

PETITION ORDINAIRE 3211

Intitulé de la pétition :

PETITION TO THE HONORABLE LUXEMBOURG PARUAMENT

Texte de la pétition :

Dear Petitions Committee of the Luxembourg Parliament,

I write to you under grave and distressing circumstances that have emerged from my tenure at the Court of Justice of the European Union (CJEU).

The experiences of psychological harassment, sexual abuse, threats, extortion, blackmail, and mobbing that I endured at this institution have led not only to severe personal distress but also to a state of total and permanent invalidity, officially and formally recognized to be due to occupational disease.

I. Conflict of Interest and Denial of Justice

This grievance, while officially acknowledged first by the Conclusions of the Invalidity Medical Committee at the EU Court, and subsequently through a Decision by the CJEU, underscores a harrowing paradox: I am compelled to seek justice ONLY within the very framework of the EU institution that inflicted such major, irreversible and irreparable harm.

This situation not only presents an unbearable conflict of interest but also creates a de facto impossibility for me to seek and obtain justice, starkly violating Article 47 of the EU Charter of Fundamental Rights, which guarantees the right to an effective remedy and a fair trial for everyone whose rights are violated under Union law.

Article 47 emphasizes the entitlement to a fair and public hearing by an INDEPENDENT AND IMPARTIAL TRIBUNAL! COURT and the right to be advised, defended, and represented, with legal aid provided for those lacking sufficient resources to ensure effective access to justice.

In my case the ECJ is neither impartial nor independent — this is axiomatic and self-evident.

In my extremely debilitated, frail and fragile both mental and physical state, faced with this powerful institution both as perpetrator and adjudicator, my capacity to access these basic and fundamental rights is not only critically impaired but — in reality — completely blocked and prevented.

Furthermore, the United Nations (UN) as well, has laid and provided a legal framework that supports and upholds the basic and fundamental right to access to justice for all individuals.

This fundamental right is prominently enshrined in Article 8 of the Universal Declaration of Human Rights (UDHR), which states, “Everyone has the right to an effective remedy by the competent national tribunals for acts violating the fundamental rights granted him by the constitution or by law.” This principle is foundational in promoting legal rights and ensuring fair treatment under the law.

OF SUCH RIGHTS THOUGH, I AM TOTAL LV & COMPLETELY DEPRIVED AND SO IS MY FAMILY !

Additionally, this right is further supported in international law by the International Covenant on Civil and Political Rights (ICCPR), specifically in Article 2(3), which provides every individual the right to an effective remedy when their rights are violated, and requires that states ensure that this remedy is determined by competent judicial, administrative or legislative authorities.

These documents collectively emphasize both UN's and EU's commitment to ensuring that everyone has the right to recourse and access to justice, underscoring the importance of legal frameworks that protect individual rights globally.

Furthermore, the Luxembourgish Constitution and legal framework too, guarantee the right to access to justice and to an independent and impartial tribunal. These principles are foundational to the rule of law in Luxembourg and are enshrined in its Constitution and supported by various laws and regulations.

The Constitution of Luxembourg, particularly through its provisions on the separation of powers and the judiciary's independence, ensures that every citizen has the right to a fair trial and access to a competent, independent, and impartial tribunal established by law. These rights are consistent with international human rights standards, such as those outlined in the European Convention on Human Rights, to which Luxembourg is a signatory.

Moreover, Luxembourg's judicial system provides mechanisms for ensuring these rights through various judicial and quasi-judicial bodies.

Legal Framework

Article 24 EU Charter - The rights of the child

1. "Children shall have the right to such protection and care as is necessary for their well-being.
2. In all actions relating to children, whether taken by public authorities or private institutions, the child's best interests must be a primary consideration.

Article 33 EU Charter - Family and professional life

"1. The family shall enjoy legal, economic and social protection."

My entire family has been deprived of all of the above! My family was totally destroyed by people at the EU Court!

The protection and promotion of mental and physical health should be considered sacrosanct by any institution, including the EU Court.

The UDHR (the Universal Declaration of Human Rights) states:

Article 10

"Everyone is entitled in full equality to a fair and public hearing by an independent and impartial tribunal, in the determination of his rights and obligations [...]."

II. Structural and Systemic Barriers to Justice

The paradox of my situation is further exacerbated by the structural composition and judicial procedures of the CJEU itself. I am put in an extreme and utter disadvantage and a deadlock, compelled to seek justice by suing the Court at the very same Court that inflicted the harm.

To seek redress, I am placed in an untenable position where the Court is expected to judge/sue itself, and the judges to rule against themselves or their friends, colleagues and/or co-workers.

This scenario presents an extremely unlikely possibility, as it is highly improbable - practically impossible - that the CJEU would acknowledge its own failings or rule unfavourably against itself - a situation not encountered in its over seventy years of existence.

This unique dilemma highlights both the systemic barriers and systemic failures, that not only prevent justice but also make the notion of obtaining it within the same institution an entirely improbable outcome.

Again, the paradoxical nature of my situation reveals a critical flaw within our society's structure. I am compelled to seek justice from, and only at, the very institution that caused my total and permanent disability and invalidity, officially admitted by the EU Court to be due to occupational reasons.

This places me at an extreme, utter disadvantage, as the EU Court is expected to adjudicate its own misconduct. This also creates a legal deadlock; the path to justice is effectively blocked, denying me the fundamental rights the CJEU is designed to promote and uphold.

III. Continuous Psychological Harassment and Serious Aggravation of Health

Moreover, the CJEU continues to exert psychological harassment and bullying over me by subjecting me to biennial medical examinations and requiring me to provide each and every time medical documents proving what was already firmly established and proven by the Invalidity Medical Committee at the Court 10 years ago.

