decision

COURT OF NORTH NETHERLANDS

Civil law

Seat Leeuwarden

Case number / request number: C/17/199273 /HARK 25-17

Decision of 20 August 2025

In the case of

1. [redacted]
living in Leeuwarden,
2. [redacted],
living in Brunssum,
3. [redacted],
living in
Leeuwarden,
applicants,
hereinafter jointly referred to as: applicants,
attorney: Mr. P.W.H. Stassen,

against

1. EVERHARDUS ITE HOFSTRA,
2. JAAP TAMINO VAN DISSEL,
3. MARIA PETRONELLA GERARDA KOOPMANS,
4. MARK RUTTE,
5. SIGRID AGNES MARIA KAAG,
6. HUGO MATTHEÜS DE JONGE,
7. **ERNST JOHAN KUIPERS,**
8. DIEDERIK ANTONIUS MARIA PAULUS JOHANNES GOMMERS,
9. WOPKE BASTIAAN HOEKSTRA,
10. CORNELIA VAN NIEUWENHUIZEN,
14. FEIKE SIJBESMA,
all choosing residence in The Hague,
17. DE STAAT DER NEDERLANDEN,
seated in The Hague,
hereinafter jointly referred to as: Hofstra et al.
attorneys: Mr. R.W. Veldhuis and Mr. M.E.A. Möhring,
11. ALBERT BOURLA,
residing in Greenwich, hereinafter referred to as Bourla,
attorneys: Mr. O.C. Roessing and Mr. M. Bredenoord-Spoek,
12. GISELLE JACQUELINE MARIE-THÉRÈSE VAN CANN,
living in the municipality of De Bilt,
13. PAUL EDWIN JANSEN,
residing in the municipality of Leiden,
hereinafter jointly referred to as: Van Cann et al.,

attorney: Mr. R.H.W. Lamme,
15. WILLIAM HENRY BILL GATES 111,
residing in Medina, Washington, hereinafter referred to as Gates,
attorneys: Mr. W. Heemskerk and Mr. P.F.B. Mulder,
16. AGNES CATHARINA VAN DER VOORT-KANT,
choosing residence in Amsterdam, hereinafter referred to as: Van der Voort-Kant,
attorney: Mr. A.H. Ekker, registered,
hereinafter jointly referred to as: registered.

Hofstra et al., Bourla, Van Cann et al. and Van der Voort-Kant will hereinafter jointly be referred to as defendants.

1. The procedure

1.1. The course of the proceedings is evident from:
- the petition
- the email dated May 21, 2025, from the petitioners, with exhibits
- the letter dated June 17, 2025, from the petitioners, with exhibits
- the statement of defense from Hofstra et al.
- the email from Bourla dated July 2, 2025, requesting digital participation in the hearing
- the court's decision of July 3, 2025, rejecting Bourla's request
- the statement of defense from Bourla
- the email from Gates dated July 4, 2025, indicating that Gates is recusing himself
- the statement of defense from Van der Voort-Kant
- the email from Van Cann et al. dated July 4, 2025, indicating that oral defense will be conducted
- the email dated July 6, 2025 July 2025, from the applicants, with requests to the court and a link to a video
- the letter from the court dated July 6, 2025, in which the court ruled on those requests
- the email from the court dated July 8, 2025, in which the parties were requested to respond to the journalists' request to take photographs and make audio and video recordings at the hearing
- the emails from the applicants dated July 8, 2025, in which they objected to this request insofar as it concerns non-accredited journalists
- the email from the court dated July 8, 2025, in which the parties were informed of the decision that non-accredited journalists were not permitted to take photographs and make audio and video recordings
- the email from the applicants dated July 8, 2025, in which the parties objected to that decision
- the oral hearing, of which the court clerk took notes
- the Statement of case from the applicants
- Statement of case from Hofstra et al.
- Statement of case from Van Cann et al.

