of the judgment by the court of first instance
“Rechtbank Noord-Nederland”

in the criminal case against wind farm opponents, 16 April 2021
this version and the Dutch version are authentic

Introduction

The case in the frame of criminal law has been brought by the Prosecution against private individuals who are opposed to a location destination for a wind farm. At some point, these individuals sent letters to relevant agencies and companies to communicate their arguments. This communication escalated to a struggle and from the private persons on to serious warnings. The private individuals did not take actions, while the companies or authorities stopped the construction of the wind farm.

The difference between warnings and threats has not been legally identified, nor has the cause of the escalation (radicalization) been established. Only the last phase of the process (the occasion) has been considered.

Hereafter the European Convention for the Protection of Human Rights and Fundamental Freedoms is mentioned to as the Convention and the European Court of Human Rights is mentioned to as the European Court.

Survey of the judgment

After the introduction of the parties, the document is divided into chapters with a title and without a number.

There is no signature from the suspected individual and the State that the descriptions correspond with the submitted circumstances and facts and that they are complete.

The division is as follows.

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 European Court's judgment and so of the public scrutiny down from the date that the Convention 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, Convention, is also the press excluded from the public. Who are member of the public scrutiny is described in the "Manual for public scrutiny", item 4 [*1]. Why the public scrutiny is a unity and by what it is united is sufficiently explained in the same document "Manual for public scrutiny".

Introduction of the court of first instance "Rechtbank"

The "Rechtbank" is a court of the judiciary established by law. It deals with cases in the first instance or by law compulsory requests. It has a tribunal or a 1-judge tribunal. Every judgment or decision must be made in public.

Before an appointed judicial officer can enter the service, he must take the oath or affirmation. This is done in front of the court (almost always in the person of the president). This oath reads (quote):
"I swear (promise) that I will be loyal to the King, and that I will keep and obey the Constitution and all other laws.

I swear (declare) that, neither indirectly nor immediately, under any name or pretense, I have given or promised, nor will give or promise anything to anyone in order to obtain an appointment.

I swear (declare) that I will never accept or receive any gifts or gifts whatsoever from any person whom I know or suspect has or will receive legal action that might involve my official services.

I swear (promise) that I will perform my office with honesty, rigor and neuter, without regard to persons, and in this exercise will behave as befits a good judicial officer.

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

The obligatory principles for any scrutiny of the judiciary

Good faith is standard absent (clarified in document "Precognition and international principles" [*1]).

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 of Golder attests a government unwilling to agree with the Commission for Human Rights. 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 Convention

The Convention 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 Convention is a regular contract, with at one side the Contracting States and on the other side everyone (article 1, Convention). 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

(I) Precognition and international principles

(1) The precognition and international principles are gathered in the document "Precognition and international principles" and are explained therein. This document is inseparable a part of this document and all precognition is presumed being included.

The topics in the documents include:

1. Every law is made and written for each private individual
2. Each court, tribunal or judge is always last in line, forever
3. Each interpretation has retroactive effect originated by law
4. Human Rights concerns solely one court: that of the first instance
5. The Convention is a regular contract
6. Every appeal is a regular notice of default
7. The Convention also obliges the European Court and every national court, tribunal, judge or judiciary
8. Good faith is absent by default.

(II) Violations or perjury

1. Ignoring the public scrutiny

(2) The judgment has not been signed by the chairman and the registrar, but because this is required by law, it may be assumed that it has been done on the authentic deed. So a signature from each party is no problem. No party has signed. So than is

deliberately left to the public scrutiny to find and establish that:
(a) The judgment does not ensure, by means of each party's signatures, that it covers all submitted objects of violation and rebuttal, that arguments or facts are not erased, that it does not publish lies and that it does not publish misleading context;
(b) It is not verifiable that the judgment truthfully publishes the defendant's real defense.

(3) Because the Public Control is not provided with sufficient and assured verification data, the writings up to and including the chapter "declaration of proof" are not verifiable. So that, already because of this, the judgment and punishment are unfair.

