



Grand Chamber hearing on the participation of judges from outside the judicial panel in deliberations of Netherlands Supreme Court

The European Court of Human Rights is holding a **Grand Chamber¹** hearing today **Wednesday 21 January 2026 at 9.15 a.m.** in the case of **Kuijt v. the Netherlands** (application no. 19365/19).

The application concerns the practice at the Supreme Court of the Netherlands (*Hoge Raad der Nederlanden*) by which judges of the Criminal Law Division who do not form part of the formation to which the case has been assigned may participate in the deliberations. This is allowed in the interest of ensuring the uniform interpretation and application of the law (*rechtseenheid*). These judges of the Supreme Court are called “*reservisten*”.

After the hearing the Court will begin its deliberations, which will be held in private. Its ruling in the case will, however, be made at a later stage. A recording of the hearing will be available this afternoon on the Court's internet site (www.echr.coe.int).

The applicant, Johanna Kuijt, is a Dutch national who was born in 1964 and lives in the Netherlands.

The applicant was convicted in 2015 for disrupting a municipal council meeting and for failing to comply with an order from an official to leave the council chamber immediately. She was given a two weeks' prison sentence by the Court of Appeal in 2016. She lodged an appeal on points of law.

The applicant's lawyer asked the Supreme Court for the names of the judges who would be hearing her case. The names of the three judges forming the composition were supplied. Subsequently, the applicant's lawyer asked whether *reservisten* would participate in the deliberations on her case. The registry referred to the “Protocol on participation in the examination and deliberations at the Supreme Court of the Netherlands”, published on the website of the court, which indicates that *reservisten* may participate in the deliberations of cases.

The applicant challenged the three judges assigned to her case and the other judges of the Supreme Court's Criminal Law Division. She argued that she would be denied a hearing by an independent and impartial tribunal established by law, in violation of Article 6 § 1 (right to a fair trial) of the European Convention on Human Rights, given that one or more *reservisten* could participate in the deliberations.

By decision of 21 December 2018, the challenge panel of the Supreme Court dismissed the applicant's challenge. Regarding the role of *reservisten*, it referred to Section 75 of the Judiciary (Organisation) Act, which stipulates that multi-judge chambers examine and decide cases in a formation of three or five judges, and ruled that the other judges of the Division are not responsible for examining and determining the case. It also referred to section 1.2 of the Protocol, which stipulates that *reservisten* may participate in the deliberations of cases for the purpose of safeguarding legal unity in the Division. It pointed to the importance of consistency of the case-law at the Supreme Court level for the confidence in the judicial system and for legal certainty, both of which are fundamental aspects of the rule of law. It maintained that only the formation of three or five judges appointed to a case examines and decides the case.

1 Under Article 30 of the European Convention on Human Rights, “Where a case pending before a Chamber raises a serious question affecting the interpretation of the Convention or the Protocols thereto, or where the resolution of a question before the Chamber might have a result inconsistent with a judgment previously delivered by the Court, the Chamber may, at any time before it has rendered its judgment, relinquish jurisdiction in favour of the Grand Chamber.”

By judgment of 8 January 2019 the Supreme Court dismissed the applicant's appeal on points of law.

Procedure

The application was lodged with the European Court of Human Rights on 4 April 2019.

Relying on Article 6 (right to a fair trial) of the European Convention on Human Rights, the applicant complains that given that judges from outside the judicial panel may have taken part in the deliberations on her case, her appeal on points of law was not heard by an independent and impartial tribunal established by law.

On 15 April 2020 the Government of the Kingdom of the Netherlands was given [notice](#)² of the application, with questions from the Court.

On 1 July 2025 the parties were informed that the Chamber intended to relinquish the case and were invited to submit any comments they wished to make.

The Chamber to which the case had been allocated relinquished jurisdiction in favour of the Grand Chamber on 26 August 2025.

The French Government as well as the Consultative Council of European Judges (CCJE), and the European Commission for Democracy through Law ("the Venice Commission), were granted leave to intervene in the written proceedings as third parties.

Composition of the Court

The case will be heard by a Grand Chamber, composed as follows:

Mattias **Guyomar** (France), *President*,
 Arnfinn **Bårdsen** (Norway),
 Ivana **Jelić** (Montenegro),
 Lado **Chanturia** (Georgia),
 Ioannis **Ktistakis** (Greece),
 Kateřina **Šimáčková** (the Czech Republic),
 Georgios A. **Serghides** (Cyprus)
 Jolien **Schukking** (the Netherlands),
 Darian **Pavli** (Albania),
 Erik **Wennerström** (Sweden),
 Diana **Sârcu** (Republic of Moldova),
 Davor **Derenčinović** (Croatia),
 Úna **Ní Raifeartaigh** (Ireland),
 Alain **Chablais** (Liechtenstein),
 Anna **Adamska-Gallant** (Poland),
 Vahe **Grigoryan** (Armenia),
 Vasilka **Sancin** (Slovenia), *judges*,
 Saadet **Yüksel** (Türkiye),
 Andreas **Zünd** (Switzerland),
 Ana Maria **Guerra Martins** (Portugal), *substitute judges*,

and also John **Darcy**, *Deputy Grand Chamber Registrar*.

² In accordance with Rule 54 of the Rules of Court, a Chamber of seven judges or the President of the Section may decide to bring to the attention of a Convention State's Government that an application against that State is pending before the Court (the so-called "communications procedure"). Further information about the procedure after a case is communicated to a Government can be found in the Rules of Court.

Representatives of the parties

Government

Babette **Koopman**, *Agent*,
Marina **Brilman**, *Deputy Agent*,
Nelleke **Koffeman**, Alexandra **van Walraven**, Dineke **de Groot**, and Martin **Kuijer**, *Advisers*;

Applicant

Willem Hendrik **Jebbink**, *Counsel*,
Ulrich **Jessurun d'Oliveira**, *Adviser*.

The applicant in the case, Johanna **Kuijt**, will attend the hearing.

This press release is a document produced by the Registry. It does not bind the Court. Decisions, judgments and further information about the Court can be found on www.echr.coe.int.

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The European Court of Human Rights was set up in Strasbourg by the Council of Europe member States in 1959 to deal with alleged violations of the 1950 European Convention on Human Rights.