1.2 The decision is set for today.

2. The request and the defense

2.1. Applicants request the court
1. to hold a hearing [the court understands: to order] by decision on the facts and circumstances stated in the petition, at which the experts named in the petition can be questioned about the questions formulated in the petition,
2. to determine that the party experts, if they so wish, can be heard in public by the examining magistrate via a video connection with the court,
3. to determine the day, time and place at which these hearings will take place in public, taking into account the different time zones,
4. to designate the examining magistrate before whom the hearing will be held, and
5. to determine the date on which the applicants must send a copy of this petition and the decision to be issued thereon to the seven [the court understands: five] party experts.

2.2. The applicants have, in short, based their request on the fact that they are considering intervening or joining the substantive proceedings pending before the court, docket number 23/172, in which the applicants are the defendants, or initiating proceedings against the applicants themselves. They seek compensation for all material and immaterial damages they have already suffered and will yet suffer as a result of being unlawfully misled by the applicants into receiving a COVID-19 (mRNA) injection. According to the petition and the attached documents, the plaintiffs in the aforementioned substantive case argue that COVID-19 is not a disease but a project called "Covid-19: the Great Reset." According to them, the COVID-19 (mRNA) injections are a crucial part of this project in which the applicants are participating and qualify these injections as bioweapons, which are used to commit genocide. The applicants share these positions of the plaintiffs in the substantive proceedings. The defendants in the main proceedings dispute these positions. The applicants intend to secure evidence of the aforementioned positions through the expert hearing they have requested and to better assess their chances of success. According to the applicants, given their training, experience, and relevant expertise, the experts are qualified to provide an independent and scientifically sound expert opinion regarding the questions raised in the application regarding the project and the COVID-19 (mRNA) injections.

2.3. The defendants each conduct their own defense. Hofstra et al., Bourla, and Van der Voort-Kant request that the applicants' request be declared inadmissible or that this request be rejected with a provisionally enforceable order against the applicants to pay the costs of these proceedings (including the additional costs), plus statutory interest. Van Cann et al. request the same, with the exception of the provisionally enforceable order for the costs of the proceedings. Gates refers to the court's judgment.

3. The assessment

Contents of request and assessment framework

3.1. This concerns a request for provisional evidence. The Act on Simplification and Modernization of the Law of Evidence entered into force on 1 January 2025, which, among other things,

amended the provisional evidence regulations in the Code of Civil Procedure (CCP). Because the request was made after that date, these new articles apply to the request.

3.2. Under Article 196, paragraph 1, of the Dutch Code of Civil Procedure (RCV), the court may, at the request of an interested party, order one or more preliminary evidentiary hearings before a case is pending, such as a preliminary witness hearing, a preliminary expert report, or a preliminary expert hearing. The latter involves the hearing of a court-appointed expert during the oral hearing.
Under Article 192, paragraph 1, of the RCV, the court may, at the request of a party, grant permission to hear experts whom the party wishes to hear. These experts are not appointed by the court and are hereinafter referred to as party experts. The legislative history of Article 192, paragraph 1, of the RCV indicates that this hearing can also be requested as a preliminary evidentiary hearing[1]. If a (party) expert not only possesses a specific expertise but also has personal knowledge of facts and circumstances relevant to the case, a request can be made to hear them as an expert witness/party expert. This involves a combination of a witness hearing and a (party) expert hearing.

3.3. Respondents have argued that the petition does not clearly indicate which of the aforementioned preliminary evidence proceedings the applicants are requesting. They point out that in the petition, the applicants alternately refer to a preliminary expert hearing, a preliminary expert report, a combination of these, or a witness hearing.

3.4. The court notes that the petition's request requests an expert hearing and further refers to "the party experts." The petitioners have indicated that the experts they have nominated can also be considered witnesses and that their relevant factual knowledge also consists (partly) of their observations as witnesses, so they argue that they should be heard under oath. The court therefore proceeds on the basis of a request to order a preliminary hearing of the expert witnesses nominated by the petitioners. The court notes that at the oral hearing, the petitioners referred to an expert witness hearing. Insofar as the petitioners did not understand the request in this way, their interests will not be harmed by this, given the considerations below regarding this request.

3.5. Article 196, paragraph 2, of the Dutch Code of Civil Procedure stipulates that the court will grant a request for provisional evidence unless:

- the requested information is insufficiently specific;
- there is insufficient interest in the provisional evidence;
- the request is contrary to due process;
- there is abuse of authority;
- there are other compelling reasons that oppose the provisional evidence.