This Conclusion of the Medical Committee has been confirmed by the Court through an official Decision that has already entered into force.

By doing so, the CJEU not only prevents me from healing but also seriously aggravates my mental health and consequently my physical health. This has been established and confirmed by medical doctors specialists.

The perpetrators act with impunity, feeling untouchable and above the law, intentionally and deliberately inflicting further irreparable harm on me with untouchability, derision and immunity.

To illustrate my point, using a similitude, it would be in line with the same principle, if a raped girl or a woman is forced to appear every so often before her rapist, or rapists, so that the rapist(s) can medically examine her whether she has healed from the rape, or the gang rape.

To summarize, The CJEU Administration continues to inflict severe psychological distress upon me. By demanding repeated medical examinations and documentation, despite my formally recognized permanent and total disability, resulting from an occupational disease, they intentionally and deliberately perpetuate the harm and prevent my recovery.

The above-mentioned facts have already been officially established by medical doctors specialist — psychiatrists, neurologists, psychologists, neuropsychiatrists through at least 5 medical documents and certificates.

These actions seem motivated by a desire to frustrate and exhaust me rather than demonstrate any genuine concern. The Administration appears to act with utter impunity, demonstrating a callous disregard for my health and well-being, and a belief that they are untouchable and above the law.

IV. Impossibility of Seeking Justice Alone

In my state of severely debilitating mental illnesses, I am absolutely unable to fight this institution alone. This is, firstly, because of my extreme tiredness and exhaustion, frequent hospitalizations, and the significant toil these experiences have taken on my overall health.

Secondly, with lawyer's fees exceeding 500 euros an hour, and hundreds of pages of documents and hundreds of emails to navigate, tens and even hundreds of email exchanges, my small invalidity pension makes it impossible for me to even attempt to seek justice.

Furthermore, I would need at least two, and optimally three or even four lawyers to handle my case properly, yet even with such representation, the likelihood of success remains close to zero due to the fact that the Court will have to rule against itself. This blatant conflict of interest presents an insurmountable impediment and an impossible barrier to achieving justice.

V. Impact on Fundamental EU Values and Society

It is important to emphasize that this situation strikes at the very pillars and roots of the foundation of the State of Luxembourg, the EU and its core values and purpose as an example for other social orders and societies.

My situation concerns a very fundamental human right, and also a fundamental right under EU law and UN fundamental principle, and directly affects me, firstly and foremostly - negatively affects and has extremely negatively affected for over a decade a minor child, and affects the integrity and cohesion of a family - the smallest cell of society.

VI. Direct Negative Extremely Grave Impact on My Family

The ramifications of my incapacitation and disability extend beyond personal suffering; they have irreparably altered the life of my minor child. The serious and severe trauma and instability that shadow its existence now are a direct outcome of the injustices that befell me.

This dead-end situation brings forth to light what I consider to be a critical societal issue within our society, namely: the State's duty and obligation to protect its weakest, most vulnerable, helpless and defenceless citizens.

VII. Plea for help, assistance and intervention

Given this context, the role of your duties transcends mere intervention; it embodies the protective guardianship necessary to safeguard those rendered vulnerable and defenceless by institutional failures, particularly innocent children. The justice system of the State must not only try to rectify such injustices but also ensure such scenarios are prevented in the future.

As already mentioned above, we - as family, and individually - have all been deprived of our

fundamental human right to seek redress at an independent and impartial court or tribunal. The absurdity and impossibility of expecting the same court that inflicted the harm to adjudicate against itself are glaringly apparent. The inherent conflict of interest denies us and deprives us of the justice we so desperately seek and deserve.

Therefore, I implore and entreat your esteemed office as deputies to recognize the gravity of our situation, and more particularly the one of the innocent suffering child, and to take immediate, comprehensive action. This includes facilitating alternative legal avenues for justice with respect to my incapacitation and the direct extremely adverse and negative consequences for my child, and my wife, resulting thereof, and ensuring that my child, my wife and I are not left to confront these major systemic failures alone, hopeless and helpless.

This plea is for access to justice, not only as a legal principle but as a humanitarian obligation. Behind the legal processes and institutional barriers are real lives shattered and destroyed by these continuous systemic failures. My child, my wife and I look to your office as deputies not only for legal redress but for the restoration of our human dignity, honour and future prospects.

I depend on your swift and decisive intervention to bring about a resolution that upholds the principles of justice and compassion, ensuring that the weak, defenceless and vulnerable are not merely recognized but actively defended.

VIII. Appeal to the Luxembourg Parliament

As representatives of the people of Luxembourg, I wholeheartedly urge you to take immediate and decisive action on this matter.

Hereby, I consider that it is therefore crucial to:

1. Investigate the full scope and impact of this paradoxical situation involving gross violation and overt, continuous and blatant deprivation of a very fundamental human rights.
2. Act and react to establish measures to protect me, my child, my wife and other individuals facing similar issues.
3. Enforce compliance not only with EU laws but also with UN laws to ensure the protection of fundamental rights, more particularly the fundamental right to be able to seek and obtain justice.
4. Advocate for the protection of vulnerable children, the sanctity of families, and the upholding of the EU's core values.

In conclusion, this Petition represents a desperate call to the Luxembourg Parliament to defend the very principles upon which the State is built.

I strongly believe and consider that the integrity of families, the well-being of children, and the fundamental rights of ail Luxembourgish citizens depend on your swift and unwavering response.

Thank you very much in advance for your time and consideration.

Yours respectfully,
Mr. Rossen Kirilov

Dépôt: le 14 juin 2024 (par courrier postal)

Pétitionnaire: Monsieur Rossen Kirilov