EUROPEAN COURT OF HUMAN RIGHTS
COUR EUROPÉENNE DES DROITS DE L'HOMME

FOURTH SECTION

DECISION

Application no. 22501/23
Renaldo Rudy KEMPENAAR
against the Netherlands

The European Court of Human Rights (Fourth Section), sitting on 16 December 2025 as a Committee composed of:

Faris Vehabović*, President*,
Jolien Schukking,
Lorraine Schembri Orland*, judges*,

and Elica Grdinić Rauch, *Acting Deputy Registrar,*

Having regard to:

the application (no. 22501/23) against the Kingdom of the Netherlands lodged with the Court under Article 34 of the Convention for the Protection of Human Rights and Fundamental Freedoms ("the Convention") on 26 May 2023 by a Dutch national, Mr Renaldo Rudy Kempenaar ("the applicant"), who was born in 1985, lives in Utrecht and was represented by Mr J.J. Weldam, a lawyer practising in Utrecht;

the decision to give notice of the application to the Dutch Government ("the Government"), represented by their Agent, Ms B. Koopman, of the Ministry of Foreign Affairs;

the parties' observations;

Having deliberated, decides as follows:

SUBJECT MATTER OF THE CASE

1. The application concerns the question whether criminal proceedings against the applicant complied with the "reasonable time" requirement under Article 6 § 1 of the Convention.

2. The criminal proceedings at issue started on 29 March 2019 when the applicant was arrested for assault and resisting arrest. On 10 July 2019 the Central Netherlands Regional Court convicted the applicant and sentenced him to 60 days' imprisonment (43 of which were suspended), less the time he had spent in pre-trial detention. He appealed on the same day.

3. On 22 July 2019 the applicant requested to cross-examine the two police officers who had arrested him. On 16 April 2020 the presiding judge

of the Arnhem-Leeuwarden Court of Appeal denied the request in a decision taken in preparation for the examination of the case in court. There was no legal remedy available against that decision.

4. During a hearing before the Court of Appeal on 23 June 2021 the applicant repeated his request to question the two officers. On 7 July 2021, by an interlocutory judgment, the Court of Appeal ordered that the officers be heard by an investigating judge. They were heard on 17 February 2022. On 1 June 2022 the Court of Appeal convicted the applicant as charged and sentenced him to two months' imprisonment, less the time he had spent in pre-trial detention. Its reasoning included the following:

> "Article 6 of the ECHR gives the suspect the right to have his case dealt with within a reasonable time ... The Court of Appeal agrees with the defence that the reasonable time-limit has been exceeded on appeal. However, it considers the acknowledgement that the reasonable time-limit has been exceeded to be sufficient [redress]. Admittedly, more than two years and ten months elapsed between lodging the appeal and the delivery of this judgment. However, this was caused, among other things, by the fact that, on the initiative of the defence, witnesses were questioned by the investigating judge. Taking this into account, the Court of Appeal considers that the reasonable time-limit was exceeded to a limited extent at the appeal stage. Furthermore, the proceedings as a whole (meaning at first instance and on appeal) were completed within the total duration of the time-limits applicable to each of those stages".

5. The applicant lodged an appeal on points of law on 3 June 2022. He complained about the Court of Appeal's reasoning in respect of the evidence and the reasonable time-limit.

6. On 16 May 2023 the Supreme Court dismissed the applicant's appeal on points of law as inadmissible on summary reasoning, applying section 80a of the Judiciary Organisation Act (*Wet op de Rechterlijke Organisatie*).

7. The Supreme Court has developed case-law on the "reasonable time" requirement in criminal proceedings (the relevant leading judgments for the case at hand being those of 3 October 2000 and 17 June 2008). That well-established case-law provides that, as a rule, proceedings at first instance and on appeal should at each stage be concluded within two years if the defendant is not in pre-trial detention. Furthermore, if the reasonable time is exceeded in any phase of the proceedings, the relevant sentence should, as a rule, be reduced. Judges at first instance and the appeal stage may, after weighing all relevant interests and circumstances, also conclude that the acknowledgment of a violation of Article 6 § 1 of the Convention constitutes sufficient redress.