2. Intolerable discrimination

(4) In the documents classified as threatening letters, the private individual has given his reasons. A tribunal is obliged to take this into account in the accountability of the acts. The court did not do this. Article 47 (Criminal Law) prescribes that (translated quote) "As perpetrators of a criminal offence are punished, (1°) those who commit the offence (2°) those who (...) deliberately provoke the offense.". Furthermore, it is stipulated, in paragraph 2, that (translated quote) "With regard to the latter, only those acts which they have deliberately provoked, in addition to their consequences, are eligible. Therefore is the perpetrator who committed provoked acts is not punishable. The suspected private individual is provoked but nonetheless tried and convicted: so he has been discriminated from the perpetrators of provoked acts. Contrary to the law, the decision has been taken without reason that the perpetrator will be tried and not the provoker (Article 359, Criminal Procedure Law). So that already because of this the judgment and punishment are unfair.

(5) In the judgment is stated (translated quote) "In the opinion of the court, the above-mentioned evidence, taken together and in conjunction, can sufficiently show that the suspect and co-suspect [co-suspect] were the driving forces behind the sending of the black-books and threatening letters to the declarants in the period that the proven facts took place.". It is not specified what was considered from the evidence and what taken together and in conjunction was considered. Furthermore, the driving forces have apparently been discriminated from the rest of the forces behind the sending of the black-books and the suspected threatening letters. This is also prohibited discrimination. So that by this and additionally the judgment and punishment are already unfair.

3. The intolerable unfair judgment

(6) In the judgment, the object and purposes of the legislator are nowhere stated and considered, among others with Article 47 (Criminal Law). It has been written that the court observes, judges or considers while factual each time an opinion is expressed. These opinions were beforehand not disclosed to the suspected private indivudal or were not known to him. This is intolerable unfair. So that already because of this the judgment and punishment are intolerable unfair.

4. Classifying documents as threatening letters is without reason or ground

(7) The documents are classified as threatening letters without reason. It is stated below (translated quote) "The content of the texts that are declared proven have clearly threatening elements.". However, which elements this opinion focuses on and with which identification the suspected elements are threatening has not been indicated and made clear. The decision to classify as a threatening letter is without factual ground, which then only arises from prejudice. Furthermore, it is an opinion afterwards. As a result, this judgment is in conflict with Article 6 §1 ECHR

5. Classifying acts as threatening without reason or ground

(8) In a document 'supplement to black book' adopted as evidence for threatening letter, is written (translated quote) “Warn your fellow companies” and warnings occur repeatedly in the suspected evidence. It is not and is nowhere been identified what a warning is, nor has it been identified anywhere what a threat or to threat is. "To have a fear" alone is not enough, because any criticism is a fearful one. This necessitates that it is identified what fear is in connection with threat and this identification is not and is nowhere been identified. The decision to classify an act as threatening without factual grounds, then only arises from a prejudice. Furthermore, it is an opinion afterwards. Therefore combats this judgment against Article 6 § 1 of the ECHR.

6. The model verdict is not filed and not handed over to the parties

(9) In any criminal case is the case investigated by the Registry and this research reported in a document that is closed with a verdict. This document is generally entitled “model verdict”. The law requires that parties must be able to comment on this document, so that it must be in the dossier and handed over to the parties. Both events are not mentioned in the judgment. As a result, there has been no public handling or hearing of the case. The secret activities of the court plus those of the tribunal make this an unfair trial.

7. Leaving incitement of violence unpunished

(10) The preamble to the Universal Declaration gives the cause for the founding of Human Rights, which is at the same time the prediction for what will happen when these founded Rights are not there, in fact when those rights are or have been ignored. With Article 5, Constitution, gives everyone the right to make requests to the competent authority. An implicit right is a valid and constructive answer. A board of directors is undisputedly the competent authority.

(11) An official report states (translated quote) '”The first reaction was: we just continue. We will not be blackmailed. That was the general response. But my father, who used to be in the company as well and is now retired, I called him and he said: No, you have to stop.”. There is no evidence in the file that the competent authority wanted to use and has used the possibility of communication. There is indisputably no communication, in fact the mutual exchange of information, facts or opinions with understanding. So that the (progress of) escalation is deliberately provoked.

(12) It is also undisputed that the termination of the work on the site is an own decision, or that a requested termination has been granted and carried out. Every reasoning of a company is evident to steer its financial consequences towards a loss of nil and a profit of maximum.

(13) The recipients of the documents classified as threatening letters were present at the public hearing. The investigation during the court hearing should have made it unmistakably clear why an escalation to the provoked acts the authorities did not want to stop. The judgment does not mention this reason. As a result, the detention and conviction is in violation of Articles 5, 6 and 7 of the ECHR, because a perpetrator of provoked acts is not punishable.

