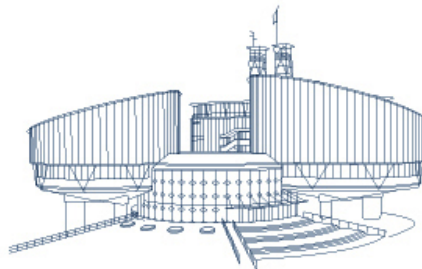


PRESS RELEASE

EUROPEAN COURT ACCEPTS ADVISORY OPINION REQUEST FROM THE SUPREME COURT OF THE NETHERLANDS CONCERNING REVIEW MECHANISM OF A FINAL ACQUITTAL FOR MURDER

ECHR 253 (2026) 15.10.2026

Press release issued by the Registrar of the Court



The European Court of Human Rights has accepted a request (no. P16-2026-004) for an advisory opinion under Protocol No. 16 to the European Convention on Human Rights submitted by the Supreme Court of the Netherlands on 3 September 2026.

The request concerns legislation which entered into force in the Netherlands in 2013 making it possible to seek review of an acquittal which had become final, to the detriment of a former defendant.

In 2025 the Board of Procurators General filed an application for review of a former defendant's acquittal of murder, based on the results of DNA analysis obtained through techniques not available at the time of his trial. The application for review seeks to have the relevant provisions of the Code of Criminal Procedure, which have been amended and have entered into force since the former defendant's acquittal in 2012, applied retroactively.

In its request, the Supreme Court of the Netherlands asked the European Court of Human Rights to provide guidance on whether Article 6 (right to a fair trial) and/or Article 7 (no punishment without law) permit the retroactive application of a statutory scheme for the review of criminal proceedings that ended in final acquittals, to the detriment of former defendants.

The request was accepted¹ by a five-judge panel of the Grand Chamber on 14 October 2026. At this stage only the question of the admissibility of the request, as such, was decided by the Panel.

The advisory opinion requested will be provided by the Grand Chamber, comprising 17 judges, constituted in accordance with Rule 24 of the Rules of Court.

The time-limits that have been set for submissions in these proceedings are indicated below.

Protocol No. 16 enables member States' highest national courts and tribunals to ask the Court to give advisory opinions on questions of principle relating to the interpretation or application of the rights and freedoms defined in the European Convention or its Protocols. Advisory opinions are not binding. For more information see the [FAQ](#).

Background and domestic proceedings

The advisory opinion requested concerns legislation which entered into force in the Netherlands in 2013 making it possible to seek review of an acquittal which had become final, to the detriment of a former defendant.

In 2010 Mr Y was acquitted of the murder, manslaughter and assault resulting in the death of a woman, Ms X. The trial courts found that the evidence, including DNA found at the crime scene, did not prove with a sufficient degree of certainty that Mr Y had committed the offences. The acquittal judgment became final in 2012 when the Supreme Court of the Netherlands dismissed the public prosecutor's appeal on points of law.

At the time, it was not possible to seek review to the detriment of a former defendant whose acquittal had become final.

The Code of Criminal Procedure was however subsequently amended, making such a review possible. In particular from 1 October 2013 the Board of Procurators General may ask the Supreme Court to review, to the detriment of a former defendant, a final judgment handed down by a court in the Netherlands.

The investigation into the death of Ms X was subsequently reopened as part of a cold-case and additional DNA samples taken from Mr Y were analysed using new techniques not available at the time of his trial. On 4 June 2025 the Board of Procurators General filed an application for review of Mr Y's case, arguing that had the results of the most recent DNA analysis been known at trial, the proceedings would have resulted in his conviction. The application for review seeks to have the relevant provisions of the Code of Criminal Procedure applied retroactively to the final judgment acquitting Mr Y.

On 3 March 2026 the Procurator General recommended that the Supreme Court stay these proceedings in order to request an advisory opinion from the European Court under Protocol No. 16 to the Convention.

Question submitted in the advisory opinion request

The Supreme Court of the Netherlands sought an advisory opinion on the question whether Article 6 and/or Article 7 of the Convention permit – and, if so, subject to what conditions – a statutory scheme permitting a review to the detriment of a former defendant, such as the Act on Review to the Detriment of a Former Defendant, to be applied in a case in which the judgment in respect of which review is sought had already become final before that scheme entered into force.

Grand Chamber Panel decision

The request for an advisory opinion was introduced on 3 September 2026. It was accepted by the Panel of the Grand Chamber on 14 October 2026. At this stage only the question of the admissibility of the request, as such, was decided by the Panel. This includes, in particular, the question whether the opinion sought concerned a question or questions of principle relating to the interpretation or application of the rights and freedoms defined in the Convention or the Protocols thereto, and which is considered by the court or tribunal concerned to be necessary for its adjudication of the case. When the Panel accepts the request, a Grand Chamber is constituted in accordance with Rule 24 of the [Rules of Court](#) to deal with the request and to deliver the advisory opinion in due course.

Subsequent procedure and time-limits

Any other [Contracting Party](#) to the Convention or any other interested person wishing to intervene as a third party in these proceedings (Rule 44 § 7) must request leave to do so by 12 November 2026. If leave is granted, the written observations must be filed with the Court by 26 November 2026 at the latest.

Protocol No. 16 allows the highest courts and tribunals, as specified by the member States that have ratified it, to request advisory opinions on questions of principle relating to the interpretation or application of the rights and freedoms defined in the European Convention or its Protocols.

The aim of Protocol No. 16 is to enhance interaction between the Court and national authorities and thereby reinforce the implementation of Convention rights and freedoms by the requesting courts in their adjudication of pending cases.

An advisory opinion may only be sought in the context of a case pending before the requesting court. A panel of five judges decides whether to accept the request, giving reasons for any refusal.

Advisory opinions, which are given by the Grand Chamber, are not formally binding.

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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 Where the panel accepts a request for an advisory opinion in accordance with Rule 93 of the [Rules of Court](http://www.echr.coe.int), a Grand Chamber shall be constituted pursuant to Rule 24 to consider the request and to deliver an advisory opinion.