

[NL]

Voir Note explicative
See Explanatory Note
zie Toelichting

COUR EUROPÉENNE DES DROITS DE L'HOMME
EUROPEAN COURT OF HUMAN RIGHTS
EUROPESE HOF VOOR DE RECHTEN VAN DE MENS

Conseil de l'Europe – Council of Europe – Raad van Europa
Strasbourg, France – Straatsburg, Frankrijk

REQUÊTE
APPLICATION
VERZOEKSCHRIFT

présentée en application de l'article 34 de la Convention européenne des Droits de l'homme
ainsi que des articles 45 et 47 du Règlement de la Cour

under Article 34 of the European Convention on Human Rights
and Rules 45 and 47 of the Rules of the Court

krachtens Artikel 34 van het Europees Verdrag tot bescherming van de Rechten van de Mens
en de artikelen 45 en 47 van het Reglement van het Hof

IMPORTANT: La présente requête est un document juridique et peut affecter vos droits et obligations.
This application is a formal legal document and may affect your rights and obligations
BELANGRIJK: Dit verzoekschrift is een juridisch document en kan gevolgen hebben voor uw rechten en
verplichtingen.

Machine versus man

or

man versus machine

Economic communication:

a choice between competition

(profit and loss) **and peace** (participating in democracy
and the rule of law).

“Can I help it?”

Ask new questions and you will learn new things

Georg Greenstein

The days are coming when I will make a new covenant with the people of Israel and with the people of Judah.

³²*It will not be like the covenant I made with their ancestors when I took them by the hand to lead them out of Egypt, because they broke my covenant, though I was a husband to them.*

³³*This is the covenant I will make with the people of Israel after that time, I will put my law in their minds and write it on their hearts. I will be their God, and they will be my people.*

³⁴*No longer will they teach their neighbour, or say to one another, 'Know the LORD', because they will all know me.*

Jeremiah 31: 31-34

Conscience hidden under political, economic and religious conditioning?

The meaning of life?

You decide that with your life story.

György Konrád, Hungarian writer

Anyone who wants to be truly free must be willing to stand alone in the truth

Freedom has no history

Andrew Cohen

**I. LES PARTIES
THE PARTIES
DE PARTIJEN**

**A. LE REQUÉRANT/LA REQUÉRANTE
THE APPLICANT
DE VERZOEKERS:**

De Hutte Holding BV
p/a Château de Roquetaillade
12490 MONTJAU
France

The formal address is:
Dinxperlosestraatweg 88
7122 JH AALTEN
Nederland
But the undersigned does not live there!

1. Surname : Hoopman 2. First name(s) : Peter Gerard
3. Nationality : Dutch 4. Profession : Enterprising philosopher
6. Domicile : Château de Roquetaillade
12490 MONTJAU
France
7. Tel. : + 33 (0)5 65 58 19 59
- 8.9.10.11. 12. na

**B. LA HAUTE PARTIE CONTRACTANTE
THE HIGH CONTRACTING PARTY
DE HOGE VERDRAGSLUITENDE PARTIJ**

13.

The Dutch government.

II. EXPOSÉ DES FAITS STATEMENT OF THE FACTS WEERGAVE VAN DE FEITEN

14.

The undersigned has attempted to expose at law the difference in power between the financial world and the rest of society. This difference in power becomes manifest in the interest that is required to be paid on loans in addition to the redemption sum, making a balanced economic exchange between parties impossible and sending out a hierarchical message that you should bring in more than you have contributed. Applied recurrently, this leads to vertical concentrations of power rather than horizontal economic communication based on constitutional “equality” between people. On the basis of these differences in power, social hierarchy, both public and private, will form and stabilise itself as layers. They called this the caste system in India, apartheid in South Africa, segregation in the USA and fascism in Germany. Religion calls it faith and within the economy, we call it science.

In 2006, the undersigned attempted to raise this subject without obligation in an effort to initiate a discussion with the Dutch Authorities. This correspondence came to nothing, after which the undersigned lodged an objection against a provisional corporation tax assessment.

The best observation made during the entire proceedings was by a tax inspector on 26 March 2007:

The problem that you address is beyond the scope of this notice of objection.

This statement hovered over the proceedings throughout and none of the Dutch legal authorities were brave enough to address the crux of the matter raised. It was solved legally and technically, thus obviating the need to discuss its content.

