



The Netherlands

Ratified the European Convention on Human Rights in 1954

National Judge: Johannes Silvis

[Judges' CVs](#) are available on the ECHR Internet site

Previous Judges: Baron Frederik Mari VAN ASBECK (1959-1966), Gerard J. WIARDA (1966-1985), André DONNER (1986-1987), Sibrand Karel MARTENS (1988-1996), Petrus VAN DIJK (1996-1198), Wilhelmina THOMASSEN (1998-2004), Egbert MYJER (2004-2012)

The Court dealt with 551 applications concerning The Netherlands in 2015, which were declared inadmissible or struck out. It delivered no judgment.

Applications processed in	2013	2014	2015
Applications allocated to a judicial formation	778	674	496
Communicated to the Government	42	23	21
Applications decided:	1389	798	551
- Declared inadmissible or struck out (Single Judge)	1238	743	512
- Declared inadmissible or struck out (Committee)	114	26	17
- Declared inadmissible or struck out (Chamber)	36	26	22
- Decided by judgment	1	3	0
Interim measures:	133	137	95
- Granted	25	10	3
- Refused (including out of scope)	108	127	92

For information about the Court's judicial formations and procedure, see the [ECHR internet site](#).

Applications pending before the court on 01/01/2016	
Total pending Applications*	352
Applications pending before a judicial formation:	273
Single Judge	50
Committee (3 Judges)	11
Chamber (7 Judges)	211
Grand Chamber (17 Judges)	1

*including applications for which completed application forms have not yet been received

The Netherlands and ...

Its contribution to the Court's budget

For 2016 the Court's budget amounts to approximately 71 million euros. That budget is financed by contributions from the 47 member States of the Council of Europe in accordance with scales based on population and GDP; the 2016 contribution of the Netherlands to the Council of Europe's (EUR 326 million) budget is **EUR 10,565,947**.

The Registry

The task of the Registry is to provide legal and administrative support to the Court in the exercise of its judicial functions. It is composed of lawyers, administrative and technical staff and translators. There are currently **679** Registry staff members of whom **7** are Netherlands nationals.

Noteworthy cases, judgments delivered

Grand Chamber

Cases dealing with the right to life (Article 2)

Violation of Article 2

[Jaloud v. the Netherlands](#)

20.11.2014

The case concerned the investigation by the Netherlands authorities into the circumstances surrounding the death of an Iraqi civilian who died of gunshot wounds in Iraq in April 2004 in an incident involving Netherlands Royal Army personnel.

[Ramsahai and Others v. the Netherlands](#)

15.05.2007

The case concerned the applicants' relative who, after stealing a motor scooter by threatening its owner with a pistol, was shot dead by a police officer who was trying to arrest him.

Cases dealing with inhuman or degrading treatment (Article 3)

Violation of Article

[Murray v. the Netherlands](#)

26.04.2016

The case concerned the complaint by a man convicted of murder in 1980, who consecutively served his life sentence on the islands of Curaçao and Aruba (part of the Kingdom of the Netherlands) – until being granted a pardon in 2014 due to his deteriorating health –, about his life sentence without any realistic prospect of release.

Before the Court, Mr Murray initially complained, in particular, that his life sentence was irreducible and that there was no separate regime for life prisoners or a special regime for detainees with psychiatric problems in the prisons where he was being held. Following the conclusion of the periodic review of his sentence in 2012 he complained that even if a

possibility of conditional release had been created under the law, *de facto* he had no hope of release as he had never been provided with any psychiatric treatment and therefore the risk of recidivism was considered too high for him to be eligible for such release.

Cases dealing with private and family life (Article 8)

Violation of Article 8

[Jeunesse v. the Netherlands](#)

03.10.2014

The case concerned the refusal by the authorities to allow a Surinamese woman married to a Netherlands national, with whom she had three children, to reside in the Netherlands on the basis of her family life in the country.

No violations of Article 8

[Van der Heijden v. the Netherlands](#)

03.04.2012

The case concerned the national courts' refusal to exempt Ms van der Heijden from testifying against her long-term partner, who was suspected of killing someone.

[Üner v. the Netherlands](#)

18.10.2006

Following criminal conviction, exclusion order imposed on Turkish national whose partner and child reside in the Netherlands.

Other noteworthy cases, judgments delivered

[Sanoma Uitgevers B.V. v. the Netherlands](#)

14.09.2010

Police seizure of material that could have led to identification of journalistic sources.

[Violation of Article 10 \(freedom of expression\)](#)

Chamber

Cases dealing with inhuman and/or degrading treatment (Article 3)

Violations of Article 3

[A. v. the Netherlands](#) (no. 4900/06)

20.07.2010

Expulsion of acquitted terrorist suspect to Libya.

