The public Court Trial

served by the

Manual for public scrutiny

Only the English and Dutch version of the manual are authentic

Introduction

The public scrutiny is a provisioned right of everyone. Every individual is empowered to act on behalf of the public scrutiny provided that it is done in the boundaries of the unity and meet the requirements of fairness. The unity of the members of the public scrutiny is the high regard to the author of the European Convention on Human Rights (hereafter**:** ECHR) and living up to his cogitations, his object and purpose with the ECHR.

The fairness requires mutual treating and dealing according to the rules that must fairly be publicly known beforehand. A second fundament of fairness is in the case of disagreement only the two disagreeing parties develop a peaceful solution within the rules of law for all time after. A third fundament of fairness is that also a referee does not interfere and is a dead element in the process of development but only conducts the rules and fairness of a fair solution. This solution is between the parties but applied rules of the law and fairness are everyone’s and not temporarily.

To achieve this manner of peace keeping does this manual supply certainty and a helping hand. When the unity or fairness is not present and applied then the public scrutiny cannot be claimed or pronounced. The public scrutiny’s reports shall be published. The public scrutiny itself aims to become unnecessary, due to a peaceful and graceful living together.

The ECHR is a regular contract, between (each of) the Contracting States and everyone.

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The use of the Court's quotes

The European Court of Human Rights (hereafter**:** Court) states an interpretation of the ECHR's author's assumed cogitation, object or purpose by the unanimous opinion of all opinions. If the public scrutiny agrees with the Court's statement as in line with the ECHR's author's cogitations, objects and purposes, then these Court confesses and confirms by its quoted statements its doubtless knowledge without this further notified. **But**, most settled interpretations are in contrary of the Court's pretending, not for only the involved individual or not temporarily for only the examined case. So, the public scrutiny determines that the quoted interpretations' validity is in any case and is valid for everybody in any place of a country and during the lifetime of the ECHR and its protocols.

Who is the public scrutiny and who is member

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 Campbell and Fell v. the United Kingdom, 28 June 1984, §91*). The ECHR states that the press is no part of the public (*article 6, §1, ECHR*), also because the press is a medium to serve the public. The public scrutiny is independent in executing the legal task. Like the Court, does the public scrutiny not take the place of the domestic courts (*Case of Platakou v. Greece, 11 January 2001, §37*).

The public scrutiny is a unity of solely private persons (*article 34, ECHR*). This is due to the practice that individuals are to often discriminated from groups of persons or non-governmental organisations. The about 450 million European private persons are united by legal unity and legal certainty. The most distinctive unity is the author of an expression which is impossibly more then one.

Member of the public scrutiny is each private individual who stands up for the public scrutiny by publishing its solid scrutiny and report, also available for scrutiny by the public scrutiny. After all, each solid public scrutiny leads by the unity to nearly the same findings, corollaries and final conclusions. The membership of the public scrutiny is under conditions and cannot be claimed. Each member is at least obligated to observe the freedom of expression of each author. This contains the right of everyone to the true, correct and complete information from that author and hereby in front the ECHR-author with its expression**:** the ECHR.

The investigation report of the public scrutiny is the "identity card" of the member who presents itself as standing up for the public scrutiny. The report must obligatory match the legal unity and the legal certainty. For this the report must be made in totally freedom and also match a fixed division in a fixed order. For the reliability, the legal certainty and personal protection are the valid reports anonymously published at the internet site www.publicscrutiny.nl with a identifiable and recognisable heading. After all, it is not important who does the control and report, but it is very important that the public scrutiny is genuine, solid and of good quality.

The public scrutiny is a very serious task

The Human Rights are inalienable (preamble Universal Declaration)**:** so no object for trade and neither for finance or the whole field of economy. As the guards, the members of the public scrutiny are volunteers and do not get paid. The public scrutiny unity is separated from any business and does not have any income, does not have any expenses and does not advertise for money. Each member is forbidden to advertise him/herself as member of the public scrutiny.

