



Stichting Hollandpromote.com

Juridische Advisering, Mediation en Uitgever van het tijdschrift eJNR, ISSN 1871-5141

REPRINT-TRANSCRIPTION FROM “NEDERLANDSJURISTENBLAD“ June 17, 2005, nr. 24, PAGE 1240-1242

“The gigantic amount of money, time and means which flow in the legal system is much like energy disappearing into a non-rotating black hole.” (Van Putten et al., this issue)

The Stevens-Schipper Method: forgery of Court minutes, notices and copies of decisions of multiple-judge Courts

Prof. Dr. ir. A.F.P. van Putten, M.E. van Putten-Veecken B.A. and Prof. Dr. ir. M.H.P.M. van Putten, Holland promote.com, PO Box 1200, 5602 BE Eindhoven, The Netherlands

In this article¹, the “*Stevens-Schipper method*” shall refer to the method of issuing minutes, notices and copies of court decisions of multiple-judge court rooms of civil law in the court houses of 's-Hertogenbosch and Amsterdam, here named after their respective presidents. Both these court- houses defend their methodology as legally proper. However, we observe that minutes (the original written verdict) issued by these court houses always show the same two anonymous signatures. The question arises: what is the legal basis for this methodology and what are the legal implications. The ground rules of the legal system are embodied in a legal frame-work, consisting of our constitution, our civil law articles 6 EVRM and 14 BUPO, and related articles as applicable for The Netherlands. Is the “Stevens-Schipper method” consistent with the Dutch legal frame-work?

The process of creating minutes

The key process features in creating a minute (the original written verdict) as a legally defined authentic document are as follows. The written report of a court session produces an authentic document according to article 156 lid 2 Rv: “*Authentic documents are documents in the required form and created by authorized civil servants, whom are empowered by law to report on their observations or actions.*” After a closed consultation the judges come forward with a decision which is laid down in an authentic act the so-called “minute” accomplishing art.160 lid 1 Rv. From this authentic act copies are made called notice (“afschrift”) and a deed (“grosse”) , which can be used for execution of the verdict. This process is illustrated in Fig. 1.

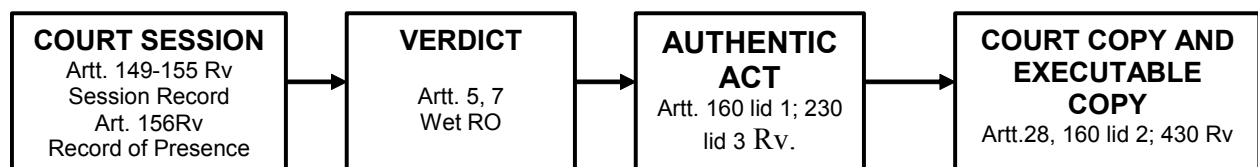


Figure 1 Process of creating the authentic act (the minute) as a result of a court session and decision.

The “record” of the court session is the only and unique source of the events at a court meeting. It is legally mandatory that any court meeting is recorded in a record (proces-verbaal), without the existence of such a record any such meeting is by default non-existent. The record (“proces-verbaal”) is an authentic document and, by law, must be undersigned by

¹ Nederlands Juristenblad, 24, June 17 2005 (Kluwer Publishers)



Stichting Hollandpromote.com

Juridische Advisering, Mediation en Uitgever van het tijdschrift eJNR, ISSN 1871-5141

the chairman and the clerk to take effect. The procedure for making decisions is governed by articles 5 and 7 of the Law on Legal Administration (Wet RO). The minute contains the original written report of the decision by article 160 lid 1 Rv: *“The force of written evidence is uniquely and solely in the original document.”* Notices and copies are to be signed by the chairman and the clerk of that particular court session, including date and issued *“as a copy conform”* (the minute) ex article 160 lid 2 Rv” in order to carry the force of legal power.

The legal force of evidence of signatures

It is well known and accepted that signatures allow a document to carry the force of legal evidence against the signer. In signing a document of any kind, the presumption is created that the signer assumes responsibility for the content. Hereto shall the signature be verifiable and traceable with accompanying disclosure of the name of the signer. Thus, a minute of multiple court session can be signed only by persons who were witness to the stated observations and actions, as mandated by article 156 lid 2 Rv and 230 lid 3 Rv. In this regard, it is emphasized that a signature in printed letters and / or a scanned digitized signature is no legal substitute with the force of evidence.