The court notes that these rejection criteria are not separate, but rather overlap and can therefore be applied concurrently.

[1] See parliamentary documents II 1999/2000, 26855, nr. 3, pag. 120 and 125.

3.6. The court rejects the request and explains below why.

The request is not possible if applicants wish to intervene or join the ongoing substantive proceedings

3.7. Insofar as the applicants requested the hearing because they are considering intervening (or joining) in the aforementioned substantive proceedings, the request is inadmissible. As the respondents correctly argued, Article 196 of the Dutch Code of Civil Procedure precludes the possibility of requesting provisional evidence during ongoing proceedings. While the applicants are not currently parties to the substantive proceedings, so strictly speaking, this is not a request for provisional evidence in ongoing proceedings, they will become parties to those ongoing proceedings if a request for intervention (or joinder) is granted. The request is therefore contrary to the intent of Article 196 of the Dutch Code of Civil Procedure. If a case is already being dealt with on its merits, according to the legislator, evidence must be obtained through the court to which the case has been assigned, and provisional evidence must not interfere with ongoing proceedings. In the court's opinion, such an unacceptable interference with ongoing proceedings also occurs when the request for a preliminary hearing is made by someone who intends to become a party to an already ongoing proceeding[2]. The request is therefore incompatible with the legislature's intention.

The request must also be rejected if applicants wish to initiate their own substantive proceedings

3.8. The applicants have indicated that they are also considering initiating their own proceedings against the applicants. However, these proceedings on the merits will involve the same set of facts as the current proceedings and the same defendants (who are now applicants). These proceedings will therefore be very closely intertwined with the already pending proceedings. The reply submitted by the applicants in the main proceedings shows that this petition was submitted as exhibit in the main proceedings and that an offer was made in the main proceedings to hear the parties' experts in the main proceedings. It is up to the panel in the ongoing proceedings to decide whether this is necessary and desirable. If the request is granted, the ongoing proceedings could be unacceptably affected. If the written report of the hearing of the parties' experts is introduced in the ongoing proceedings, this will affect the further course of the proceedings. The control of the panel in the main proceedings will thus be compromised in a way similar to the consequences described above for the main proceedings in the event of intervention or joinder. This conflicts with the intention of the legislator.

The request must also be rejected for other reasons

1. An expert hearing is not the appropriate means

3.9. Respondents have argued, among other things, that the applicants have no interest in a preliminary expert hearing, because the applicants can also obtain the requested preliminary evidence in writing. They point out in this regard that the persons

[2] See parliamentary documents II 2019/20, 35 498, nr. 3, p. 19 (MvT)

the applicants wish to call as experts have declared their willingness to provide a statement, which they can also do in writing. bereid hebben verklaard om een verklaring afte leggen, wat ze ook schriftelijk kunnen doen.

3.10. The applicants countered that a unilateral written statement from the nominated experts lacks the weight and evidentiary value of an expert opinion reached in a careful legal process with the opportunity for both sides to be heard. According to the applicants, all parties can ask critical questions of the nominated party experts during the hearing, and the applicants can also have their party experts heard under oath. According to the applicants, the diametrically opposed camps of party experts will each have to give and substantiate their expert opinion under oath. Only such an expert opinion will provide the applicants with sufficient insight to determine whether they can demonstrate in legal proceedings that unlawful conduct has occurred in the form of genocide with a bioweapon.

3.11. The court disagrees with the applicants' position. The parties agree that the opinions of their respective experts on this matter are (or will be) diametrically opposed. In such a case, an expert report by an independent expert appointed by the court in consultation with the parties is a more appropriate way to gain insight into the matter and to obtain evidence. This is especially true because this is a complex issue that lends itself better to written information provided by an expert appointed in consultation with the parties, who can then, if necessary, be heard on certain aspects by the judge at an oral hearing. While the applicants have insisted on a debate between the experts of the applicants and the applicants, the legal option for requesting a hearing of the parties' experts is not intended for this purpose. The debate takes place before the judge in the main proceedings, and that judge determines how and in what manner the debate should take place.

