its unchangeable interpretations of the Human Rights in new laws or treaties (Article 32, Convention) and must condemn the Contracting States who not correct wrong applying in new cases (Article 46, §5, Convention). The European Court's policy to let new rulings (even ones that are not yet in power) be its guide for its ever changing opinion (case of Golder vs. the United Kingdom, 21 February 1975, §29) is illegal just as its effects are.
4. Reading the European Court's "Opinion on the draft Copenhagen Declaration" it executes the policy to consequently ignore the public scrutiny. The Public Scrutiny is nowhere mentioned, considered or deliberated.

The Public Scrutiny has condemned these fundamental crimes against the Human Rights' Convention once for all equal cases, in the Public Scrutiny of the judgment by the European

Court in the case of Golder vs. the United Kingdom, 21 February 1975 at the home site "www.publicscrutiny.nl" behind item 1.

3. Fundaments of righteous judging

In an attached appendix are the fundaments identified of each righteous judging. (*) Firstly does each tribunal aim to become unneeded due to its indisputable righteous judgments. (*) Secondly is each judgment retroactive, since a law or agreement came into power. (*) Thirdly does 1 judgment exist for everyone and for all equal cases, which obligates that each publicly pronounced judgment is reproducible by the Public Scrutiny. (*) Fourthly does each judgment verifiable reveals the righteous exercise of each involved Civil of Human Right as the legislator intended or agreeing parties intended with their expressed law or agreement. (*) Fifthly "inadmissible" is a very exceptional and rare decision of the court's president because this inadmissibility should not exist.

4. General principles for any rule of law and righteous judging

In an attached appendix are the general principles identified of the righteous (is not the same as correct) exercise of any right, with allowed means and by empowered persons. (*) Firstly, whatever takes place in society can be brought before a tribunal en ends finally by the Public Scrutiny. (*) Secondly is each law made and written for every private individual to, to conduct his behaviour; thus also each judgment. (*) Thirdly is each law suit fixed at the day the starting document is lodged and received at the court. (*) Fourthly contains the court dossier obligatory the court's preparation form declaring the inventory of the examined documents and the court's research, findings and conclusion. (*) Fifthly is also deliberated and judged, each Article of law or agreement that is not in harmony with or hinders another law or Article. (*) Sixthly is a fair hearing about what happened up to the lodging date and about the documents in the dossier. (*) Seventhly is any opinion or any new interpretation not allowed, to determine the righteous exercise of a right (Fair Play, a).

5. Interpretation of all Articles or the Convention

The Human Rights are of everyone and Articles must be in harmony with each of all others. So the purposes below are indisputably valid for each Article and right.

Purpose 1: To emphasize repeating paragraph 1, sub c: Everyone has the Human Rights (almost every Article, Convention). This establishes that the right is a possession. Because every private individual possesses Human Rights, is a Human Right among private individuals non-tradable, non-saleable or non-buyable. To the national authorities are the Human Rights inalienable (Article 1, UN's Universal Declaration)

Purpose 2: The Convention is a normal contract, for protection, between the Contracting Parties and everyone (Article 1, Convention). The rules and legal effects (of Agreements Rights) are involved but under the national law.

NOTE 1: Thus, each appeal is a normal notice of default, under national law, by a breach of contract. It is not "a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law.", because this trial already happened and standard due to non-independency and non-impartiality of any tribunal.

NOTE 2: the Convention is a guarantee: nowhere does it rule by what number the repeating applies the 'true and only' Human Right involved. The same, does the Convention not rule which number of court-level supplies the 'true and only' fair trail or the 'true and only' impartial tribunal.

Purpose 3: The operation of the fundamental clauses of any Article shall not subordinate to the State's sovereign will. **Unification confirmation:** "If the Contracting States were able at their discretion to classify an offence as disciplinary instead of criminal, or to prosecute the author of a "mixed" offence on the disciplinary rather than on the criminal plane, the operation of the fundamental clauses of Articles 6 and 7 (art. 6, art. 7) would be subordinated to their sovereign will. A latitude extending thus far might lead to results incompatible with the purpose and object of the Convention. (*case of Engel and Others vs. the Netherlands, 8 June 1976, §81*).

