

Dear Chantal Arens,

First of all, I would like to thank you for your video message and your good and inspiring initiative.

I share your opinion that the role of the Supreme Courts is particularly important in this time of crisis. I would therefore like to inform you in what way the Dutch Supreme Court (Hoge Raad) fulfills its role as well as possible at this time of crisis.

The work within the Hoge Raad has largely been digitized. All cases can now be litigated digitally. This also happens in an increasing number of cases. Even before the outbreak of the corona crisis, many employees regularly worked from home. All the facilities for working from home were already in place and are very satisfactory, even in this time of crisis. In accordance with the policy prescribed by the government, all employees who were able to work from home have so far done so. Only those employees who could not work from home were allowed to come to the Supreme Court if their work was strictly necessary. That policy has now been somewhat relaxed, but the basic principle is still that employees work from home as much as possible. Necessary meetings usually take place with the aid of video and/or audio connections.

The Supreme Court building is closed to the public (but not to litigants and the media).

Social meetings such as symposiums are cancelled until 1 September 2020.

Extra hygiene and safety measures have been taken in the building of the Supreme Court, such as setting up one-way traffic, increasing the frequency of cleaning, and ensuring a sufficient distance (1.5 m) between those present.

Because of these measures, the deliberations in the chambers of the Hoge Raad (civil, criminal and tax chamber) also took place in (digital) writing and/or via video and audio connections. A few weeks ago, a cautious start has been made to allow the deliberations to take place in the building of the Hoge Raad. Of course, extra hygiene measures have been taken and a distance of 1.5 metres has been maintained between those present.

Sessions (pleadings) at the Hoge Raad take place only sporadically, also before the crises. In principle, cases in which a hearing takes place are not postponed. Sessions take place in the building of the Supreme Court. Media are welcome but there is a limited number of seats available (5). To date, this has not caused any problems. In one case, the hearing was broadcasted live because there were too many parties involved to be admitted to the courtroom.

Every week the decisions of the Hoge Raad are pronounced during a court session by a single judge. This has not changed because of the corona crisis. If the parties do not wish to be present at the session and neither do the media, as is usually the case, no 'physical' session will take place and the judgement is made public by digital means. This was the usual working method even before the crisis broke out.

Some statements in important and/or notorious cases were broadcasted via a live stream. Already before the start of the corona crisis, the use of live streams was started. In the meantime, the number of live streams has increased considerably. It is expected that this will

also be used more often in the future. As soon as this is possible, audiences will be admitted again. It is explicitly not the intention that the livestreams replace the possibility for the public to be present at public hearings and pronouncements.

Until now, there has been little or no delay in dealing with cases during the corona crisis.

I hope this has given you a good impression of the Hoge Raad's working methods during the corona crisis.

I hope that we will soon be able to meet in person, until then I look forward to a fruitful cooperation via video and audio connections.

Kind regards,

Maarten Feteris  
President of the Supreme COurt of the Netherlands