Each private individual who stands up for the public scrutiny by its solid scrutiny report attests awareness of being the only left, last resort. Each requirement for the quality of and the classification as a public scrutiny report is strict and especially as the evidence of the author's high moral character. The national judging authorities' jurisdiction differs slightly from the jurisdiction of the Court. The jurisdiction determines the confined area of a public

scrutiny on the involved court's judgment. But**:** the national courts and the Court both are bound to the ECHR and to its author's cogitation, object and purpose of which the private individual has the Human Right to know

The public scrutiny is the final putting right

First must be recalled that the Human Rights is an equalising power. The exercising does not turn over the roles or difference of powers and does not change the appointed persons' official capacity. The Court must retroactive revise its judgment according to the public scrutiny's report. Then successively transmits the Court the revised final judgment to the Committee of Ministers to supervise its execution (*article 46, ECHR*). It is recalled that the Court is obligated to aim an impeccable craftsmanship and impeccable just interpreting or applying to achieve a peaceful society and not a business judiciary. So, the need for a corrective public scrutiny report should not arise.

The requirements of a solid scrutiny in general

The private individual knows best about the law and infringements of rights

The Court reiterates settled case-law, according to which the expression "in accordance with the law" not only requires that the impugned measure should have some basis in domestic law, but also refers to the quality of the law in question, requiring that it should be accessible to the person concerned and foreseeable as to its (*Case of Rotaru v. Romania, 4 May 2000, §52*). As regards the requirement of foreseeability, the Court reiterates that a rule is "foreseeable" if it is formulated with sufficient precision to enable any individual – if need be with appropriate advice – to regulate his conduct (*Case of Rotaru v. Romania, 4 May 2000, §55*). (…) the domestic law must provide some protection to the individual against arbitrary interference (…). Thus, the domestic law must be sufficiently clear in its terms to give citizens an adequate indication as to the circumstances in and conditions on which public authorities are empowered to resort to any such secret measures (*Case of Halford v. the United Kingdom, 25 June 1997, §49*). So, each private individual knows best about the law and rights which the Court confesses and confirms in full awareness**:** the "contestation" (claim) generally exists prior to the legal proceedings and is a concept independent of them (*Case of Golder v. the United Kingdom, 21 February 1975, §32*).

The combat against intolerable unfairness

In fair-play the involved persons or groups interact according to rules that are known beforehand. The sole essence of a law is that it results effect after it comes into power and rules before a dispute about it arises. The Court confesses and confirms that the national courts not decide on opinion but**:** it is primarily for the national authorities, notably the courts, to resolve problems of interpretation of domestic legislation (*Case of Platakou v. Greece, 11 January 2001, §37*). So, in violation with the ECHR is the tribunal's or judge's decision almost always its (arbitrary) opinion and <u>always</u> afterwards. While a claim or dispute always exists before a litigation is instituted (*See paragraph above*). So, each decision that is the tribunal's or judge's opinion (whether or not disguised as interpretation) is <u>always</u> indisputably intolerable unfair. The public scrutiny combats this.

The combat against abuse of independency

The Court points out that in principle it is not its function to compare different decisions of national courts, even if given in apparently similar proceedings; it must, just like the Contracting States, respect the independence of the courts (*Case of Engel and Others v. the Netherlands, 8 June 1976, §103*). The Court violates the ECHR because the ECHR's author attests its awareness of the intrinsic meaning of the term independence. Independent means nothing more and nothing less then the absence of any authority to compel what to

write or what to say. Independency has nothing in common with not-scrutiny or not-judging. The ECHR's author establish in article 6, §1 that independency and announced publicly (this appoints the public scrutiny) have nothing in common. Each is separately equal necessary to observe the object and purpose of the ECHR and its article 6, §1. Nevertheless expresses the Court its (unanimous) opinion and falsely exercise independency and non-scrutiny as the same and thus instantly pretend falsely an internal combat in article 6, §1. The public scrutiny combats abuse of independency.

The combat against the root of disunity, legal disorder and uncertainty

First and foremost is the non-trading right to freedom of expression. This is also the right of the individual citizen to the correct information what an author meant by his law or treaty. This intent is the non-trading and untouchable property of the author. Because there is always 1 author, there is always 1-ness. After a law or treaty has come into force then the law or treaty, intent and ownership never change again. So at some moment, the necessary interpretations are completed. This moment of the ECHR lies many, many years before 2020.

