



# Press Guideline 2025





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## **Public access to justice is fundamental**

In general, court hearings and rulings are publicly accessible. This is laid down in Section 121 of the Constitution. Public access to justice is fundamental. It enables oversight of judicial conduct during hearings and of judicial decisions. This way, public access to justice helps to ensure fair trial proceedings as well as to foster trust in the Judiciary.

Anyone can attend court hearings, as long as there is enough space in the courtroom. However, in practice, very few people come to watch and listen to what takes place there, unless they are directly involved as a party or they have a vested interest.

Public access to justice is also facilitated by the press, which reports on a wide range of large and small court cases through various media. The press thereby encourages public debate on issues that are raised in court cases. It also raises awareness regarding fundamental rights and (the guarantees for) justice. The press reports on rulings that may affect the rights and freedoms of individuals and groups.



Thus, the press has an important monitoring role regarding the manner in which the Judiciary functions: is there transparency, independence, and impartiality? Are the procedures balanced, and are the rulings clear and convincing? Thanks to media coverage of court cases, society can form an understanding of law and justice in the Netherlands.

**The Judiciary assists the press, but restrictions on public access are inevitable**

The courts, courts of appeal, the Central Appeals Tribunal, and the Trade and Industry Appeals Tribunal seek to assist the press as much as possible in the performance of their work. This guideline informs journalists about the support they can expect from the Judiciary and the rules that apply to journalists in court buildings.

These rules relate to the legal exceptions to the principle of public access, as well as the interests of the persons involved in hearings and rulings. This includes defendants, victims, and other parties, also lawyers, public prosecutors, and judges. Defendants or parties to the proceedings often have an interest in protecting their privacy. Lawyers, public prosecutors, and judges must be able to do their work without hindrance. In addition to this, sometimes there may be safety risks involved. Furthermore, the press frequently uses digital tools to report on court cases. These digital audio and visual recordings can be widely disseminated and remain visible for a long time, which can be detrimental to those involved. Restrictions on reporting from the courtroom are therefore inevitable. It is up to the judge, on a case-by-case basis, to determine whether and the extent to which compelling circumstances require restrictions on public access.

This Press Guideline addresses the following topics:

- press, judge, communications department and briefing judge
- public access: guiding principles and restrictions
- text messages, sketches, photographs, video and audio recordings during the hearing
- rulings
- providing information to the press
- Press Guideline: application, content, consultation, compliance

The appendix includes legal provisions on public access to justice.



## Press, judge, communications department and briefing judge

### 2.1 Press

The Judiciary accredits persons who hold:

- a press card from the Dutch Association of Journalists,
- a press card from the International Federation of Journalists,
- a police press card,
- a membership from the Foreign Press Association of the Netherlands.

The accredited journalists<sup>1</sup> may inspect information on court cases prior to the hearing and can take photographs, make sketches and video and audio recordings of hearings. In doing so, the journalists will be held to the rules laid down in this Press Guideline.

During a visit to a hearing a journalist may be supported by two non-accredited journalists, for example camera and audio technicians or a sketch artist. These will then be present under the responsibility of the journalist.

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1 We alternately refer to persons who are accredited as the press or journalists.



## 2.2 Judge / justice / presiding judge

Many cases are heard by one judge (single). There are also cases that are decided by three judges. These are cases heard by a three-judge division and the hearings are chaired by a presiding judge. Judges at courts of appeal, special tribunals and at the Supreme Court are referred to as justices. In this Press Guideline we will use the phrase judge also when presiding judges or justices may be referred to.

## 2.3 Communications department | press briefing

At all courts of law, the first contact with the press runs through the communications department. The press can consult this department for:

- questions about on-going cases and cases that have been closed;
- the communication about court cases and rulings;
- the communication about matters concerning the court (and not any case in particular);

- making photographs and video and audio recordings during a hearing (until no later than 12 noon on the working day prior to the hearing – with the exception of highly urgent cases);
- the live broadcast of (parts of) the hearing / providing a live stream (well in advance to the day or days of the hearing);
- cooperation with documentaries;
- making recordings and conducting interviews in the court building;
- holding interviews.

The communications department of the Council for the Judiciary is responsible for the communication on the Judiciary in general throughout the Netherlands, which means on topics that are not about specific court cases or courts of law.