17 April 2008 Ruling of the District Court of Arnhem, tax section:

Interest forms part of profit.

28 July 2009 Ruling of the Court of Appeal Arnhem, tax section:

Interest forms part of profit

The European Court also charges interest. EHRM, 16 April 2002, S.A. Dangeville v France, Application No: 36677/97

Nowhere has the undersigned contended that interest is not part of profit within the given context. The real issue, the assumption that money is worth money in the form of interest, creates a context in which the government designates the winner in advance. This has turned legitimate economic robbery into a building block of contemporary Western society: bring in more than you actually contribute: the pursuit of profit.

The undersigned does, of course, realise that today's economic world hinges entirely on this. But if the consequence of this is a recurrent misuse of power and conditioning, then in an open and independent legal system, which is an integral part of society, it must be possible to address the essence at law.

In its ruling of 17 September 2010, the Supreme Court of the Netherlands invoked article 81 of the Dutch constitution:

Article 81

If the Supreme Court decides that a complaint raised cannot lead to cassation and does not demand that questions of law be answered in the interests of the unity or development of the law, the Court may, when stating the grounds for its decision, confine itself to this ruling.

Neither did the Supreme Court address the content of the charge, thus leaving the bureaucratic power mechanism as it was. Bringing in more than you contribute, the paper translation of profit. This explains why in his book and the documentary made about it, *The Corporation**, Joel Bakan clinically diagnoses the business enterprise as legal entity as psychopathic. Nowadays, an enterprise as entity is forced to bring in more than it contributes and as a consequence, it is not able to develop any empathy towards the outside world itself. It is a 'luxury' that it cannot afford in mutually competitive surroundings.

Because of the persistent belief in competition, society and individuals allow themselves to be governed by a social hierarchy of winners.

The undersigned has indicated that overestimating the efficiency of competition undermines reason, common sense and just balance.
http://www.solution-simple.com/eng/appeal_to_supreme_court_II_march_2010.html

It was also regularly brought to the fore and suggested during these proceedings that the problems I raised did not belong in a court of law but in parliament. (Tax and Customs Administration, 26 March 2007 Appendix A p. 18) The undersigned remains of the opinion that the assumption that money is worth money in the form of interest is a political choice that has already been made and can therefore be considered at law. This leads me to the question of whether the Dutch legal system believes that something becomes the truth just because a parliamentary majority is in favour of it. For the undersigned that would mean that in the Netherlands, the separation of powers and the independence required to arrive at a legal judgement are, at the very least, heavily under pressure, never mind the spirit of the law.

* http://en.wikipedia.org/wiki/The_Corporation en
<http://www.youtube.com/watch?v=Pin8fbdGV9Y>

- Summary of the attempt at entering into a dialogue with the authorities -

Four years ago (in 2006) I entered into a dialogue with the public authorities (and the constitutional state.) The Supreme Court decision has now formally ended this dialogue.

The essence of what I have tried to put forward is that, as a result of mutual competition, the authorities have chosen to side with:

the winners

As a consequence, the authorities have lost any and all independence to talk and act on behalf of the people. The assumption that money is worth money in the form of interest has even prompted the government to designate the winner in advance:

the financial world,

the source of the unchecked bureaucracy.

As a result, the economy, democracy, the constitutional state, reason and integration have ultimately become subservient to the bureaucratic patterns that we ourselves have institutionalised. Over time, these patterns have created a *wall of apartheid* in the human psyche, stronger than the Berlin wall. This wall has increasingly alienated us from our common basis, which, in legal terms, is our constitution and, in political terms, the public interest. It is through this that we have cut ourselves off from 'the other' and, hence, from ourselves.

When we have the courage to face up to this, that wall in our psyche will melt like snow in summer.