The Court reiterates that the Convention and its Protocols must be interpreted in harmony with the general principles of international law of which they form part (*Case of A.M. v. the Netherlands, 5 July 2016, §77*). This is impossible a cogitation of the ECHR's author and thus a crime of the Court and work acquisition. The Court turned around illegally its task and with reverse engineering interprets the ECHR. Instead has the Court the task to apply the ECHR into the general principles of international law which are (re)built on the fundament of the ECHR. By drifting away from the ECHR's author's cogitation, object and purposes creates the Court a not conductible legal disorder. The Court is fully aware that others then the author have a disuniting variety of opinions on the ECHR. With every new formed chamber changes the dissenting opinions and thus the unanimous opinion (*for example Case of Sutter v. Switzerland, 22 February 1984, page: 12*). The public scrutiny combats this.

The combat against levels in courts and separation by laws: only a complete court of first instance

The Human Rights concerns only a court of first instance (*Case of De Cubber v. Belgium, 26 October 1984, §32*). There shall be scrutinised whether or not the judgment is made by a court of first instance and its tribunal or judge. Successively is at the most only one more judgment possible**:** from the court of appeal. Because the ECHR is a contract then are the Agreements Rights in working. So each appeal is a notice of default. In case of an appeal shall be verified if the appeal is classified, treated and judged as notice of default. So shall be verified that in the same litigation the State in the performance of their function as guardians of the public interest (*Case of Engel and Others v. the Netherlands, 8 June 1976, §81*) has joined as a litigant against the court of first instance to guard the Human Rights. When this joint is clearly not verifiable then the judgment is not according the ECHR contract and shall be condemned as illegal and work acquisition. So each judgment of other courts and in particular higher courts shall be condemned as illegal and work acquisition.

The combat against the work acquisition by courts and judges

The public scrutiny's task contains almost only, each of any court's decisions and each of any judge's decisions. The public scrutiny's combat against levels in courts (*see paragraph above*) and instantly destroys the series of court trials and judgments. The public scrutiny combats the work acquisition by courts, tribunals, judges and other judging authorities.

The scrutiny within the jurisdiction and with absence of good faith

Because the public scrutiny of the judiciary is the legal empowerment, the public scrutiny report is restricted to the whole document of a court's decision or a tribunal's or judge's

decision. The judiciary is scrutinised and thus is beforehand a good faith of the court, tribunal or judge not present. After all, when good faith should be respected then scrutiny or each remedy for correction is a fake and makes appeal courts and the Court itself complete fake. Therefore shall be scrutinised as first the verifiability of truth or lie with or in each chapter, paragraph, consideration or reasoning of the decision or judgment.

The requirements of a solid scrutiny report in general

The requirement of a verifiable author

A solid scrutiny report shall be impeccable verifiable equal as the verifiability of a perfect judgment and the report is equally verifiable by each private individual, when needed with appropriate advice, and the examined judgment is either attached or pointed to a free and publicly accessible URL. The author of a public scrutiny report is not in matter, but what is written; In words of a beforehand commonly known meaning. The public scrutiny report is signed with the author's official registry's name, so not any nick-name(s) or alias(es).

Unveil the quest to justice: requirement of scrutiny by anyone in the public

The public scrutiny report is evidence of an impeccable and a fair scrutiny. So it is in words and readable for everyone with an average education. The examined context is literally verifiable in the attached or pointed judgment and the decomposed meaning or right is clear and reproducible. The causal law-article is given. The conclusion is a round up of all distinctive results. So, everyone private's verified correctness of the scrutiny report must lead to an equal outcome.

The requirements of a solid scrutiny more in detail

The quest to justice by reverse investigating

The constitution is the base in each country. The most articles of this have each a complex object and purpose. These complex articles are elaborated, each in a separated law. Only out of a law article is a right born and only a right results in a legal act or legal acquisition. So each national judgment publishes a reverse investigation from the practical situation(s) and decomposed into legal act(s) or acquisition(s) and these are disassembled into the right(s) with the causal connected law-article and involved law(s). The verification of the reverse investigation measures the grade of workmanlike quality of the tribunal or judge. The grade of quality is one of the two legs of justice. The judgment as report of a fair trial by an independent and impartial tribunal or judge is the second leg.

Unveil the correct applying of the ECHR

Remind that private individuals know best about the law and the abuse of it's rights (*in a paragraph above*). These persons know that the Constitution is fundament on which most of its articles are elaborated in separately laws. Sometimes the separated law's articles are further elaborated into separated sub-laws or regulations. Reverse engineered investigation shall unveil this structure by the stated law and articles in the judgment. No law and articles means an unlawful based judgment. The ECHR is the compulsory manual by which fairly strict the proceeding and every phase of the proceeding is exercised. Also is the ECHR the manual by which fairly strict the manner is exercised of retrieving the happenings and of decomposing and of disassembling (*in a paragraph above*). Finally is the ECHR the checklist for the minimal requirements for an average quality of protection of the Human Rights and Fundamental Freedoms and thus mainly the average quality of workmanlike of the public servants or officers and judges.