8. Leaving the cause of the escalation unpunished

(14) Every criminal act or omission has a cause and a provocation. In addition to provoking the acts, the court did not investigate within the legal framework of Article 47 (Criminal Law), as required by law, to the reason why no civil claim was brought to a tribunal by the accused private individual.

(15) It is publicly known that Dutch courts, tribunals, judges and the judiciary do lie, cheat, deceive and commit perjury without being tried and punished for this. One dossier on this is available on the internet at the site www.de-openbare-zaak.nl and it can also be verified that only the judges, tribunals, courts and judiciary do this in violation of the Human Rights.

(16) So that the causal cause of the escalation lies in the crimes of lying, cheating, deceiving and perjury by the judges themselves, by the tribunals themselves, by the courts themselves and by the judiciary itself. Also because of the uncertainties does the judgment not meet the requirement that it must be formulated sufficiently precisely so that everyone can regulate its behaviour. The reason cannot lie in something other than the acquisition of work, also reading the referral of the tribunal to the civil court for damage to be settled simultaneously in this case. As a result, the detention and conviction is in violation of Articles 5, 6 and 7 of the ECHR, because a perpetrator of provoked acts is not punishable.

9. Betrayal against the legislator and previous tribunals

(17) It is almost impossible that since the entry into force of the Criminal Law, first on 03-03-1881 and most recently on 01-03-2014, this is the first judgment in this category of equal cases. There must be at least 1 (most likely more) identical cases.

(18) Failure to establish and indicate identification pretends that this case is separate and discriminated from the other similar previous cases. So also, the prohibited discrimination with this justification away from the legislator's object and purposes with the Criminal Law and the relevant articles. In addition, there is also the betrayal of the judge-compositions of previous tribunals from the first in all equal previous cases. This conflicts with the international legal principles of legal order, legal equality and legal consistency on which the ECHR in particular is based.

10. Unauthorized judges and therefore unauthorized tribunal

(19) The foregoing above makes it indisputable that the tribunal does not comply with the composition with competent judges and also does not comply with the composition with an average quality or better in terms of justice skills, craftsmanship and a high moral character of the courts to which every private individual is entitled by Article 6, §1 ECHR.

(III) Complementing human rights interpretations

There have been no findings made by the tribunal that provide more clarity to citizens about the protection of their possession and the enjoyment of their Human Rights and Fundamental Freedoms, whether in explicit terms or the implicit Rights and Freedoms .

(IV) Round-up of the scrutiny

11. Creating civil rebellion and escalating into civil war

(20) The preamble to the United Nations' Universal Declaration of Human Rights states (quote) "Whereas disregard and contempt for human rights have resulted in barbarous acts which have outraged the conscience of mankind (…).". This is one of the causes for the establishment of Human Rights. At the same time, this is the prediction of what will happen if the set aside and disdain (again) happen.

12. Tribunals specifically work towards civil rebellion and civil war

(21) In generating civil rebellion into civil war, at a great distance in front are the judges, tribunals, courts and judiciary who put the Human Rights aside and despise them and instigate the barbaric acts. Because deliberately the provocation has not been investigated by not investigating the cause and the triggering of the provoked acts in all that took place beforehand. Also because it was also deliberately not investigated why none of the parties first filed a civil claim and this outcome was awaited. So that completely unjustly and deliberately the innocent perpetrators of provoked acts are condemned and punished. In doing so, this tribunal also commits the crime of incitement by, among other things, abuse of authority of everything that will follow from this (paragraph 20 above) out of anger about injustice, in addition to at least committing perjury. For nearly all Nations in the world declared (quote) "Whereas it is essential, if man is not to be compelled to have recourse, as a last resort, to rebellion against tyranny and oppression, that human rights should be protected by the rule of law".

(22) This judgment of the court of first instance is not an act of justice and is furthermore indisputably null and void because of the criminal offenses committed with and in it, but it remains an authentic deed that declares the adrift of opinion away from the origin, the tyranny and oppression of or by the judges, tribunals, courts and judiciary. Already because with this judgment again, by them, a clearly and legally innocent, private citizen has been condemned. In addition, any violence is legal and necessary to restore the supremacy of the law as the author of "the law" intended by it.