A summary of the attempt at dialogue with the public authorities can be found at:

http://www.solution-simple.com/eng/consultation_with_government.html

"Before the law", the introduction to Orson Welles' film of Kafka's book *The Trial*, is also worthwhile viewing:

<http://www.youtube.com/watch?v=pqPeI7-eVgc&feature=related>

IV. EXPOSÉ RELATIF AUX PRESCRIPTIONS DE L'ARTICLE 35 § 1 DE LA CONVENTION
STATEMENT CONCERNING ARTICLE 35 § 1 OF THE CONVENTION
VERKLARING BETREFFENDE ARTIKEL 35 § 1 VAN HET VERDRAG

15

The dogmatism behind the assumption that money is in itself worth money in the form of interest and its conditioning of people, politics, economy and the judiciary contravenes the following articles: 1, 2, 4, 5, 6, 9, 10, 14 and 17 as can be read in the appeal of 4 July 2007:

http://www.solution-simple.com/eng/appeal_4july2007.html

In this petition, I will limit myself to article 6 (right to a fair trial):

The search for balance is the essence of the legal system and a fair trial. How will the balance of power evolve in society if the basic message is to *bring in more than you contribute, make a profit?*

Money rules the world. But the power of money remains largely invisible. Few realise that we are living in a global casino in which almost 2 trillion dollars changes hands every day. No less than 98% of this is speculations, i.e. money not used to pay for goods or services. The negative consequences of this are all too familiar: poverty, environmental pollution and chronic lack of time.

From the back cover of *The Future of Money* by Bernard Lietaer, published in the Netherlands by De Boekerij BV Amsterdam.

What objective hold do politics, the legal system, economic science, and normal people have if growth and profit are the economic objectives? Is five per cent good or maybe twenty? It's intangible. If the virtual part of the economy is in difficulty, we pump billions into the system to save it, at the expense of the whole. What we achieve by doing that is to save the belief in the system, whilst the rest remains as it was. The existing balance of power is stabilised. Stability is a matter of life and death for all societies but as a constitutional state, we are also obliged to look at the mutual hierarchy of power to see if people are essentially still "equal". This is only possible if there is a common basis in which people are "equal" and onto which they can always fall back. Legally speaking, this is the constitution and human rights. Politically speaking, this is a bit more vague: winning elections, the general good? It should be the latter, but what constitutes the general good: economic growth and profit?

We have not made it easy for ourselves, but at the same time that's the success of the system. Thanks to an arithmetic lever, we have managed to turn an apple into an apple plus X per cent. This X per cent is our reward for the effort we have put in. No one has ever been able to explain to me where exactly the added value of the X per cent is, except in the apple itself. The undersigned calls this our bureaucratic faith. This is hardly surprising as this belief works as a lever, a profit catalyst. First there was a plain or very special apple and if you sold it and your costs were lower than your income you had a profit.... on paper. Because in reality, all there was was the apple and whether this makes you a "profit" or a "loss" does nothing to change that. The result was a lot of hocus-pocus about that apple, and what good this has done

us, you may well ask. The origin of this bureaucratic technique is found in the financial world, where money in itself is worth money in the form of interest. In actual fact, it's something we believe or think is true. If we borrow money we have to pay it back and pay interest, which is why we had to come up with something that makes an apple not just simply an apple but an apple plus X per cent.

Fortunately, this can be done in a supply and demand market, where growth and profit are the motors of the economy. Profit is in fact nothing other than the difference in power between the supplier and the demander. A big difference in power gives you extra purchasing power. The West has far more purchasing power than African countries, for example. It doesn't really make much difference if you have lots of debts, the point is to grow and win, because by doing so your purchasing power increases. Actually, this is an indicator of market dominance, although to uphold the faith, economists and political commentators will use other, more pleasant sounding words to describe it. This is not so much reproach as logic and, in certain respects, of all time.

If we look at the global consumption pyramid, we see that twenty per cent of the richest account for eighty-six per cent of total global consumption – you, and the undersigned, included (Source: UN population fund). The trend in the difference in purchasing power clearly emerges in calculations made by the footprint organisation, i.e. that if every citizen of the world were to have the same average consumption requirements as the Dutch have, we would need five extra worlds. We live beyond our means and that has to be paid for somehow. Evidently, today's political and economic system has nothing built into it to maintain the balance, such as by using the earth's own natural renewable production capacity.

On the one hand, with hundreds of laws, legal proceedings and rules, politicians try to keep a grip on everything, while, on the other hand, the financial economy is without structure. The undersigned once attempted to clarify this in a pamphlet, *the politico-economic illusion*:

It shows how 'paper profit' by businesses leads to the production of more new 'laws and rules' by the government. But in fact we play hide-and-see behind these paper 'truths', without taking responsibility.

