

THE NETHERLANDS AND DENMARK

The Netherlands operates in an **inquisitorial** justice system without a jury. **Denmark** has, however, introduced aspects of the trial system found in common law countries and has a **jury** system.

The Netherlands:

Civil and criminal justice is administered in 61 **Sub-district Courts**, 19 **District Courts** [Rechtbanken], 5 **Courts of Appeal** [Gerechtshoven] and a **Supreme Court of the Netherlands** [Hoge Raad].

Petty cases are heard first in the Sub-district Court, while more complicated (and **all criminal**) cases go straight to the District Court.

There is a right of **appeal** from the Sub-district Courts to the District Court, and from the District Courts to the Court of Appeal. Each Court of Appeal serves a number of District Courts which, in turn, each serve several Sub-district Courts.

The Supreme Court of the Netherlands decides on questions of law and its main duty is to ensure the uniform application of the law.

All courts sit throughout the **whole year**. In the Gerechtshof at Amsterdam, for instance, there are 11 criminal law chambers (consisting of 3 judges) and each sit an average of 2 sessions a week. This means for each day in which the court sits, there is one day for preparation and time to write the judgment, and the last day is for general purposes (meetings, study, etc.).

All judges and public prosecutors are required to work a 36 hours week and, for an extra 4 hours' work per week, they are entitled to one extra day' leave.

They have an **annual holiday of 180 hours** which is normally taken during the summer holiday period, that is, 15 June to the end of August. The winter holidays apply at the end of December and the beginning of January. During these periods, there will be half the amount of court sessions as compared to other months.

In the Netherlands, the courts also make use of so-called "Rechtersplaatsvervanger" to assist the court if in need of extra judges. These are normally barristers, university professors or recently retired prosecutors or judges.¹

Denmark:

The Danish courts comprise of 82 County Courts (first level courts), 2 High Courts (The High Courts of Appeal) and the Supreme Court.

All the courts sit **throughout the year** except for a short recess during the summer holiday, usually 3 weeks in duration. Only **urgent** cases are dealt with during the summer recess.

The judges are granted **5 weeks'** vacation per year, provided that such vacation does not interfere with the daily work of the court.

¹ Hoofadvocaat-Generaal, Openbare Ministerie, Amsterdam - 28 July 2003