of the judgment by the Dutch Supreme Court “Raad van State”

in the case of a private individual, 8 April 2020

this version and the Dutch version are authentic

Introduction

After a Human Rights violating judgment by the Dutch court of first instance in the field of Administrative Law a private individual appealed. According to the Administrative Law this must be lodged at one of the two Dutch Supreme Courts the “Raad van State”. With the registry of this Supreme Court arised a quarrel about the judges, who were by an inside lawsuit inside the appeal already accused and called to stand trial, as required by law. The private individual first of all demands a fair tribunal. Out of nowhere appeared a judgment.

Hereafter the European Convention for the Protection of Human Rights and Fundamental Freedoms is abbreviated to ECHR and the European Court of Human Rights is abbreviated to the ECofHR.

Survey of the judgment

In the frontpage are the parties introduced and that it is a simplified procedure.

On page two is reported about the run of the process, considerations, a conclusion and an additional consideration of the legal costs.

On page three is the decision formulated and the remedy of resistance offered with the actions to take.

The page four is an annex with some law articles, pretending to be all the involved civil rights.

Introduction of the Public Scrutiny

(Quoted:) “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” (§35). In §36 are the fair, public and expeditious characteristics of article 6, §1 regarded without elaboration. Later is elaborated in the judgment of the Case of Pretto and Others vs Italy, 8 December 1983, §21 the cause and goal of the obligated public pronouncement of a judgment namely, to ensure scrutiny of the judiciary by the public with a view to safeguarding the right to a fair trial (Case of Pretto, §27). This case in 1983 does not change the retroactivity of each ECofHR’s judgment and so of the public scrutiny down from the date that the ECHR came in power.

The public scrutiny is a unity and an equally “established by law” or an equally by “law making treaty” (§36) established judging authority like every (disciplinary) tribunal.

The European public sizes to about 450 million citizens minus the governmental employees, public servants and officers. In article 6, §1, ECHR, is also the press excluded from the public. Who are member of the public scrutiny is described in the "Manual for public scrutiny" (URL**:** www.publicscrutiny.nl, item 4). Why the public scrutiny is a unity and by what it is united is sufficiently explained in paragraph 18e further on.

Introduction of the highest court "Raad van State" (translatable in "Council of State")

The highest court "Council of State" is one of the two departments of the institute "Council of State" of which the King is President. After a conflict with the European Court of Human Rights, every citizen has the first instance in administrative law cases before a court of the judiciary. Any necessary appeal should be submitted to the "Council of State", which is the highest court within administrative law.

This court or its judges are not independent. It has been made so excessively competent that it can still declare an unauthorized court or judge, against whose unauthorized decision an appeal has been lodged, as competent (Article 8: 117, General Administrative Law Act). So this is completely afterwards and only in the case of appeal. The judgments are pronounced in public.

Before taking office, the members take the following oath before the King (quote):
"I swear (declare) that, to acquire my appointment, I have given or promised anything to anyone, directly or indirectly, under any name or pretext.

I swear (declare and promise) that in order to do or refrain from doing anything in this office, I have not accepted or will accept from anyone any gift or promise, indirectly or immediately.

I swear (pledge) loyalty to the King that I will always help maintain the Statute for the Kingdom and the Constitution and that I will fulfill my office with fairness, rigor and impartiality.

So help me God Almighty! (I declare and promise that)".

The obligatory principles for any scrutiny of the judiciary

Good faith is surely absent because otherwise each dispute has two justices while only one is possible to be in line with the author; respecting good faith without discrimination makes a just scrutiny or court trial fake and useless.

The evidences of perjury, abuse or infringements do not change that the offenders are able whether or not by accident to express just findings or conclusions. Also offending courts do not change this.

