

<http://www.coe.int/tcj/>



COUNCIL OF EUROPE CONSEIL DE L'EUROPE

Strasbourg, 29 February 2012
[PC-OC/Documents 2011/ PC-OC(2011) 22 E]

PC-OC (2011) 22 REV ADD
Addendum
English only

EUROPEAN COMMITTEE ON CRIME PROBLEMS
(CDPC)

COMMITTEE OF EXPERTS
ON THE OPERATION OF EUROPEAN CONVENTIONS
ON CO-OPERATION IN CRIMINAL MATTERS
PC-OC

Questionnaire concerning judgements in absentia and the possibility of retrial

**Proposals by the Netherlands on a draft prepared by Mr Miroslav Kubíček
(Czech Republic)**

THE NETHERLANDS

Suggestions:

In the first question we ask to define a judgment in absentia. This definition should be as elaborate as possible. I am certain that there are several notions of "judgment in absentia".

Should not we stress for States to explain the consequences and impact of their type(s) of judgment in absentia?

What kind of judgments are considered to be in absentia? Is a judgment following a court procedure where the defendant was represented by a chosen and explicitly authorised (by the defendant) lawyer considered to be in absentia or as a judgment in a defended action?

Should not we ask for the specific national requirements for and procedures of pronouncement/service of the judgment in absentia? And the same for the irrevocability of judgments?