13. Consciously destroying democracy in society

(23) Both the Prosecution and the tribunal know about the democratic resistance since 14 June 2013, which provides support to private citizen and defends their provoked actions. To this public scrutiny's judgment is inextricably attached the media report on the opinion and decision of the local council. The article is added at the end of this document and the original-copy is available on this site [* 1]. Incidentally, a few weeks later a brief survey via media showed that many more municipalities support this council and therefore the private citizen. This inquiry should have been done by the tribunal and it ought to know the data. This message is attached to the original-copy.

(24) The damage done is to suspend (quote of the preamble of the Universal Declaration) "the advent of a world in which human beings shall enjoy freedom of speech and belief and freedom from fear and want.". By all Nations in the world this (quote) "has been proclaimed as the highest aspiration of the common people,". This further supplements paragraph 4 above against the conviction and punishment of an innocent, provoked private citizen.

14. Verification that only one court (of first instance) is involved

There is one national court, that of first instance, involved. There is no legal remedy offered against this judgment and no legal remedy is excluded.

15. Identification of similarity with cases in the same category

No identification of the case has been established, nor are the identifiers shown to verify that the case is in the same category of similar cases.

16. The judgment of the court is illegal because of perjury and other Human Rights violations.

As a result, the European Court is ordered,

(*) to retroactively destroy all activities to acquire employment through misjudgments,

unnecessary pseudo-interpretation or failure to enforce the obedience of Contracting States;
(*) retroactively revise all its statements based on its opinion;
(*) the cassation of unnecessary judgments on grounds of discrimination;
(*) to properly revise the few remaining judgments, guiding by this judgment;
(*) to establish or revise a correct inventory of each Article with its implicit rights through legal interpreting that links up into the unity of public scrutiny;
and
(*) to compensate all damages of all private individuals involved;
(*) complete the above work within a reasonable period of time, with an average or better quality of craftsmanship and at the expense of the damage makers.

17. Public scrutiny does what the European Court should do

Because of the abovementioned human rights violations, the rights to protection submitted have been rightly claimed. In the absence of approval by each party, it must be assumed that the situations arose where the justifiable offences occurred without the guaranteed protection.

The report of the public scrutiny and the established complement of Human Rights, are of everyone and valid in all equal cases in the same category and enforceable in any place in a Contracting State for any tribunal.
This public scrutiny report has been sent to the President of the European Court with an order to treat it equally as any final ruling on Article 46. With an emphatic focus on destroying the employment acquisition through repetition of perjury and insult.

18. Identification of this case

The judgment of the Court is that of a first instance, within the legal framework of the Criminal Law, articles 14a, 14b, 14c, 45, 47, 57 and 284, and the Criminal Procedure Law. The legal relationship between the State and the private citizen is criminal suspicion. The last instance of the State is the Prosecution and the first instance of the State is the police, being the investigative service. The object of the suspicion is threat without physical violence. More personalization creates prohibited discrimination.

17. Revision of "Interpretation of Articles of the Treaty (ECHR)"

There are no findings by this judgment that require the document to be revised [*1].

Note:

This public scrutiny report is cooperatively in harmony with the other public scrutiny judgments on this site in section "The Public Scrutinies".

[* 1]: these documents are available on this site www.publicscrutiny.nl in the chapter “The Manual for Public Scrutiny (…) and more documents”.

Majority of Borger Odoorn council against windmills

By: Bert Jan Brinkman - On June 14, 2013

Bomvol Brughuus - (f: RTV Drenthe)

VALTHERMOND - A large majority in Borger-Odoorn council is against the arrival of windmills. This became clear last night during the council meeting in the 'Brughuus' in Valthermond, which was well attended. Only “Groen Links” turned out to be in favour for the Drenthe’s area vision on wind energy.

Many parties criticized the process that has been followed and the passing of the population. The lack of support and the lack of clarity about health risks prompted a majority to vote against. Nevertheless, it remains to be seen whether Borger-Odoorn will be protected from wind turbines. The province Drenthe has declared itself to the government to willing to allow 280 megawatts. If that fails, central government will take over the coordination and much larger initiatives will be given a chance.

The council meeting had to be interrupted for a short time because a visitor loudly expressed his dissatisfaction with the arrangement of the Municipal Executive. When the man did not get quiet, mayor Marco Out suspended the meeting for a short time.