Each lawsuit is one party who executes his rights (empowerment is a right) against an opposite party who is unwilling to endure this execution. This examined case attests a government unwilling to agree with the Commission. The reason for just scrutiny is to unveil the cause in effort to a solution**:** is it a contrary right, a lack of knowledge about the (executing) right or sometimes is it to make disadvantage or worse. A judge is equipped and facilitated to disclose the legislative author's working papers to publish its cogitation, object and purpose with the law and involved articles. This is a demanded obligation.

The place and importance of the ECHR

The ECHR is the non-tolerant and non-exceedable outline boundary of the "Rule of Law", in which all the activities or human resulting happen (see paragraph "Introduction"). Not the same but close comparable with the safety rules for products in the society, which have

their own particular rules for construction and working. So, how well and according the law a product is made, when it does not pass the safety rules it is out of use and out of the human lives in a together living society.

The ECHR is a regular contract, with at one side the Contracting States and on the other side everyone (article 1, ECHR). Each breach of contract has also legal results by the Agreements Rights in the country where the offences take place.

The Human Rights do not turn over roles, exchange with persons in their official capacity or turn over the occurred levels of power. The Human Rights is nothing more and nothing less then an equalizing power.

Final Conclusions on the judgment within the Human Rights

The righteousness tasks of any national court (jurisdiction)

(1) There is no right without a preceding law and causal law-article that founds this right.
(2) The deliberate correct applying of all the involved rights ought to be placed within harmony with all other articles.
(3) The rules of the law must sufficient precise formulated to enable any individual to regulate his conduct (*Case of Rotaru v. Romania, 4 Mai 2000, §55*), so the judgments too. The complete and precise formulated judgment is firstly to serve the public scrutiny.
(4) The freed cogitations ought to be referred to the information in the working papers of the author, as obligated to the obedience to the freedom of expression as declared by the United Nations.
(5) The final concept of judgment must, as last, obligatory be scrutinised in detail on each Human Right completed with all its –correct- interpreted rights.

Fundamental violations of Human Rights and the ECHR

(6) The judgment pretends that a dispute arised about paying a registry fee and it pretends that a registry fee is obligatory for a (at the end) obligated decision. The judgment states that this registry fee is not paid, thus this judgment cannot exist. But on the contrary it does exist.

Furthermore

(7) No public hearing has taken place. There cannot be a trial without a public hearing and the ECHR only allows one restriction and this is to the publicity of the hearing.
(8) The judge reports about only the registry of the Supreme Court "Raad van State" but does not state a judgment on a dispute between this registry and a private individual.
(9) Even for the court trial of resistance the private individual is not supplied with the right to a public hearing. Only a theoretical chance by a request is offered.
(10) By, inter alia, all these actions and omittings there is denial of justice.

Fundamental violations of civil rights and national law

(11) A notice of opposition is lodged by facsimile and since then not any response of receiving is sent to the resisting private individual and no proceeding followed.
(12) Courts regularly continue, after the frontpage that introduces the parties, with refere to these parties by their role in the process**:** petitioner of defender. This case attests of breaking with this regulation which is discriminating regardless any legal effect.
(13) The judge dedicated only one (1) sentence to the motivation of the private individual. Because no court trial took place no source of information exists for the judge. Also because the lack of a public hearing, this pretended reason can only be the opinion of the registry. This evidences the partiality of the judge.
(14) The Dutch Constitution orders to have each law article audited by the Human Rights in the ECHR. The judge did not do and does not refer to this main task.

(15) Due to the private name in the judgment the public scrutiny excavated and know that the judges are accused and called to stand trial inside the appeal, all according the requirements of the law. The judge does not mention this at all and this specific court trial did not take place. Once more are the judges accused and called to stand trial inside the remedy of resistance, all according the requirements of the law.

The round up of the final conclusions

The fake of judge decisions or judgments

The righteous tasks of any national court in §1 up to §5, are useful to serve as a checklist for the quality of case law. Each national court and its tribunals or judges have sworn an oath and are obliged to respect and obey the law's author**:** the legislator of each applied law article. If the judgment is in the state of the final concept, then ought to pass the last procedure**:** to be scrutinised according the ECHR's author's cogitation, object and purpose with the ECHR and the ECHR itself. This last procedure compels that also only the –correct- interpretations are applied. The interpretation's identifier is available, for each judge and the public scrutiny, at the homepage of this site behind item 5. A judge who applies its opinion makes the judgment instantly illegal due to intolerable unfairness.

