

## **Committee for the investigation of sexual abuses in the Roman Catholic Church in The Netherlands acted carelessly**

The Arnhem Court in The Netherlands decided on 18 April 2018, that the Committee for the investigation of sexual abuses in the Roman Catholic Church in The Netherlands (The Committee), has acted carelessly in a few cases. The court states that the Committee did not comply with its own rules of procedure and, in relation to the accused, violated fundamental legal principles.

The Committee has dealt with many complaints against persons in the Roman Catholic Church and has declared nearly 1,000 complaints well-founded. It has since issued its last advice.

The private foundation, Sint Jan, filed a lawsuit against the Committee on behalf of a number of defendants. She believes that the rules of procedure are unfair and contrary to the European Convention on Human Rights and Fundamental Freedoms (ECHR). She complains, among other things, of defective investigation of facts, bias on behalf of the victim, inadequate application of right to hearing, and careless publications.

### **Rules of procedure adequate**

The court ruled, that the Committee's rules of procedure, are not in themselves contrary to the principles of careful complaint handling. In particular, these rules assume the innocence of the accused person and within this procedure it is allowable that complaints against deceased persons were also dealt with.

### **Handling in violation of own rules and careless and therefore unlawful**

However, the court ruled that the handling of the complaints by the Committee was not careful in a number of examples submitted by the Sint Jan foundation. The Committee did not comply with its own rules and, in doing so, violated fundamental rights of the accused.

### **Violation of legal certainty, hearing, and inadequate evidence**

The Committee acted against the principle of legal certainty and the right to be heard. For example, a complaint, which had already been declared unfounded by an irrevocable ruling, was re-opened and declared founded.

Furthermore, the Committee made use of an unlawful standard of evidence. The court ruled that it is not enough that the Committee finds a complaint plausible. The sole and inconsistent statement of a complainant does not provide sufficient evidence. The court considers, that two different complaints in terms of kind of abuse, period of time, and setting, which cannot be proven on their own merits, may not be used as cross evidence.

Inevitably, this kind of complaint concerns serious and dishonorable accusations that, with respect to the accused, cannot thoughtlessly be taken to be the truth.

This is an unauthorized translation by *Stichting Sint Jan voor eerlijk proces* of a press release of the Arnhem Court, The Netherlands. You can find the original press release here: <https://www.rechtspraak.nl/Organisatie-en-contact/Organisatie/Rechtbanken/Rechtbank-Gelderland/Nieuws/Paginas/Klachtencommissie%20seksueel%20misbruik%20in%20de%20Rooms%20Katholieke%20Kerk%20heeft%20onzorgvuldig%20gehandeld.aspx>