2. Applicants have no interest in the request

3.12. It is undisputed that the applicants are aware of the position of their party experts and the opposing views of the party experts that the applicants will wish to rely on. Therefore, they have not sufficiently substantiated their claim that they need the hearing to decide whether to initiate substantive proceedings. Furthermore, they can request their party experts to answer the questions in writing or by video. This will sufficiently safeguard their evidence. Therefore, the court finds that the applicants have insufficient interest in hearing the party experts.[3]

3. The party experts cannot be heard as witnesses

3.13. The following also applies to the hearing of witnesses. Under Article 163 of the Code of Civil Procedure, a witness's statement can only serve as evidence insofar as it relates to facts known to the witness from his or her own observation. According to established case law, the term 'observation' must be interpreted broadly. Impressions what the witness

3 See Explanatory Memorandum to the Act on the Simplification and Modernisation of the Law of Evidence, House of Representatives, session year 2019-2020, 35 498, no. 3, page 58.

has learned and what the witness has heard from third parties belong to this [4]. The request for a preliminary witness hearing must clearly and specifically specify the actual event to which the hearing will relate. Furthermore, if necessary, it must also be made clear why the witnesses to be heard may (possibly) testify about this.[5].

3.14. According to the respondents, the request should be denied insofar as it requests that the parties' experts also be heard as witnesses. They argue that the applicants have not explained which relevant events the persons nominated by the applicants allegedly witnessed and that none of the proposed questions pertain to these persons' own observations. In response, the applicants explained at the hearing that the persons they named can testify from their own observations regarding the existence of the project "Covid-19: Great Reset," genocide, and the use of bioweapons, as they live in a time when all of this is happening. In the court's opinion, in light of the respondents' arguments, the applicants have insufficiently specified which proposed questions the nominated persons can answer based on their own observations. As the respondents have argued uncontested, the questions, given their formulation, are intended to be answered by an expert based on knowledge and experience in their field. In short, the questions addressed to the parties' experts pertain to what they know based on their expertise, but not to what they have seen, heard, or observed.

4. The request is contrary to due process

3.15. Furthermore, in light of the respondents' challenge, the applicants have insufficiently explained that all the questions they formulated are relevant and could contribute to the resolution of the dispute in any potential proceedings on the merits. For example, the applicants propose to submit various questions to the American party experts K. Watt (hereinafter: Watt) and S. Latypova Mba regarding US regulations on viruses, vaccines, and biological and bacteriological weapons, without clarifying why US law would be relevant in this regard. Furthermore, the court cites, as an example, the applicants' proposal to ask Watt: "What is the relationship between the regulatory functions and decisions of the US Food and Drug Administration (US-FDA) regarding international trade in viruses, gene therapies, and other biological products and other regulatory authorities outside the United States, particularly in Europe?" Again, no explanation has been given as to why the answer to this question is necessary for a decision. This applies to other questions. Viewed in this light, it has also been insufficiently explained that five experts must be heard and that fewer experts are not sufficient. The court therefore finds that granting the request will be time-consuming and expensive, and will lead to inefficient information gathering. This, in conjunction with the preceding considerations, means that the request violates due process.

[4] See Supreme Court 11 July 2025, ECL1:NL:HR:2025:1141
[5] See Supreme Court 7 September 2018, ECL1:NL:HR:2018:1433

Conclusion

3.16. The court concludes that the circumstances mentioned above must lead to the conclusion that the request must be rejected.

3.17. Since the request is already rejected on the aforementioned grounds, all other defences raised by the respondents do not need to be discussed further.