That we cannot take responsibility is somehow logical because what is this all about? About apples or about bureaucratising added value? Moreover, taking responsibility is not interesting economically speaking, because, as a rule, it involves an increase in costs. If possible, you try to pass on the costs to an abstract whole, which has a favourable effect on your profit margin. Obviously, the authorities will eventually find out that something is wrong, so they will devise a new law or rule. Thus, the game of cat and mouse goes on.

The apple should just become an apple again and a euro a euro. But as T.S. Eliot said: *Humankind cannot bear much reality.*

To be perfectly clear, nobody finds it easy to get their head around this:

We, the government, businesses and the financial world, have created a mechanism based on a trick of creative accounting. Our current political and economic system is in reality one huge accounting scandal. We cling like religious fundamentalists to eternal book (paper) profit, thereby losing sight of

daily reality and our responsibilities. From a political perspective, this is a social/liberal delusion, in which the socialists want to use this paper profit for the benefit of society, and the liberals to reward individual initiative. Surprisingly, both suffer from the same malady, that is, their faith in this non-existent paper profit.

Source: The political-economic *Decoy*, 2004

Nowadays, we all depend on bureaucratic reward. In 2009, Jacques Attali described a G20 meeting in London as: *a meeting of alcoholics in a bar*. Let me be clear, we are all addicted to our dose of bureaucratic reward, our purchasing power, bringing in more than we actually contribute. Is it possible to return the economic system to some form of natural balance? Without actually questioning the economic dogmas of growth and profit, this seems impossible to me. But what is the real problem in these proceedings?

What has gone wrong, theoretically and hence practically speaking, in the course of time?

Great thinkers all recognised the dangers of concentrating power in a relatively small group of people. From different angles and in different contexts, the “*big three*” have all given their vision of this: Montesquieu (1689 – 1755,) Adam Smith (1723 –1790) and Karl Marx (1818 – 1883.)

Montesquieu could perhaps be considered the founder of the political separation of powers. Adam Smith knew that an economy profits from individual initiative and maximum participation, with the result that economic communication remains in balance because of mutual competition. Adam Smith can, in a sense, be seen as wanting to keep the economic concentration of power under control by means of a kind of “economic separation of powers”. Mergers and the endless buying up of companies is at odds with this. How can you sum up Karl Marx’s ideas? Maybe he can be regarded as the scientific founder of “social equality”. The isolated role of money in society has alienated man from this social equality so that he lives in a kind of permanent and anxious isolated exile.

For me, these basic precepts do not contradict each other. Rather, they are complementary and integral. It would seem as if we have taken the separation of powers too literally. In the sense of: *we are responsible for this and now you are trying to cast doubt on our independent way of working. I don’t interfere in your business either, do I?* What I am trying to say is that the separation of powers has taken on dogmatic/technocratic features, and, as a result, the comparative outsider no longer has access to the place that theoretically regards each human being as equal. It makes little difference whether this concerns politics, the economy or the judiciary. By delegating this, specialists/winners keep you at arm’s length because you are, basically, a danger to the “establishment”. Money reinforces the separation of powers, because if you have money today, you let that money communicate for you and you yourself remain inviolable. At the same time, money has reduced the dependence of others, which, in many cases, is extremely positive. The real political and economical trick is to strike a dynamic balance between these. If the market of politics, the law and economics are a meeting of equals with different responsibilities, then we must leave our ivory towers (the technocratic separation of powers) to safeguard what unites us, and we should all, on the basis of our own responsibilities,

watch over and strengthen this meeting of “equals”. This can only come from the inside, awareness is not something that you can impose on others.

In my first letter to Prime Minister Balkenende (2 May 2006), I wrote the following in the appendix:

The economy is nothing other than a form of social communication and, therefore, the most important building block of democracy. A lasting reform will only be possible when we show the courage and the will to democratise the economy.

<http://www.solution-simple.com/government.html>

The economic market is not merely a meeting of supply and demand, of goods and services. No, the economic market is also the supply and demand of safety and justice. By isolating ‘safety’ and ‘justice’ in institutes, the awareness that their essence can only be brought to life by individuals will easily fade. The market is also a meeting of politics and the judiciary and if these do not integrate within the market of goods and services, protectionism and economic apartheid will be the logical consequence.

