

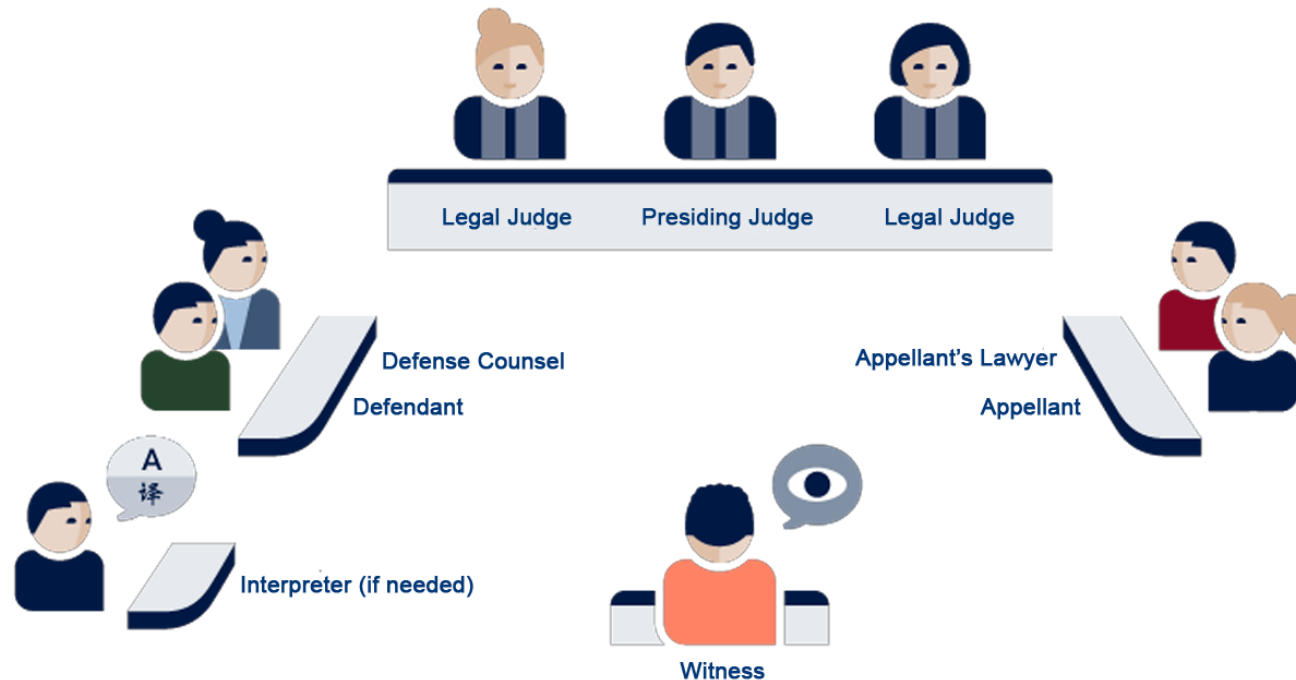


How is a Civil Case conducted in the High Court?

Civil Cases

As a rule, all civil cases are first heard in the district court (1st instance). Thus, most civil cases handled by the High Court are appeals. If a case is of a principled nature, the district court may refer the case to the High Court, which then handles the case in the 1st instance. The description below concerns an appeal case, but the handling of a 1st instance case is very similar.

Civil Case in the High Court



Court Proceedings

Examination of the Parties

When the judges enter, everyone stands up. The case begins with the appellant's lawyer explaining the case, including the proceedings in the district court. Sometimes, the statements given by the parties in the district court will be read out. Usually, the lawyers will have additional questions that the parties must answer.

Witness Testimony

Witnesses do not have access to the courtroom prior to giving their own testimony. Sometimes, the statement given by the witness in the district court will be read out, after which the lawyers can ask additional questions that the witness must answer. Witnesses who have testified are welcome to stay in the courtroom and observe the rest of the case as spectators. Witnesses and spectators can also call the High Court afterwards to hear the result of the case.

Procedure

The lawyers on both sides explain how they believe the evidence in the case should be assessed and what the outcome of the case should be.

Deliberation and Indication

The judges may ask the parties if they are interested in the court giving an indication of the case outcome after deliberation. If the case is taken under advisement, the court will inform when the judgment will be delivered. The judges then withdraw to discuss the evidence and the outcome of the case. If the judges give an indication, the parties can accept it in the court session or request a short period of time to consider whether they will follow the indication.

Judgment

Judgments are usually delivered without a court session. The result can be obtained by telephone inquiry.

Witness Duty and Responsibility

Witnesses are generally required to give testimony. Special rules apply to close relatives of the parties, and when a testimony could expose the witness or the witness's close relatives to penalty or loss of welfare. If you, as a witness, are in doubt whether you are required to testify, you should inform the court.

Witnesses are obligated to tell the truth and can be held criminally liable for lying in court.

Nervous Parties and Witnesses

If you, as a party or witness, feel uneasy, you are welcome to contact the staff, who can help and guide you.

Witness Compensation, etc.

Witnesses are entitled to witness compensation and reimbursement of travel expenses. If you, as a witness, have not received any compensation in advance, you should contact the lawyer who summoned you. Your expenses will then be covered. If you, as a witness, want to claim compensation for lost earnings, you should also inform the lawyer who summoned you.

Good to Know

Order in the Court

It is essential for everyone, i.e. the court, the parties, witnesses, and spectators, to maintain order in the courtroom. Please turn off your mobile phone before entering the courtroom. You must not bring food or drinks in the courtroom. Photography in the courthouse is not allowed without permission.