#### **Contact information of the communications department**

The contact information of the communications department of the courts of law and the Council for the Judiciary is available on [www.rechtspraak.nl/persinformatie](http://www.rechtspraak.nl/persinformatie).

## 2.4 Briefing judge

The decision by the judge can be read in the ruling<sup>2</sup>. The judge explains the decision only in the written record of the ruling or orally in the courtroom. Judges do not provide further clarification of their own rulings to the press outside the courtroom.

However, an explanation of a ruling is sometimes desirable. For example, when certain elements of the ruling are not easy to follow, or if the consequences of the ruling are far-reaching and of public interest. For this reason, each court of law has one or more briefing judges to provide explanations about rulings. They are not involved in handling the case, but with their knowledge and experience as judges, they can inform the press about the decision and answer questions.

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2 The ruling or decision has different predicates depending on the type of case or the court of law: ruling, judgment, decree or decision.

# 3

## Public access: guiding principles and restrictions

In general, hearings are open to the public and therefore freely accessible. This also applies to procedural actions outside the courthouse, such as a site visit in a criminal case<sup>3</sup>, an inspection (on-the-spot) in a civil case or a hearing of the community judge.

The judge can make an exception to the rule of public access, based on a weighing of the interests involved. On the one hand, consider the importance of public access to justice and the right to free gathering of news. On the other hand, there may be interests such as the protection of personal privacy, the business secrets of a party to the proceedings, or the interest of unhindered establishment of the truth. The judge may decide to hold the hearing (sometimes part of the hearing) behind closed doors and will always provide a reason for deviating from the rule of public access.

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3 This applies for a site visit by the court or the court of appeal, but not for a site visit by the examining judge / justice or public prosecutor.



There are cases that are always heard behind closed doors, such as family law cases, juvenile criminal cases, many tax cases, handling of applications for debt restructuring and bankruptcy, court in chambers dealing with extension of detention in custody, and cases in which a complaint is made about the failure to prosecute someone for committing a criminal offense (complaints proceedings, Section 12 of the Code of Criminal Procedure of the Netherlands).

Under certain circumstances, the judge may grant special access to third parties for a hearing behind closed doors. Journalists can submit a request for special access to the communications department. The judge may attach conditions to granting this special access.

# 4

## Text messages, sketches, photographs, video and audio recordings during the hearing

### 4.1 Guiding principle

The guiding principle is that the accredited journalists are permitted to make video and audio recordings during public hearings. The press is also permitted to send text messages, take photographs and make sketches. In exceptional cases the judge may deviate from this guiding principle and impose restrictions. In doing so, the judge among other things will take into account that:

- making video and audio recordings, sending text messages, taking photographs and making sketches do not constitute an obstruction of the proper administration of justice (for example for establishing the truth);
- the privacy of the participants in the proceedings is sufficiently safeguarded;
- an orderly course of the hearing is guaranteed;
- the safety of the persons involved with the hearing is sufficiently guaranteed.

Any restrictions that are imposed on the guiding principle that video and audio recordings are permitted will include a motivation from the judge.



## 4.2 Video and audio recordings

### 4.2.1 Video and audio recordings, general information

A journalist who wishes to make recordings must notify the communications department of this, no later than 12 noon on the working day prior to the hearing.

#### **Professional participants in the proceedings**

In principle, the press is permitted to make video and audio recordings of the professional participants. These are judges, clerks of the court and registrars, ushers, public prosecutors, attorneys and other legal representatives, but also experts, interpreters, a bailiff or a probation officer.

#### **Other participants in the proceedings**

It is not permitted to make recordings of non-professional participants in the proceedings, unless they grant explicit permission to do so. The communications department must be made aware of this permission. This at any rate concerns witnesses, victims, natural persons and representatives of legal entities that are party to the proceedings.

Even if a non-professional participant in the proceedings grants permission to make recordings, the judge may as yet prohibit this. The judge may do so if the recordings infringe the privacy and safety of the participants in the proceedings or the proper course of the hearing.

### **Accused in criminal cases**

The accused in criminal cases may only be recorded on film if there is explicit permission for this. It is permitted to record the voice of an accused. If the accused has a substantiated objection against this, the judge may decide that the voice of the accused must be distorted in such a way that it is rendered unrecognisable.

### **Criminal cases: personal circumstances, victim statements**

In criminal cases, explicit permission is required for recording the discussion of personal circumstances of the suspect and the victim statements. The communications department must also be notified of this permission.