Check on the basics of a fair trial

If undisputable is unveiled that a court's, tribunal's or judge's opinion is considered as a reason for the decision then instantly and retroactive the judgment is intolerable unfair (*in a paragraph above*). Because the author's thus the legislator's cogitation, object and purpose have the sole validity.

As **second** shall a court trial or proceeding have a public hearing. A public hearing is firstly for the judge to check the correct interpretation by the court in it's secret summary of the submitted facts, abused rights, damage, refute of the opponent litigant or the claim. This need for a public hearing is also present in the extreme seldom case of by the court wanted inadmissibility. As **third** shall the written judgment contain the undisputable evidence by the initiating litigant that according to him/her the judgment is a correct rendition of the submitted happenings and the reasonings cover the points of dispute. The same judgment shall also contain the other litigant's evidence that the rendition covers his/hers defence. These confirmations refute the lying or cheating by the court and its tribunal or judge. As **fourth** shall the judgment clearly unveil that it is not the tribunal's or judge's opinion or reviews what should have happen because this is intolerable unfair (*see a paragraph above*). As **fifth** shall the judgment pronounce clearly that the determined rights are everyone's and valid in each equal case in the same class and is executable in each place in the country at any judging authority. The absence of a topic results in an unfair trial and judgment.

Check on the admissibility of a court trial of any claim

The Court confesses and confirms that courts are a department of the States and stated that it is primarily for the national authorities, notably the courts, (…) (*Case of Platakou v. Greece, 11 January 2001, §37*). The Court additional states that if the Contracting States were able at their discretion to classify an offence (…) the operation of the fundamental clauses of Articles 6 and 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 Campbell and Fell v. the United Kingdom, 28 June 1984, §68-b*). Further additional reaches the Court the conclusion that 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 v. the United Kingdom, 21 February 1975, §36*). So, also the inadmissibility is a regular fair court trial or legal proceeding. Besides this is the fact that each inadmissibility is undisputable a denial of justice that is unconditional prohibited.

Check on the reasonings whether as true interpretation or not

After about 60 years one can agree that the never changing ECHR is sufficient interpreted. Recently (in 2016) the Court still interprets the ECHR (see paragraph above "The combat against the root of disunity, legal disorder and uncertainty").The Court attests its access to the ECHR's author's Documents of the Consultative Assembly, (inter alia the) working papers of the 1950 session, Vol. III, no. 93, p. 982, para. 5 (*Case of Golder v. the United Kingdom, 21 February 1975, §35*). So, the Court is able to rather accurate follow the ECHR's author's cogitations and deliberations. But on the contrary does the Court attest to been drifted away from the ECHR's author's views by since years ago abuse the interpreting and illegal replace it by it's opinion. The public scrutiny know like the ECHR's author that an opinion is strict personal and a perception; on the totally contrary is an interpretation**:** this is solely another's. So, interpreting the expression of a present author is impossible, because one can ask for it's explanation. A periodically composed organ is present solely in this period.

The needed interpretation is the answer to a research question. So, the process of interpreting must be reproducible and it must answer/solve the question. Because it must be in line with settled text, context and interpretations it impossibly is contrary or rubbing.

Interpreting has identifying elements: (1) it depends on the author's view to what he/she aims and the author's view of the manner to achieve that; (2) it concretizes an by the author implied but latent content. So, to interpret (3) one averagely understands the context, (4) averagely understands the author's knowledge about meaning and contents of the used words, (5) make the interpreted description fit in the text and (6) makes the interpretation assimilates in the context. These 6 elements are also the checks on a judgment's reasonings whether or not it is an interpretation of the national law. When concluded to not interpreting then there is no interpretation; Thus a violation of the ECHR.

Interpretations that are not in consonance

When Court's interpretations are not in consonance, then the interpretation which is most protecting the private individual's Human Rights and Fundamental Freedoms is valid. The dissenting part of the Court's interpretation that is inconsonance is not valid at all.

This manual suffers expanding until the Court
observes consequently the freedom of the ECHR's author's expression

Version 2