The fundamental violations of the Human Rights in §6 up to §10, confirm again the fake of the Dutch courts, tribunals or judges, court trials and the judiciary. The judge states a law offence (not paying a registry fee) that blocks a court trial, but creates a registry fee free judgment anyway. Then this judgment contains a lawful offer to a lawful registry fee free court trial against not-paying of a registry fee. This attests that Dutch courts, tribunals or judges and judiciary are complete judicially insane. For (more) evidence is founded the webdossier "www.de-openbare-zaak.nl" and is every hour of every day available for each court and judge and everyone in the public and in the public scrutiny.

The fundamental violations of civil rights and national law in §11 up to §15, confirm too that the Dutch judges lie, cheat and commit perjury. The judge does not state that a trial took place and that a public hearing took place and thereby has the judge no source of information. But nevertheless he pretends to know surely the true motive of the private individual as he stated it in one (1) single, short sentence. Piled on this is the undisputable lie about the parties in dispute about whom this judgment is created**:** the judgment does not mention any doing of the "Rechtbank Noord-Nederland" or the Tax Department. Due to the lack of a hearing are all infringes the judge(s) to blame and are firstly accountable. The facts and arguments of the private individual and all his (in this case valid or claimed) human rights are deleted by the court but the judge did not order a public hearing to verify the truth of these. So, also the judge deliberately deleted the facts and arguments for the accusations and with it for the appeal. Even the whole document of the notice of opposition is deleted. All this is aside of the lie about the registry fee or its obligated payment evidenced by the existence of the registry fee free judgment. All of this made possible by abusing the term "independency" by almost all bodies or authorities of the Contracting State and the press, but surely not the public scrutiny.

All judges commit perjury because not one (1) stood up and still not stands up to correct and condemn his colleague-judge. Their common behaviour of lying, cheating and deleting disliked or inconvenient facts and arguments erected, since many years ago, the legal necessity**:** that each private individual litigant give its signature for agreeing with the, in the judgment, written version of their cogitations, objects and purposes in the submitted documents and evidence or oral in the public hearing.

Excuses are impossible

(Quote:) "From 1970 to 1984, the workload of such courts had more than doubled, whereas there had been no increase in the number of judges." (*Case of De Cubber v. Belgium, 26 October 1984, §34*). An overload of work is no excuse to let violations and infringes to the Human Rights happen en remain happening. The ECofHR agrees and replies (quote:) "The Court recalls that the Contracting States are under the obligation to organise their legal systems "so as to ensure compliance with the requirements of Article 6 para. 1 (art. 6-1)" and a bit further (quote:) "The Court's task is to determine whether the Contracting States have achieved the result called for by the Convention, not to indicate the particular means to be utilised." (*Case of De Cubber v. Belgium, 26 October 1984, §35*). To not value the increase of the workload of courts as an intolerable increase of violations and infringes against the Human Rights by the Contracting State's government and its public services, including the courts and its tribunals or judges, is a fundamental crime in itself. The legal results are explained in, inter alia, the preceding paragraph.

No effective remedy before a national authority exists except violence

The above confirm beyond doubt and undisputable the violations and infringes against the Human Rights and domestic (Dutch) civil rights. Equally these confirm that the accusations against the judges and judges in tribunals are totally true and correct pointed out.
The Dutch King is, being above all politic parties, the only authority to which all public service personnel, including courts, tribunals and judges, swear their loyalty. But the Dutch King hides behind the human shield of his "Cabinet of the King" and behind his institute "Raad van State". Due to the non-existence of the "effective remedy before a national authority" that is guaranteed by article 13 of the ECHR, the violations, infringes and perjury continues and this behaviour is applied since very many years ago. The national judiciary, courts, tribunals or judges erect the violence in the society, but still remain unpunished due to the lack of the remedy and the abuse of the term "independency".