### **Audience and visitors to the courthouse**

It is not permitted to make recordings of the audience in the courtroom or the visitors to the courthouse.

#### **4.2.2 Start and end of recordings**

Video and audio recordings may start from the moment when the judge enters or the hearing opens. The recordings end as soon as the judge interrupts, suspends or closes the hearing. The judge may also order the press to stop recordings on other occasions.

#### **4.2.3 Pool arrangement**

It is possible that the court allows entry to a limited number of camera crews and / or sets a condition that the crews participate in a pool arrangement. This means that one media outlet will make recordings at the hearing and other media outlets obtain these recordings. The communications department of the court will make arrangements with the press about the further details of the pool arrangement.

The media outlet responsible for handling the arrangement is accountable for ensuring that all parties involved are aware of the (additional) agreements pertaining to the use of the footage in the case in question.

#### **4.2.4 Setup of equipment, pop filter**

Video recordings are often made from a fixed position inside the courtroom. The communications department will provide instructions in this regard. The video and audio technicians will ensure that the recordings do not obstruct the hearing.

When microphones are positioned on the table of the judge(s), these will be fitted with a neutral pop filter, without a name or logo.

### **4.3 Sketches**

During the hearing, accredited sketch artists or those accompanying a journalist under their responsibility are permitted to make sketches. They do so from the (available) designated areas for artists.

### **4.4 Photographs**

Photographers are permitted to take photographs of the professional participants in the proceedings directly before the hearing. They do so under the supervision of the communications department. For other participants, this is only allowed if they have given permission in advance. The communications department must be notified of this permission.

### **4.5 Text messages**

During the hearing, the press may write text messages (live blog) and send these via mobile devices. The sound of this equipment must be switched off during the hearing.

### **4.6 Livestream of the hearing**

The judge may decide that the press is permitted to broadcast a hearing live (live streaming). The court itself may also decide to live stream a hearing.

#### **4.7 Recording interviews in the court building**

After consent from the communications department, the press may record interviews inside the court building. The communications department will point out a designated area or areas inside the building where the interview may take place. When making video recordings, the press will ensure third parties are not included in the footage, unless permission to do so is granted.

# 5 Rulings

## 5.1 Public rulings

Most rulings are public. Also in cases that are handled behind closed doors. An exception to this are the decisions from the examining magistrate and the court in chambers dealing with extension of detention in custody in criminal cases. In principle, only the decision about pretrial detention of these are made public. Due to the (possible) interest in the investigation, in many cases, not much more information can be provided to the press. It is up to the Public Prosecutor's Office to answer questions about the preliminary investigation and the suspicion.

The decision in cases where a complaint is made about the failure to prosecute (complaints proceedings, Section 12 of the Code of Criminal Procedure of the Netherlands) is made public only in exceptional cases, such as when there is a combination of significant media attention and social relevance.

## 5.2 Rechtspraak.nl

The courts publish part of their rulings in a register to that effect on the website [rechtspraak.nl](http://rechtspraak.nl). Which rulings are published there is arranged in the selection criteria for publication which are available through the link [www.rechtspraak.nl/uitspraken](http://www.rechtspraak.nl/uitspraken).



In cases of which it is known that the ruling enjoys significant interest, this is often posted on the court's website, shortly after the ruling is pronounced. The ruling is often accompanied by a press release.

Published rulings are not traceable to individuals due to pseudonymisation. The manner in which this is done is regulated by the pseudonymisation guidelines.

If a journalist wishes to consult a ruling that cannot be found on [rechtspraak.nl](https://rechtspraak.nl), a request to that effect can be submitted to the communications department, for the ruling to be published as yet.

### **5.3 Rulings from the single-judge division**

The single-judge division (in criminal cases) usually delivers an oral verdict immediately after the hearing of the case. The reasoning behind the decision is therefore given orally. The judge's considerations are usually not written down, and the rulings from the single-judge division are therefore rarely published. However, the press can inquire about the single-judge division's decision through the court's communications department.

# 6 Providing information to the press

## 6.1 General and current information about the Judiciary

On the national website of the Dutch Judiciary, [www.rechtspraak.nl](http://www.rechtspraak.nl), there is information available about the course of affairs in court cases and the organisation of the Judiciary. In addition, rulings and contact information on where to direct questions are also available.