8. The applicant complained before the Court under Article 6 § 1 of the Convention that the reasonable time had been exceeded and that the mere acknowledgement by the Court of Appeal of a violation of his right to a hearing within a reasonable time had provided no redress. He argued that he had not lost his status as a victim within the meaning of Article 34 of the Convention.

THE COURT'S ASSESSMENT

9. In the present case, the parties disagreed on the applicant's "victim" status and whether he had suffered a "significant disadvantage" owing to the alleged violation. The Court does not find it necessary to examine these admissibility criteria, since the application is, in any event, manifestly ill-founded for the following reasons.

10. The Court reiterates that the reasonableness of the length of proceedings is to be determined in the light of the circumstances of the case and with reference to the criteria laid down in the Court's case-law, in particular the complexity of the case, the conduct of the applicant and of the relevant authorities, and what was at stake for the applicant in the dispute (see, among many other authorities, *Comingersoll S.A. v. Portugal* [GC], no. 35382/97, § 19, ECHR 2000-IV, and *Frydlender v. France* [GC], no. 30979/96, § 43, ECHR 2000-VII).

11. The Court reiterates further that it is not its role to assess the appropriateness of the policy choices made by domestic courts. Its task is confined to determining whether their choices produce consequences that are in conformity with the Convention (see *Papaioannou v. Greece*, no. 18880/15, § 43, 2 June 2016, and *Tsiolis v. Greece*, no. 51774/17, § 58, 19 November 2024).

12. The Supreme Court of the Netherlands has, by providing guidelines regarding reasonable time-limits in its leading judgments, put in place a system for ensuring that criminal charges are determined within a reasonable time. The domestic approach is different from that of the Court, which generally consists of examining the total length of the proceedings (see *O'Neill and Lauchlan v. the United Kingdom*, nos. 41516/10 and 75702/13, § 95, 28 June 2016; *Kurganovs v. Latvia,* no. 11579/05, § 51, 20 January 2015; and *Dobbertin v. France*, 25 February 1993, § 44, Series A no. 256-D).

13. The Court must thus satisfy itself – in the light of the criteria laid down in its case-law (see paragraph 10 above) – as to whether the applicant's rights under the Convention have been respected.

14. The criminal proceedings in the applicant's case lasted four years, one month and 18 days at three levels of jurisdiction. The Court notes that the case was not particularly complex. It does not consider the applicant's request to hear two police officers who had not been heard at an earlier stage of the proceedings to have constituted conduct on his part that contributed to the delay. As regards the conduct of the domestic courts, the Court observes that the case was assessed promptly before the court of first instance. Some delay occurred when the Court of Appeal handled the case. However, during that period the Court of Appeal was not passive. It held two hearings and requested that the investigating judge hear two witnesses, who were indeed subsequently examined. The Supreme Court delivered its judgment within a year of the appeal on points of law being lodged. As regards what was at stake

for the applicant, the Court notes that he was not in detention during the delay in the proceedings and that he faced a relatively short prison sentence.

15. The Court considers that in the light of the circumstances set out above, the overall length of the proceedings – which was less than four years and two months at three levels of jurisdiction – did not exceed what could be considered reasonable (compare *Jaupi v. Albania*, no. 23369/16, § 81, 29 April 2025; *Chiarello v. Germany*, no. 497/17, §§ 48-50, 20 June 2019; *Mamič v. Slovenia (no. 2)*, no. 75778/01, §§ 34-38, ECHR 2006-X (extracts); and *Mõtsnik v. Estonia*, no. 50533/99, §§ 37-43, 29 April 2003). Consequently, the Court takes the view that in the specific circumstances of this case, the justification given by the Court of Appeal and subsequently upheld by the Supreme Court – namely, that the acknowledgement that the reasonable time-limit had been exceeded constituted sufficient redress (see paragraphs 4 and 6 above) – can be considered sufficient.

16. It follows that the complaint under Article 6 § 1 is manifestly ill-founded and must be rejected under Article 35 § 4 of the Convention.

For these reasons, the Court, unanimously,

Declares the application inadmissible.

Done in English and notified in writing on 22 January 2026.

Elica Grdinić-Rauch Acting Deputy Registrar	Faris Vehabović President