Displayed in a diagram, this is as follows:

Financial world/dogmas and conditioning		
legislative	executive	judicial
parliament	government	the courts

This is, roughly, the description Montesquieu gave. Then, as now, the financial world was spared. It exists, in fact, as a law unto itself, which emerges clearly in a saying by M.A. Rothschild (1744 – 1812): *“Give me control of the financial system and I don’t care who makes the laws.”* Or, more recently, as said by head of investment bank Goldman Sachs, Mr Lloyd Blankfein, on 8 November 2009 in The Times newspaper: *I am doing “God’s work”*.

The diagram below shows how to redress balance and reciprocity in the contract between governments and the people. Here, the financial world has again been subordinated to governments, serving (economic means of communication) society instead of being in an unassailable position above all the parties (above the law) as is the case today:

Rights and duties of man		
A curtailing of freedom and hence the burden on the individual and society. No individual, country or institution can lay claim to exclusivity – here everyone is “equal”.		
legislative	executive	judicial
parliament	government administration	the courts
financial world/religions/science		
day-to-day executive: individuals in society		
the integration of the economy into democracy and the latter into the constitutional state		

It forces governments and individuals to keep the foundations and the structures as simple as possible and to remain in contact with the 'essence' of co-existence, respecting the individual's essential and responsible role in the whole and trying to reinforce it by giving it meaning.

Because money plays an almost all-defining and simultaneously uncontrollable role, the question is whether we are still able to gain a purchase on a common frame of reference. The cult of the winner that dominates politics, economy and sports represents the gap between people rather than bridging it. This winner's mentality in our middle-class belief in profit and growth has something unbridled in it, and has no single framework within itself. Profit wants more profit, growth more growth, money wants more money. The winner will always find a way to win.

Hitler, the leader of the Nazi conspirators who are now on trial before you, is reported as having said, in reference to their war-like plans: "I shall give a propagandist cause for starting the war, never mind whether it be true or not. The victor shall not be asked later on whether he told the truth or not. In starting and making a war, not the right is what matters, but victory. The strongest has the right."

One of the prosecutors at the Nuremburg Tribunal

According to the undersigned, this is the dominant logic within the contemporary politico-economic system. War is to be replaced by competition and the extent of injustice is, of course, incomparable.

This brings me to the question whether within the Dutch constitutional state it is presumed that something automatically becomes a social truth if you secure a parliamentary majority for it.

If the answer is affirmative, then this system of justice can neither be independent nor can it function in relation to the whole. A fair trial is then open to all kinds of provisos, restrictions and fears, and there is little room for the spirit of the law, conscience and individuality in relation to the whole.

It is conditioning that rules in that case, often out of fear, and we are not permitted to call it into question. It goes without saying that the issue in this application that is brought before the court goes further than the Dutch government, the undersigned and the European Court. However, the spirit of the law can only be resuscitated if individuals and bodies have the courage to act not only for their own good, but also for the general good.

16. Décision interne définitive (date et nature de la décision, organe – judiciaire ou autre – l’ayant rendue)
Final decision (date, court or authority and nature of decision)
Definitieve beslissing (datum, rechterlijke of andere autoriteit en de aard van de beslissing)

17 September 2010, The Supreme Court has settled the appeal pursuant to article 81 RO (legal grounds).

Article 81

If the Supreme Court decides that a complaint raised cannot lead to cassation and does not demand that questions of law be answered in the interests of the unity or development of the law, the Court may, when stating the grounds for its decision, confine itself to this ruling.

17. Autres décisions (énumérées dans l’ordre chronologique en indiquant, pour chaque décision, sa date, sa nature et l’organe – judiciaire ou autre – l’ayant rendue)
Other decisions (list in chronological order, given date, court or authority and nature of decision for each of them)
Andere beslissingen (geef weer in chronologische volgorde en vermeld bij iedere beslissing de datum, de rechterlijke of andere autoriteit en de aard van de beslissing)

26 March 2007, Tax and Customs Administration.

Initial rejection of objection to provisional corporation tax assessment.

31 May 2007, Tax and Customs Administration.

Final rejection of the objection.

10 April 2008, Ruling of the Arnhem District Court, tax section.

Interest forms part of profit and is therefore taxable.

28-7-2009, Ruling of the Arnhem Court of Appeal, tax section.