## 6.2 Information for the press about hearings

Most of the time, accredited journalists can receive information from the courts about cases that will be heard in open court, a week prior to the hearing.

Journalists can get access to the following secure information:

- date, place and starting time of the hearing;
- description of the nature of the case (such as place / region, description of the crime or dispute, or field of investigation or policy in case of administrative law);
- the parties involved in the proceedings.



This information is under embargo until the case is heard in public. It should be noted that a case can be withdrawn before the public hearing. In that event, the trial, in effect, will not take place.

Journalists who wish to access this secure information must agree to respect the privacy of those involved. They can request access by sending an email to [perslijst@rechtspraak.nl](mailto:perslijst@rechtspraak.nl). Access ends once the journalist no longer holds a valid press card.

### **6.3 Information on criminal cases: investigation, being brought before the public prosecutor**

Journalists with questions about the course of preliminary criminal investigations may direct these questions to the Public Prosecution Service. The court is responsible for the information about people being brought before the examining magistrate and the decisions from the court in chambers.

# 7

## Press Guideline: application, content, consultation, compliance

### 7.1 Not satisfied?

If you are not satisfied as a journalist about the manner in which a court applies the Press Guideline, you may lodge a complaint at that court. This can be done through the complaints procedure. Look on the website [www.rechtspraak.nl/organisatie-en-contact/contact](http://www.rechtspraak.nl/organisatie-en-contact/contact) for this procedure and the complaints form. However, be aware that complaints about decisions from the judge will not be brought up for discussion.

### 7.2 Consultations between the Judiciary and the press

The Council for the Judiciary and the courts annually organise a meeting for which the press is invited. In this meeting, consultations are held, particularly concerning the public access of the Judiciary and the functioning of the Press Guideline.



### **7.3 Expert group Press Guideline**

The expert group Press Guideline consists of judges and press officers of the Judiciary. The group regularly holds meetings to discuss the functioning of this Press Guideline. The expert group is open to suggestions from the press and journalists and employees from the Judiciary may submit their questions and concerns. The expert group offers suggestions and advice and answers, respectively, on these to all courts, to promote a uniform approach.

### **7.4 Compliance with the rules of the press**

The Judiciary expects the press to adhere to the profession's codes of conduct, the rules in this Press Guideline and the agreements or imposed conditions made with the communications department or in court with the judge. Journalists who do not comply with the Press Guideline will be called to account for this. Depending on the nature and severity of the breached agreement or non-compliance with the condition, a court may take measures. In the most extreme case, the journalist may be (temporarily) denied access to press facilities.

# Attachment

Relevant statutory provisions about public access to justice

## **Section 121 of the Constitution**

Except in cases laid down by an Act of Parliament, trials shall be held in public and judgments shall specify the grounds on which they are based. The ruling will be pronounced in public.

## **Section 22 of the Code of Criminal Procedure of the Netherlands**

1. The session of the court in chambers shall not take place in public, unless prescribed otherwise.
2. If a public court session is prescribed, the court in chambers may order the entire session or part of the session to be held behind closed doors. This order may be given in the interest of public morality, public order and State security, and if required in the best interests of minors, or in the interest of respect for the personal life of the defendant, other participants in the criminal proceedings or persons otherwise involved in the case. Such an order may also be given if the court considers that a hearing in public would seriously prejudice the interest of the proper administration of justice.
3. An order, as referred to in subsection 2 shall be given in chambers ex officio or on application from the public prosecution service or the defendant or other participants in the criminal proceedings. The court in chambers shall not give the order until it has heard the public prosecution service, the defendant and other participants in the criminal proceedings on this matter, if required behind closed doors.

4. The court in chambers shall be authorised to establish the identity of the defendant in the manner referred to in section 27a, subsection 1, first sentence and subsection 2, and of the witness in the manner referred to in section 27a subsection 1, first and second sentence, if there is any doubt about the identity of the defendant or the witness. Section 29c, subsection 2 shall apply equally to the witness.
5. The presiding judge may grant persons special leave to attend the closed session.