[Salah Sheekh v. the Netherlands](#)

11.01.2007

Alleged risk of being subjected to torture or inhuman or degrading treatment, in case of expulsion, in view of the applicant's situation of belonging to a minority (Ashraf), in the light of the general human rights situation in Somalia.

No violation of Article 3

[Mawaka v. the Netherlands](#)

01.06.2010

Alleged risk of ill-treatment in case of expulsion in view of the applicant's past activities in the Democratic Republic of the Congo.

Cases dealing with the right to liberty and security (Article 5)

Violations of Article 5

[S.T.S. v. the Netherlands](#) (no. 277/05)

07.06.2011

Failure to rule on the legality of the detention of the applicant, a minor, on the ground that the order authorising his detention had already expired – a decision which denied him access to compensation.

[Nelissen v. the Netherlands](#)

05.04.2011

Schizophrenic patient's continued detention in remand prison upon completion of sentence unjustified.

Cases dealing with private and family life (Article 8)

Violations of Article 8

[Telegraaf Media Nederland Landelijke Media B.V. and Others v. the Netherlands](#)

22.11.2012

The case concerned the protection of journalistic sources.

[Van Vondel v. the Netherlands](#)

25.10.2007

The applicant was a police officer for the Criminal Intelligence Service. His telephone conversations with one of his informers had been recorded with devices provided by the National Police Internal Investigation Department, in the context of a parliamentary inquiry brought into criminal investigation methods in the Netherlands due to a controversy surrounding the North-Holland/Utrecht Interregional Criminal Investigation Team.

Freedom of expression cases (Article 10)

Violations of Article 10

[Telegraaf Media Nederland Landelijke Media B.V. and Others v. the Netherlands](#)

22.11.2012

See also the cases dealing with Article 8

[Voskuil v. the Netherlands](#)

22.11.2007

Journalist's complaint that he was denied the right not to disclose his source for two articles he had written for the newspaper Sp!ts and that he was detained for more than two weeks in an attempt to compel him to do so.

Cases dealing with freedom of movement (Article 2 of Protocol No. 4)

[Garib v. the Netherlands](#)

23.02.2016

The case concerned the complaint by a woman living on social welfare about residential restrictions in a district of Rotterdam as a result of which she was unable to freely choose her place of residence.

No violation of Article 2 of Protocol No. 4

Noteworthy cases, decisions delivered

[Adoriso and Others v. the Netherlands](#)

17.03.2015

The case concerned the accelerated proceedings allowing bond holders to challenge the lawfulness of the Netherlands Government's expropriation of the assets they held in SNS Reaal, a banking and insurance conglomerate.

[Application declared inadmissible.](#)

[Constancia v. the Netherlands](#)

03.03.2015

The case concerned Mr Constancia's complaint about being detained as a person of "unsound mind" in the absence of a precise diagnosis of his mental state. Mr Constancia, who was convicted of the violent manslaughter of an eight-year old boy, had refused to be examined, making the assessment of his mental condition impossible.

[Application declared inadmissible as manifestly ill-founded.](#)

[A.M.E. v. the Netherlands \(no. 51428/10\)](#)

13.01.2015

The case concerned a Somali asylum-seeker's claim that, if transferred to Italy, he would be subjected to harrowing living conditions.

[Application declared inadmissible as manifestly ill-founded.](#)

[Mohammed Hussein v. the Netherlands and Italy](#)

02.04.2013

The case concerned a Somali asylum seeker who claimed in particular that she and her two young children would be subjected to ill-treatment if transferred from the Netherlands to Italy under the Dublin Regulation.

[Application declared inadmissible: The Court found in particular that, if returned to Italy, the future prospects of Ms Mohammed Hussein and her two children did not disclose a sufficiently real and imminent risk of hardship severe enough to fall within the scope of Article 3.](#)

[Ramaer and van Willigen v. the Netherlands](#)

23.10.2012

The case concerned the effects of the changes in the Netherlands health insurance system introduced on 1 January 2006 on recipients of Netherlands pensions resident in European Union Member States other than the Netherlands. There are, according to the applicants, 40,000 persons concerned, particularly in Spain, Portugal, France and Belgium.

[Application declared inadmissible](#)

[Schilder v. the Netherlands](#)

16.10.2012

The parish priest of a Catholic church complained that pursuant to a new by-law the church bell could not be rung between 11 p.m. and 7.30 a.m. above a certain volume.

[Application declared inadmissible](#)

[Djokaba Lambi Longa v. the Netherlands](#)

09.10.2012

The case concerned a Congolese national transferred to the International Criminal Court (ICC) to give evidence as a defence witness, who applied for asylum in the Netherlands after giving testimony.