In the evaluation of the “Stevens-Schipper method” we shall use the following legal frame of reference: article 225 lid 1 Sr and associated jurisprudence, *“Firstly, forgery as defined by article 225 lid 1 Sr includes writing the signature or name of a third person under an otherwise truthful document, in light of the fact that this creates an unjust perception concerning the identity of the author and hence the origin of the document.”* (Supreme Court 111.872, December 14, 1999); *“A document is forged, whenever it creates the incorrect perception to be authored by the person who signed it.”* (Supreme Court NJ 1932 p.1342, June 15 1931.) *“He, who signs a document authored by someone else – ordered and with the approval of the latter – is committing a forgery”* (Supreme Court, NJ 1913, p.923, April 14, 1913).

THE OBSERVATIONS

The Court house of 's- Hertogenbosch

The following observations are based on access to court documents at the court houses of 's-Hertogenbosch and Amsterdam. The court house of 's-Hertogenbosch creates minutes as shown in Figs. 2 and 3. Each time the same two anonymous persons, who neither have been chairman, clerk, or author in that particular court session, undersign the different minutes.

We further notice that initials are absent. The statement “declared in public in the presence of the clerk” is also absent. The authentic act declares as follows

I. This “arrest” (verdict) is made by mrs. H. Vermeulen, Grapperhaus and Van Spaandonck and declared at a public hearing of this court of September 23 2003.



Stichting Hollandpromote.com

Juridische Advisering, Mediation en Uitgever van het tijdschrift eJNR, ISSN 1871-5141

Figure 2. The signatures originate from mrs. P. Van Wijk as clerk and Mr B..Meulenbroek as chair, who both were not involved in this court session.

II. This arrest is made by mrs. Koster-Vaags, Aarts and Spoor and declared at a public hearing of this court of September 21 2004.

Figure 3. The signature originate from mrs. P. Van Wijk and mr. B. Meulenbroek who both were not involved in this court session.

The court house of Amsterdam

The Court house of Amsterdam does not make minutes as obliged by article 160 lid 1 Rv. For this reason, there exist no original authentic act conform article 160 lid 1 Rv, and hence no legal notices and or copies can exist! What is issued is a document, undersigned again by two anonymous persons, who neither have been chairman, clerk, or author in the respective session. The statement “declared in public in the presence of the clerk” is also absent. In practice verdicts are never made in public as obliged too according to article 28 Rv . Figs. 4, 5 and 6 illustrate this methodology. Notice the absence of the initials with the names. The last pages of the verdicts reveal the following names.

III. This arrest is issued by mrs. Ruitinga, Van Achterberg and Rueb and declared in public on January 8, 2004.

Figure 4. The signatures originate from Mrs. Zwart - Veerman and Mrs. Hartingsveldt, who both were not involved in this court session.

IV. This arrest is issued by mrs. Schipper, Stille and Van Os and declared in public on Thursday June 10, 2004.

Figure 5. The signatures originate from Mrs. Zwart - Veerman and Mrs. Hartingsveldt, who both were not involved in this court session.



Stichting Hollandpromote.com

Juridische Advisering, Mediation en Uitgever van het tijdschrift eJNR, ISSN 1871-5141

V. This arrest is by Mrs. A.L.G.A. Stille, G. Chr. Kok and P.J.N. van Os and declared in public on Thursday February 3 2005.

Figure 6. The signatures originate from Mrs. Zwart - Veerman and Mrs. Hartingsveldt, who both were not involved in this court session.

DISCUSSION

The observed structural methodology in place at both court - houses raised the following issues which should be addressed.

- The undersigning of the authentic act of the verdict is not in accordance with Article 230 lid 3 Rv for multiple-judge court rooms and shows all characteristics of forgery;
- The persons who have undersigned the original act, are not the authors of the respective court sessions involved, neither were they witnesses of the recorded observations and actions;
- The authentic acts are signed anonymously by the wrong persons;
- Often notices and copies of authentic acts carry no date of issuance;
- Notices and copies of authentic acts should bare the state of “issued conform” in correspondence with the authentic act;
- Wrongly, the acts used for execution bear the header: “In Naam der Koningin”;
- These acts should be considered as non-existent.

CONCLUSIONS

The methodology of signing herein brought up for discussion concerns the basics of the Dutch legal system. Actually, a dispute about signatures belongs to a separate legal procedure on evidence, which precedes any further legal consideration. The authenticity and legality of such documents, therefore, must be established first, before commencement of any further procedures can be incurred.

It is further observed, that the gigantic amount of money, time and means, which flow into the legal system is much like energy disappearing into a non-rotating black hole and is in large need for better quality.

A further investigation of all implications and consequences of this “Stevens-Schipper method” is justified without reservation.



Stichting Hollandpromote.com

Juridische Advisering, Mediation en Uitgever van het tijdschrift eJNR, ISSN 1871-5141