6. Interpretation of Article 6, §1

Right to a fair trial

In the determination of his civil rights and obligations or of any criminal charge against him, everyone is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law. Judgment shall be pronounced publicly but the press and public may be excluded from all or part of the trial in the interest of morals, public order or national security in a democratic society, where the interests of juveniles or the protection of the private life of the parties so require, or the extent strictly necessary in the opinion of the court in special circumstances where publicity would prejudice the interests of justice.

Purpose 1: There is only one tribunal; the one of first instance. **Unification confirmation:** "The Human Rights concerns only a court of first instance (*case of De Cubber v. Belgium, 26 October 1984, §32*).

Obedience to Interpretation of all Articles, note 1 is needed. To void work acquisition over then back of private individuals is obedience to Interpretation of all Articles, note 2 obliged.

Purpose 2: Everyone is entitled to access a court, to access a judge and to access a lawyer. (*Widely deliberated in case of Golder vs. the United Kingdom, 21 February 1975, §21 second stripe plus §35*). Without any hindrance of the State (Interpretation Article 13, purpose 3)

Purpose 3: Everyone is entitled to lodge any claim. **Unification confirmation:** "Article 6 para. 1 (art. 6-1) secures to everyone the right to have any claim relating to his civil rights and obligations brought before a court or tribunal." (*case of Golder vs. the United Kingdom, 21 February 1975, §36*).

Purpose 4: Immediately after access to the court has everyone enforceable beforehand and without hindrance the right to claim the handling in a fair, righteous procedure by an impeccable workmanlike, righteous tribunal. **Unification confirmation:** "the Article embodies the "right to a court", of which the right of access, that is the right to institute proceedings before courts in civil matters, constitutes one aspect only. To this are added the guarantees laid down by Article 6 para. 1 (art. 6-1) as regards both the organisation and composition of the court, and the conduct of the proceedings. In sum, the whole makes up the right to a fair hearing." (*case of Golder vs. the United Kingdom, 21 February 1975, §36*).

Purpose 5: The obligation of public pronouncement of any judgment serves to a scrutiny by the public. **Unification confirmation:** "The Court states that the judgment shall be pronounced publicly, is to ensure scrutiny of the judiciary by the public with a view to safeguarding the right to a fair trial (*Case of Pretto vs. Italy, 8 December 1983, §27; Case of Campbell and Fell v. the United Kingdom, 28 June 1984, §91*)."

The interpretations above of Article 6 determine that the task of interpreting Article 6, §1 ended in 1984. All judgments on this Article after 1984 are only for work acquisition and are a violation of Article 46, §5. This violation created the violence in the world as recognised in the preamble of the Universal Declaration.

7. Article 6, §2

Everyone charged with a criminal offence shall be presumed innocent until proven guilty according to law. This § did not need to be interpreted, by different opinions.

8. Article 6, §3

Everyone charged with a criminal offence has the following minimum rights:

- (a) to be informed promptly, in a language which he understands and in detail, of the nature and cause of the accusation against him;
- (b) to have adequate time and the facilities for the preparation of his defence;
- (c) to defend himself in person or through legal assistance of his own choosing or, if he has not sufficient means to pay for legal assistance, to be given it free when the interests of justice so require;
- (d) to examine or have examined witnesses against him and to obtain the attendance and examination of witnesses on his behalf under the same conditions as witnesses against him;
- (e) to have the free assistance of an interpreter if he cannot understand or speak the language used in court.

9. Interpretation of Article 10, §1

Freedom of expression

Everyone has the right to freedom of expression. This right shall include freedom to hold opinions and to receive and impart information and ideas without interference by public authority and regardless of frontiers. This Article shall not prevent States from requiring the licensing of broadcasting, television or cinema enterprises.

Purpose 1: The right to receive information can impossibly carry responsibilities and duties as §2 prescribes. This establishes that the right to freedom of receiving information is unlimited and unrestricted thus unhindered in connection to receive the information on thoughts, intentions, objects and purposes of the Convention's author and its expression: the Convention.

