

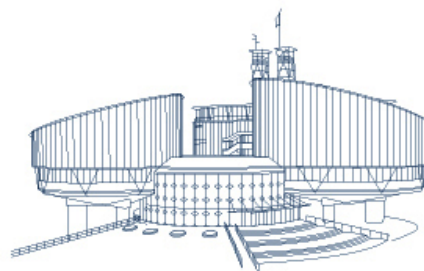
PRESS RELEASE

FORTHCOMING RULING IN GRAND CHAMBER CASE CONCERNING DELIBERATION PRACTICE AT SUPREME COURT OF THE NETHERLANDS

Kuijt v. the Netherlands

ECHR 222 (2026) 16.09.2026

Issued by the Registrar of the Court



The European Court of Human Rights will deliver its ruling in the case of *Kuijt v. the Netherlands* (application no. 19365/19) at a public hearing on Wednesday 23 September 2026 at 10.30 a.m. in the Human Rights Building, Strasbourg.

The delivery will be broadcast live on the European Court's [YouTube channel](#).

The case concerns Mrs Kuijt's complaint about 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 a 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*). Such Supreme Court judges are called "reservisten".

A Grand Chamber [hearing](#) on the admissibility and merits of the case was held on 21 January 2026.

PRINCIPAL FACTS AND COMPLAINTS

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

Ms Kuijt 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.

Ms Kuijt'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 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.

Ms Kuijt 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 Ms Kuijt'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.

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

Relying on Article 6 (right to a fair trial) of the European Convention on Human Rights, Ms Kuijt 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.

The application was lodged with the European Court of Human Rights on 4 April 2019. On 26 August 2025 the Chamber to which the case had been allocated relinquished jurisdiction in favour of the Grand Chamber¹.

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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.

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."