Considering binding force

The Human Rights is an equalising power, nothing more and nothing less. Equal to the European Court of Human Rights, is the public scrutiny instituted by the European Convention for the Protection of Human Rights and Fundamental Freedoms. The author must have implied the equal authority as stated in article 46 to the public scrutiny.

As publicly pronounced by the European Court of Human Rights is the jurisdiction of the public scrutiny, the scrutiny of the judiciary regardless European or national. It is not the task of the public scrutiny to take the place of any court. Neither can any court of a Contracting State unjustifiable refuse to abide the judgment or report of the public scrutiny. The public scrutiny is equal to the European Court in the field of scrutiny a Contracting State's tribunal, judge or court and the European Court of Human Rights.

Legal effects

These legal effects is the execution of the effective remedy of the human right stated in article 13.

Actions of each Contracting State are condemned by which "the operation of the fundamental clauses of Articles 6 and 7 (art. 6, art. 7) would be subordinated to their sovereign will." (*Case of Engel and Others v. the Netherlands, 8 June 1976, §81; Case of Öztürk v. Germany, 21 February 1984, §49; Case of Campbell and Fell v. the United Kingdom, 28 June 1984, §68*), whether by one of its bodies or by one of its authorities. This condemnation is valid for every article of the ECHR.

Emphatic must now the begging for returning our stolen human rights, stop. **Equal emphatic** must the ignoring of the public scrutiny, stop. Act after the press publishes shall aggravate the theft and ignoring.

The European Court of Human Rights and any national court is obliged to equal operate in the unity of the public scrutiny and stop the method of working to create legal uncertainty and legal disorder. A huge amount of judgments means by default**:** discrimination.

Priority for the European Court and each national court is to standardize the respect and obedience of the freedom of expression as is declared by the United Nations and firstly for the author of the European Convention for the Protection of Human Rights and Fundamental Freedoms. Close followed with the retroactive correction of all judgments, in public.

The European Court and each national court ought to recognise the, in the public scrutiny's report on the Guide on article 13, supplied elaborations of article 13 and accept this as the cogitation, object and purpose of the author with its expression**:** the European Convention for the Protection of Human Rights and Fundamental Freedoms. The domestic (Dutch) courts and judges have had a sufficient number of possibilities for opposition and evidences, but they had no serious factual defence.

The Dutch King is already earlier informed by the domestic (Dutch) public scrutiny about the demands to, inter alia, return our stolen Human Rights and Dutch civil rights. This message is available in the webdossier "www.de-openbare-zaak.nl". Up to now has a reasonable period of time elapsed. The King hides away behind his "Cabinet of the King". So the Contracting State "the Netherlands" remains discriminating a private individual from groups of individuals or from the non-governmental organisations.

Note:

This public scrutiny's report is cooperative in harmony with the public scrutiny's other reports at this site in section "The Public Scrutinies".

Identifier:

Category

One litigant is a private individual without legal assistance;
Opposite litigant is a court or a court's tribunal or a court's judge;

Case

The court trial is an accusation of one (1) or more judges, the court or the judiciary;
(is completely deleted)
and,
The court trial matter is access to the court's tribunal or its single-judge tribunal;
(is not the same as access to the court)
The Human Rights field is a fair trial (article 6).

the scrutinisable parts:

the private individual's independency from the legal assistant and ownership of the submitted disputes;
in the administering of the litigation;
by any and unrestricted claim;

by a fair public hearing included its fair report;
by a tribunal with high moral character and an impeccable craftsmanship;
by the agreed correctness of the written views to the matter(s) and to the issue(s);
by the completeness of the inventory about all the involved human and civil rights;
by the correct interpreting of the unclear terms according the author's cogitation,
object and purpose;