Unification confirmation is unavailable: there is no European Court's judgment on this topic that meets the requirement of being "in harmony with the other Articles of the Convention and in harmony with the general principles of international law of which they form part." (Paragraph 1, e, above)

Purpose 2: The right to impart (circulate or forward) received information does carry responsibilities and duties as §2 prescribes. Firstly to respect the other's ownership of its manifested thoughts –or opinions–, (Article 9, §1) and to respect the other's ownership to its expression that includes to respect the expression's content in its used means for expression. To depart from this standard is possible only by law that, however, remains ruled by this Article.

Unification confirmation is unavailable: there is no European Court's judgment on this topic that meets the requirement of being "in harmony with the other Articles of the Convention and in harmony with the general principles of international law of which they form part." (Paragraph 1, e, above)

10. Article 10, §2

The exercise of these freedoms, since it carries with it duties and responsibilities, may be subject to such formalities, conditions, restrictions or penalties as are prescribed by law and are necessary in a democratic society, in the interests of national security, territorial integrity or public safety, for the prevention of disorder or crime, for the protection of health or morals, for the protection of the reputation or rights of others, for preventing the disclosure of information received in confidence, or for maintaining the authority and impartiality of the judiciary.

11. Interpretation of Article 13

Right to an effective remedy

Everyone whose rights and freedoms as set forth in this Convention are violated shall have an effective remedy before a national authority notwithstanding that the violation has been committed by persons acting in an official capacity.

Purpose 1: This Article is not a duplicate of Article 6. This applies the principle that each Article is in harmony with each of all others. **Unification confirmation:** "Article 13 (art. 13) speaks of an effective remedy before a "national authority" ("instance nationale") which may not be a "tribunal" or "court" within the meaning of Articles 6 para. 1 and 5 para. 4 (art. 6-1, art. 5-4)". (*Case of Golder v. the United Kingdom*, 21 February 1975, §33).

Purpose 2: The Convention's rights and freedoms are civil rights, but worked back are civil rights not the Convention's rights and freedoms. This applies the principle that each Article is in harmony with each of all others. **Unification confirmation:** "The concept of "civil rights and obligations" (Article 6 para. 1) (art. 6-1) is not co-extensive with that of "rights and freedoms as set forth in this Convention" (Article 13) (art. 13), even if there may be some overlapping". (*Case of Golder v. the United Kingdom*, 21 February 1975, §33).

Purpose 3: The effective remedy can not be hindered by the Contracting State. **Unification confirmation:** "In particular, the exercise of the remedy must not be unjustifiably hindered by acts or omissions of the respondent State.". (*Aksoy v. Turkey*, 1996, §95 in fine; *Aydın v. Turkey*, 1997, §103; *Paul and Audrey Edwards v. the United Kingdom*, 2002, §96)". (Article 17, Convention).

Purpose 4: The effectivity of the remedy is the directly remedying the impugned situation. **Unification confirmation:** "To be effective the remedy must be capable of directly remedying the impugned situation (*Pine Valley Developments Ltd and Others v. Ireland*, Commission decision, 1989; se)".

Putting right: An impugned situation does not exist due to the requirement of a **violation**. The rights and freedoms are determined according to Article 6, §1 (Interpretations of the Convention Articles, general principle 2). So, a violation committed by persons acting in an official capacity is committed by exclusively a tribunal. A violation committed by a tribunal is determined by exclusively the public scrutiny. (Interpretation Article 6, §1 purpose 6).

Purpose 5: The national authority is the executive power of the public scrutiny. **Unification confirmation:** "The "authority" referred to in Article 13 does not need, in all cases, to be a judicial institution in the strict sense or a tribunal within the meaning of Articles 6 §1 and 5 §4 of the Convention (*Golder vs. the United Kingdom*, 1975, §33; *Klass and Others v. Germany*, 1978, §67; *Rotaru v. Romania [GC]*, 2000, §69; *Driza v. Albania*, 2007, §116).