Legal costs

3.18. The applicants, as the unsuccessful party, will be jointly and severally ordered to pay the costs of the proceedings (including the additional costs). The costs incurred by Hofstra et al. will be determined as follows:

- court fees:	€ 714,00	
- lawyer's salary:	€ 1.228,00	(2 points x rate € 614,00)
- additional costs	€ 178,00	(plus the increase as stated in the decision)
Total	€ 2.120,00	

The costs on Bourla's side are set at:

- court fees:	€ 331,00	
- lawyer's salary:	€ 1.228,00	(2 points x rate € 614,00)
- additional costs	€ 178,00	(plus the increase as stated in the decision)
Total	€ 1.737,00	

The costs on the side of Van Cann et al. are set at:

- lawyer's salary:	€ 614,00	(1 point x rate € 614,00)
- additional costs	€ 178,00	(plus the increase as stated in the decision)
Total	€ 792,00	

The costs on Gates' side are set at:

- lawyer's salary:	€ 614,00	(1 point x rate € 614,00)
- additional costs	€ 178.00	(plus the increase as stated in the decision)
Total	€ 792,00	

The costs on the side of Van der Voort-Kant are set at:

- court fees:	€ 331,00	
- lawyer's salary:	€ 1.228,00	(2 points x rate € 614,00)
- additional costs	€ 178,00	(plus the increase as stated in the decision)
Total	€ 1.737,00	

3.19. The statutory interest on the legal costs claimed by the defendants will also be awarded as legally based and uncontested in the manner set out in the judgment.

4. The decision

The court

4.1. rejects the request;

4.2. orders the applicants jointly and severally, in the sense that if one pays, the others will be released up to the amount of that payment, in the legal costs on the side of Hofstra et al., set to date at € 2,120.00, to be paid within fourteen days of notification to that effect, to be increased by € 92.00 plus the costs of service if the applicants do not comply with the orders in time and the decision is subsequently served;

4.3. orders the applicants jointly and severally, in the sense that if one pays, the others will be released up to the amount of that payment, to pay the statutory interest as referred to in Article 6:119 of the Dutch Civil Code on the legal costs of Hofstra et al. if these have not been paid within fourteen days after the date of this order;

4.4. orders the applicants jointly and severally, in the sense that if one pays, the others will be released up to the amount of that payment, in the legal costs on the side of Bourla, set to date at € 1,737.00, to be paid within fourteen days of notice to that effect, to be increased by € 92.00 plus the costs of service if the applicants do not comply with the orders in time and the decision is subsequently served;

4.5. orders the applicants jointly and severally, in the sense that if one pays, the others will be released from the obligation to pay the statutory interest referred to in Article 6:119 of the Dutch Civil Code on Bourla's legal costs up to the amount of that payment if these are not paid within fourteen days of the date of this order;

4.6. orders the applicants jointly and severally, in the sense that if one pays, the others will be released up to the amount of that payment, in the legal costs on the side of Van Cann et al. set to date at € 792.00, to be paid within fourteen days of notification to that effect, to be increased by € 92.00 plus the costs of service if the applicants do not comply with the orders in time and the decision is subsequently served;

4.7. orders the applicants jointly and severally liable, in the sense that if one pays, the others will be released up to the amount of that payment, to pay the statutory interest as referred to in Article 6:119 of the Dutch Civil Code on the legal costs of Van Cann et al. if these have not been paid within fourteen days after the date of this order;

4.8. orders the applicants jointly and severally, in the sense that if one pays, the others will be released up to the amount of that payment, in the legal costs on the side of Gates to date set at € 792.00, to be paid within fourteen days of notice to that effect, to be increased by € 92.00 plus the costs of service if the applicants do not comply with the judgment in time and the decision is served thereafter;

4.9. orders the applicants jointly and severally, in the sense that if one pays, the others will be released up to the amount of that payment, in the legal costs on the side of Van der Voort Kant, set to date at € 1,737.00, to be paid within fourteen days of notice to that effect, to be increased by € 92.00 plus the costs of service if the applicants do not comply with the orders in time and the decision is subsequently served;

4.10. orders the applicants jointly and severally, in the sense that if one pays, the others will be released up to the amount of that payment, to pay the statutory interest as referred to in Article 6:119 of the Dutch Civil Code on the legal costs of Van der Voort-Kant if these have not been paid within fourteen days after the date of this order;

4.11. declares this order provisionally enforceable with regard to the convictions under 4.2., 4.3., 4.4., 4.5., 4.9. and 4.10.

This order was issued by Mr. J.A. Werkema and pronounced in open court on August 20, 2025 in the presence of the clerk.

fn: 445





Voor 9Fliil&&e/afschr. conform



20 AUG 2025

De griffier,