### **Section 269 of the Code of Criminal Procedure of the Netherlands**

1. The court hearing shall take place in public. Once the case has been called, the court may order the entire hearing or part of the hearing to be held behind closed doors. This order may be given in the interest of public morality, public order, State security, and if required in the best interests of minors, or in the interest of respect for the personal life of the defendant, other participants in the criminal proceedings or persons otherwise involved in the case. Such an order may also be given if the court considers that a hearing in public would seriously prejudice the interest of the proper administration of justice.
2. An order, as referred to in subsection (1), shall be given by the court ex officio or on application from the Public Prosecution Service or the defendant or other participants in the criminal proceedings. The court shall not give the order until it has heard the Public Prosecution Service, the defendant and other participants in the criminal proceedings on this matter, if required behind closed doors. Section 22, subsection 4 shall equally apply.
3. The decision to give the order, referred to in subsection 1 shall be included in the court record, supported by reasons.

4. The presiding judge may grant persons special permission to attend the closed hearing.
5. Unless in special cases at the discretion of the presiding judge, persons who have not yet reached the age of twelve years shall not be permitted to attend the public court session. The presiding judge shall have the power to refuse to grant persons, who have not yet reached the age of eighteen years, permission to attend the public court session, with the exception of victims of the offence as charged in the indictment as referred to in Section 51e, subsection 1, who are twelve to eighteen years old and wish to attend the court session.

#### **Section 27 of the Code of Civil Procedure of the Netherlands**

1. The hearing is open to the public. However, the court may order full or partial handling of the case behind closed doors or only with access for specific persons:
  - a. in the interest of public order or public morality,
  - b. in the interest of State security,
  - c. if the interests of minors or the respect for the privacy of parties so require, or
  - d. if public access would seriously prejudice the interest of the proper administration of justice.
2. If a person creates a disturbance at a hearing, the judge may order this person to be removed.

## **Section 28 of the Code of Civil Procedure of the Netherlands**

1. The ruling is pronounced in public.
2. Notwithstanding Sections 231, subsection 1 and 290 subsection 3, the court clerk shall provide copies of judgments, decisions, and decrees to anyone who requests them, unless the court clerk deems that providing them should be wholly or partially refused in order to protect the significant interests of others, including those of the parties. In the latter case, the court clerk may suffice by providing an anonymised copy or extract of the judgment, decision, or decree.
3. Judgments, decisions and decrees shall include documents that have been added to the ruling. No copy or extract of other documents from the case file will be provided to third parties.
4. Only an anonymised copy or extract will be provided of judgments, decisions and decrees in cases that were heard behind closed doors.
5. A request for a copy as referred to in subsection 2 must be made to the clerk of the court that pronounced the ruling. If the request is granted, this clerk of the court will charge a court registry fee, to be determined in accordance with Section 21, subsection 2 of the Court Fees (Civil Cases) Act of the Netherlands.
6. For two weeks after the date of a full or partial rejection to comply with a request for a copy, the party making the request may object to this in writing at the court in preliminary relief proceedings.
7. The decision from the court in preliminary relief proceedings is not open to relief.
8. In accordance with Article 15, second paragraph, of Regulation (EC) No. 1/2003 of the Council of the European Union of 16 December 2002 on the implementation of the competition rules of Articles 81 and 82 of the Treaty (OJ 2003, L 1), the clerk of the court shall provide a copy of

judgments, decisions and decrees concerning the application of Article 81 or 82 of the Treaty establishing the European Community to the European Commission forthwith. The provision is made, except in the case of decisions or decrees from the Supreme Court of the Netherlands, through the intermediary of the Council for the Judiciary. If, in the opinion of the clerk of the court, the protection of significant interests of others, including those of the parties, warrants it, the clerk of the court may provide an anonymised copy of the judgment, decision or decree.

### **Section 8:62 of the General Administrative Law Act of the Netherlands**

1. The hearing is open to the public.
2. The administrative judge may order the investigation at the hearing to be wholly or partially conducted behind closed doors:
  - a. in the interest of public order or public morality,
  - b. in the interest of State security,
  - c. if the interests of minors or respecting the privacy of parties require this, or
  - d. if public access would seriously prejudice the interest of the proper administration of justice.

### **Section 27c of the State Taxes Act of the Netherlands**

Section 8:62 of the General Administrative Law Act of the Netherlands only applies in so far as the appeal is lodged against a ruling where an administrative fine is fully or partially upheld. In other cases, the investigation will take place at the hearing behind closed doors, but the court may then provide that the investigation is open to the public in so far as the interests of parties are not injured as a result.





## Colophon

This is a publication of the  
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