The interpretations above of Article 13 determine that the task of interpreting Article 13 ended in 1996. Inclusive that the public scrutiny's executive power is guaranteed by and without any hindrance of a Contracting State. All judgments on this Article after 1996 are only for work acquisition and are a violation of Article 46, §5. This violation created the violence in the world as recognised in the preamble of the Universal Declaration.

12. Interpretation of Article 14

Prohibition of discrimination

The enjoyment of the rights and freedoms set forth in this Convention shall be secured without discrimination on any ground such as sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status.

Purpose 1: The prohibition of discrimination aims solely at the enjoyment of the rights and Freedoms and any implied right. These is any one that is needed to enjoy the enjoyment and that is the direct result of the enjoyment. This enjoyment is restricted to the rights and freedoms set forth in this Convention. The prohibition is on any ground thus unlimited; there is no need to sum these up or determine when discrimination appears. **Unification confirmation is unavailable:** there is no European Court's judgment on this topic that meets the requirement of being "in harmony with the other Articles of the Convention and in harmony with the general principles of international law of which they form part." (Paragraph 1, e, above)

Purpose 2: Discrimination is identified by a distinction that is (*) unlawful, (*) unneeded when it is lawful, (*) enforced when it is lawful and needed. Enforcement is to be identified by the lack of an agreed manner to do or a Court's order.

13. Interpretation of Article 17

Prohibition of abuse of rights

Nothing in this Convention may be interpreted as implying for any State, group or person any right to engage in any activity or perform any act aimed at the destruction of any of the rights and freedoms set forth herein **or** at their limitation to a greater extent than is provided for in the Convention.

Purpose 1: Interpreting the Convention is legally exercised by exclusively the European Court (Article 32, Convention). Interpreting the national law is legally exercised by primarily the national tribunal. **Unification confirmation:** "It is primarily for the national authorities, notably the courts, to resolve problems of interpretation of domestic legislation. This applies in particular to the interpretation by courts of rules of a procedural nature such as the prescribed manner and prescribed time for lodging appeals. The Court's role is confined to ascertaining whether the effects of such an interpretation are compatible with the Convention." (*case of Brualla Gómez de la Torre vs. Spain, 19 December 1997, §31*).

Purpose 2: For the aim of destruction does not matter if the reaching is accidental or deliberately. A restriction to the prohibition is not described in this Article.

Purpose 3: A State, group or person is prohibited to derive from the Convention any right for destruction of any Human Right or for destruction of the Protection of a

Human Right. For a State this includes law making and for a group or person this includes contracting. **Unification confirmation:** "In so far as it refers to groups and individuals, the purpose of Article 17 is to make it impossible for them to derive from the Convention a right to engage in any activity or perform any act aimed at destroying any of the rights and freedoms set forth in the Convention." (*Lawless v. Ireland (no. 3)*, 1961, § 7 of "the Law" part; *Orban and Others v. France*, 2009, § 33; *Paksas v. Lithuania [GC]*, 2011, § 87; *Roj TV A/S v. Denmark (dec.)*, 2018, § 30; *Šimunić v. Croatia (dec.)*, 2019, § 37).

Purpose 4: Article 17 does not aim at the Human Right(s) which are described in its (their) own Article with its own restriction(s). Article 17 aims at who are prohibited and the Convention aims at the Protection of Human Rights. **Unification confirmation:** "Where an applicant pursues one or more of the above aims, Article 17 is relevant. The Court may, however, choose to deal with such matters without reliance on Article 17 (*Zana v. Turkey*, 1997; *Sürek v. Turkey (no. 1) [GC]*, 1999; *Balsytė-Lideikienė v. Lithuania*, 2008; *Vejdeland and Others v. Sweden*, 2012; *Smajić v. Bosnia and Herzegovina (dec.)*, 2018)

Unification confirmation: ABSTRACT of the case of *Katamadze v. Georgia* 14 February 2006 (application nr. 69857/01, only in French available). The applicant, a journalist, was convicted for having published inaccurate information and offensive comments about other journalists. For the Government, the applicant, whose only aim was to insult the persons concerned and to destroy their rights, abused her freedom of expression. The Court found that the Government's arguments fell within the province of Article 10, §2 and did not consider it necessary to examine them also under Article 17. As the applicant was unable to show that her statements did not constitute a gratuitous personal attack, her application was declared manifestly ill-founded.