[Application declared inadmissible : ruling for the first time on the issue of the power to keep individuals in custody of international criminal tribunals having their seat within the territory of a Contracting State, the Court concluded that the applicant, detained on the territory of a Contracting State \(the Netherlands\) by an international criminal tribunal \(the ICC\) under arrangements entered into with a State not party to the Convention \(the Democratic Republic of the Congo\) did not fall within the jurisdiction of the Netherlands.](#)

[F.A.K. v. the Netherlands \(no. 30112/09\)](#)

23.10.2012

Intended deportation of an imam understood by the Netherlands authorities to preach violent jihad (holy war). He has consistently claimed to be wanted by the authorities of his country of origin for political reasons. Complaints under Articles 3 (prohibition of inhuman or degrading

treatment), 8 (right to respect for private life) and 13 (right to an effective remedy).
[Application declared inadmissible](#)

[Staatkundig Gereformeerde Partij v. the Netherlands](#)

10.07.2012

The Supreme Court ruled against the applicant, a political party, for not allowing women members to run for elections.

The applicant complained of an infringement of its right of freedom of religion (Article 9), freedom of expression (Article 10) and freedom of assembly and association (Article 11).

[Application declared inadmissible](#)

[Ramzy v. the Netherlands](#)

20.07.2010

Alleged risk of treatment contrary to Article 3 (prohibition of inhuman or degrading treatment) in case of expulsion of an acquitted terrorist suspect to Algeria.

[Case struck out of the list: applicant no longer in contact with his representatives.](#)

[Van Anraat v. the Netherlands](#)

06.07.2010

Criminal conviction of the applicant of having supplied a chemical to Iraq between 1984 and 1988 which was used to produce mustard gas that was subsequently used against civilians in Iraq and Iran. The applicant complained that the Supreme Court had failed to answer his argument that, since Saddam Hussein and Ali Hassan al-Majid al-Tikriti were beyond the jurisdiction of the Netherlands courts, he ought not to have been convicted as their accessory. He also complained that section 8 of the War Crimes Act, in referring to international law, did not comply with the requirement that criminal acts be described with sufficient precision.

[Application declared inadmissible: When the applicant was committing the acts which ultimately led to his prosecution, there was nothing unclear about the criminal nature of the use of mustard gas either against an enemy in an international conflict or against a civilian population in border areas affected by an international conflict. Therefore, the applicant could reasonably have been expected to be aware of the state of the law and, if need be, to take appropriate advice](#)

[Kemevuako v. the Netherlands](#)

25.06.2010

Concerned an application submitted out of time by an asylum seeker.

[Application declared inadmissible: The Court emphasised the need for it to receive the originals of the application and authority forms, if the applicant was represented in the Strasbourg proceedings. Transmission by fax of those documents, without the originals, was insufficient to constitute a complete or valid application.](#)

[Galic v. the Netherlands](#) and [Blagojevic v. the Netherlands](#)

09.06.2009

Allegations that proceedings conducted before, and decisions taken by, the International Criminal Tribunal for the Former Yugoslavia violated Article 6 (right to a fair trial).

[Application declared inadmissible: The Court is not competent to examine these allegations.](#)

[Cooperatieve Producentenorganisatie van de Nederlandse Kokkelvisserij U.A. v. the Netherlands](#)

20.01.2009

Applicant association's complaint about the unfairness of proceedings before the Court of Justice of the European Communities (ECJ) with regard to its right to dredge cockles in a tidal wetland area, the Wadden Sea.

[Application declared inadmissible: The applicant association had not shown that the fair trial guarantees available to it had been manifestly deficient. It had therefore failed to rebut the presumption that the procedure before the ECJ provided equivalent protection of its fundamental rights.](#)

Noteworthy pending cases

[Gereghiher Geremedhin v. the Netherlands](#) (no. 45558/09)

Communicated to the Government of Netherlands in September 2010

The applicant hails from Eritrea and he was granted asylum in the Netherlands in 2007. He complains under Article 8 (right to respect for private and family life) that his four children born out of his first marriage (they had remained in Eritrea with his

parents) are not allowed to settle with him in the Netherlands whereas he is their sole remaining parent and while the medical condition of his daughter (who lives with him in Rotterdam) renders impossible the exercise of family life in Sudan where these four children are currently living, being cared for by the UNHCR.

1951 Geneva Convention relating to the Status of Refugees was held against him.

More than 15 similar cases pending before the Court have been communicated to the Government (other example: [A.A. v. the Netherlands](#), no. 66848/10, communicated in September 2012)

Afghans asylum seekers cases

For example: [G.G.S. v. the Netherlands](#)
(no. 53926/09)

Communicated to the Government of Netherlands in October 2009

Afghan national whose application for asylum was refused after Article 1F of the

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