The Court expressly takes no position on whether a ban charging interest would be desirable. According to the law, interest goes with profit. The Court further refers to the fact that in some rulings of the European Court of Human Rights, interest is also charged, for example: 16 April 2002, S.A. Dangeville v France, Application no: 36677/97.

18. Dispos(i)ez-vous d'un recours que vous n'avez pas exercé ? Si oui, lequel et pour quel motif n'a-t-il pas été exercé ?
Is there or was there any other appeal or other remedy available to you which you did not use? If so, explain why you did not use it.
Staat of stond enig andere beroepsmogelijkheid of ander rechtsmiddel open voor u dat u niet heeft aangewend? Indien dit het geval is, welk beroep/rechtsmiddel is/was dit en om welke reden(en) heeft u dit niet aangewend?

After the ruling of the Supreme Court of the Netherlands, the only possibility for the undersigned to continue was to bring the case before the European Court of Human Rights.

V. EXPOSÉ DE L'OBJET DE LA REQUÊTE
STATEMENT OF THE OBJECT OF THE APPLICATION
VERKLARING OMTRENT HET DOEL VAN DE KLACHT

19.

The undersigned is attempting to have a fundamental and recurrent injustice tested at law, so that the general good becomes more clearly visible again and a reconciliation between the individual and society can be effected.

Over the course of time, a bug has infected the politico-economic software. Though initially fairly harmless, today, this bug is the cause of much injustice and uncertainty. It is the object of this application to make this bug visible so that as a society and the individuals within it, we are given the opportunity to make our mutual economic communication clearer and more sincere again.

**VI. AUTRES INSTANCES INTERNATIONALES TRAITANT OU AYANT TRAITÉ
L'AFFAIRE
STATEMENT CONCERNING OTHER INTERNATIONAL PROCEEDINGS
VERKLARING OMTRENT ANDERE INTERNATIONALE INSTANTIES**

20. Avez-vous soumis à une autre instance internationale d'enquête ou de règlement les griefs énoncés dans la présente requête ? Si oui, fournir des indications détaillées à ce sujet.

Have you submitted the above complaints to any other procedure of international investigation or settlement? If so, give full details.

Heeft u de bovenstaande klacht(en) aan enig andere internationale geschillenbeslechtings- of onderzoeksinstantie voorgelegd? Zo ja, geef volledige en gedetailleerde informatie hier omtrent.

No, the complaint has not been submitted elsewhere.

VII. PIÈCES ANNEXÉES
LIST OF DOCUMENTS
LIJST VAN DOCUMENTEN

21.

A) 26 March 2007, Tax and Customs Administration. P. 18

Initial rejection of objection concerning provisional corporation tax assessment.

B) 31 May 2007, Tax and Customs Administration. P. 20

Final rejection of the objection.

C) 17 April 2008, Ruling of the Arnhem District Court, tax section. P. 23

Interest forms part of profit and is therefore taxable.

D) 28-7-2009, Ruling of the Arnhem Court of Appeal, tax section. P. 27

The Court expressly takes no position on whether a ban on charging interest would be desirable. According to the law, interest goes with profit. The Court further refers to the fact that in some rulings of the European Court of Human Rights interest is also charged, for example: 16 April 2002, S.A. Dangeville v France, Application no: 36677/97.

E) 17 September 2010, Supreme Court P. 31

Settled the appeal pursuant to article 81 RO (legal grounds).

Article 81

If the Supreme Court decides that a complaint raised cannot lead to cassation and does not demand that questions of law be answered in the interests of the unity or development of the law, the Court may, when stating the grounds for its decision, confine itself to this ruling

VIII. DÉCLARATION ET SIGNATURE
DECLARATION AND SIGNATURE
VERKLARING EN ONDERTEKENING

22. Je déclare en toute conscience et loyauté que les renseignements figurant sur le présent formulaire de requête sont exacts.
I hereby declare that, to the best of my knowledge and belief, the information I have given in the present application form is correct.
Hierbij verklaar ik, naar alle eer en geweten, dat de door mij in dit verzoekschrift gegeven informatie correct is.

Lieu/Place.....Roquetaillade.....
Date/Date.....15-3-2011
Plaats/datum.....

Signature du/de la requérant(e)
Signature of the applicant
Handtekening van de verzoek(st)er