Purpose 5: Article 17 applies also to the European Court: this is definitely a group; this group is definitely settled inside European Union territory; this group is definitely European inhabitants.

NOTE: The European Court's jurisdiction is to interpret and to apply the Convention (Article 32, Convention). It is implicit prohibited to abuse by doing other work, like workacquisition by useless interpreting and not reduce violations by not applying. (Public Scrutiny's judgements at www.publicscrutiny.nl).

The interpretations above of Article 17 determine that the task of interpreting Article 17 ended in 1997. All judgments on this Article after 1997 are only for work acquisition and are a violation of Article 46, §5. This violation created the violence in the world as recognised in the preamble of the Universal Declaration.

APPENDIX

Elaborations of the Fundamentals of righteous judging

1. A tribunal is obliged aiming to become unneeded due to its indisputable righteous judgments. The tribunal is safety net for everyone private and individual. Interpreting the national law as the legislator intended, on the integration of the Human Rights is the exclusive task of the tribunal. Cases arise only with good faith (= knowing the involved law and corollary rights) and due to misunderstanding. This can happen only once. Each repeat evidences that the judgment is insufficient clear in its terms. This is not to blame on any private individual and is a breach of contract.
2. A judgment is retroactive since a law, agreement or Article came in power. ("Interpretations of the Articles", Chapter Groundwork cleansing, §2.)
3. Only 1 judgment exist for everyone and for all equal cases, which obligates that each publicly pronounced judgment is reproducible by the Public Scrutiny. Because oral statements are true for only a few seconds, the written report must display satisfactory to the parties, their legal relation and their submitted evidences, facts or arguments and that the reasonings cover all points of disagreement. For this they have to sign verifiable in unrestricted freedom within a reasonable time.
4. A judgment verifiable reveals the righteous exercise of each involved Civil of Human Right as the legislator intended or as the agreeing parties intended with their expressed law or agreement. This means that the source document of each elaborated thought or purpose is unmistakably identified for research by the public scrutiny. Also that the law Article is mentioned out of which an exercised right corollaries.
5. An "inadmissible" decision is a very exceptional and rare decision of the court's president because this inadmissibility should not exist. Everyone is entitled to lodge any claim involving its Civil and Human Rights. No State, court or judge can deny ("Interpretations of the Articles", Chapter Interpretation of all Articles, purpose 4)

Elaborations of the General principles

1. Whatever takes place in society can be brought before a tribunal and ends finally by the Public Scrutiny. The State's national authority (Article 13, Convention) executes the Public Scrutiny's judgment on the involved courts (of first instance and appeal) and its judge(s).
2. Each law is made and written for every private individual to, to conduct his behaviour. So, when any private individual institutes a proceeding at a court this private individual already knows its rights and the violations. ("Interpretations of the Articles", Chapter Groundwork cleansing, §2)
3. Each law suit is fixed at the day the starting document is lodged and received at the court. From that day on new arguments, reasonings, facts or evidence are inadmissible. ("Interpretations of the Articles", Chapter Groundwork cleansing, §1, a). Legal effects corollaries as the legislator has foreseen, based on the known information. Because when this comes available at the public hearing for the first time, the Human Right is destroyed to receive and impart information to decide on lodging a just law suit (Article 10, §1, EVRM).

4. The court dossier contains obligatory the court's preparation form, that is at the moment still secret, with the inventory of the examined documents and the court's research, findings and conclusion. Because the Court is obligated to research on the author's objects and purposes and the already issued judgment for all equal cases (Article 10, §1, Convention).
5. Each Article of law or agreement that is not in harmony with or hinders another law or Article, is deliberated and judged. Because any law is a whole and a system of laws is the same and corollaries out of the one Constitution. So, exceptions are standard unlawful and illegal.
6. A fair hearing is about what happened up to the lodging date and about the documents in the dossier. A public hearing is not a new second process or proceeding.
7. No new interpretation or any opinion after the lodging date is allowed, to determine the righteous exercise of a right (in harmony with §3 above in this chapter)