



EUROPEAN COURT OF HUMAN RIGHTS
COUR EUROPÉENNE DES DROITS DE L'HOMME

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FOURTH SECTION

Application no. 3413/24
Gilbert Gregory Anthony CIJNTJE against the Netherlands
and two other applications
(see list appended)
communicated on 26 August 2026

SUBJECT MATTER OF THE CASE

The applications concern the right to legal representation by a lawyer of one's own choosing in criminal proceedings.

On 25 February 2020 the applicants were convicted by the Court of First Instance in Curaçao of accepting bribes in connection with a tender process conducted by their employer, a State-owned company. The criminal investigation had been initiated following a report filed by the Prime Minister of Curaçao.

In the first-instance proceedings, the applicants were represented by a lawyer from Curaçao who was registered with the Joint Court of Justice of Aruba, Curaçao, Sint Maarten, and of Bonaire, Sint Eustatius and Saba ("the Joint Court").

On appeal, the applicants sought permission to be represented by a lawyer from the Netherlands, working together with their Curaçao lawyer. They argued that exceptional circumstances justified a departure from section 57 of the Curaçao Code of Criminal Procedure, which restricts representation to lawyers registered with the Joint Court. In particular, they relied on the Dutch lawyer's specialist expertise, the trust they had placed in him, his collaboration with their lawyer from Curaçao, and the politically sensitive nature of the case, which had attracted significant media attention in Curaçao. They therefore preferred counsel with no ties to local authorities. On 22 September 2020 the Joint Court rejected the request, finding no reason to

doubt the competence, expertise, or commitment of lawyers registered with the Joint Court.

On 11 November 2021 the Joint Court dismissed the applicants' appeals. The applicants had argued that the refusal to allow representation by counsel of their choice violated Article 6 of the Convention. The Joint Court held that their Curaçao lawyer had represented them adequately and that the proceedings had been fair.

The applicants then lodged appeals on points of law with the Supreme Court of the Netherlands, again relying on Article 6. During this procedure they were represented by a specialised lawyer, admitted to practice before the Supreme Court. On 3 October 2023 the Supreme Court dismissed the appeals on points of law, noting that neither the applicants nor their lawyer had claimed before the Joint Court that counsel lacked the expertise required to represent them effectively.

The applicants complain that the refusal to allow representation by their chosen lawyer violated their rights under Article 6 of the Convention and rendered the proceedings unfair.

QUESTION TO THE PARTIES

Did the applicants have a fair trial as required under Article 6 § 1 and Article 6 § 3 (c) of the Convention? In particular, were there relevant and sufficient reasons not to respect the applicants' right to legal assistance of their own choosing, (see *Dvorski v. Croatia* [GC], no. 25703/11, §§ 79-82, ECHR 2015; *Artico v. Italy*, 13 May 1980, § 35, Series A no. 37; and *Hamdani v. Switzerland*, no. 10644/17, §§ 28-30, 28 March 2023)?

CIJNTJE v. THE NETHERLANDS AND OTHER APPLICATIONS – SUBJECT MATTER OF
THE CASE AND QUESTIONS

APPENDIX

No.	Application no.	Case name	Lodged on	Applicant Year of Birth Place of Residence Nationality	Represented by
1.	3413/24	Cijntje v. the Netherlands	26/01/2024	Gilbert Gregory Anthony CIJNTJE 1960 Curaçao Dutch	Hendrik Marinus DUNSBERGEN
2.	3625/24	Van Kwartel v. the Netherlands	26/01/2024	Roderick Arnold Claude VAN KWARTEL 1964 Curaçao Dutch	Hendrik Marinus DUNSBERGEN
3.	3867/24	Kinburn v. the Netherlands	01/02/2024	Michele Mario KINBURN 1973 Curaçao Dutch	Hendrik Marinus DUNSBERGEN