PELS RIJCKEN

Northern Netherlands Court, Leeuwarden location

Case/roll number C/17/199273 /HARK 25/17

Date of filing of statement of defense: 24 June 2025

Statement of defence preliminary expert hearing regarding

1. **the State of the Netherlands**
whose registered office is located in The Hague
2. **Everhardus Ite Hofstra**
3. **Jaap Tamino van Dissel**
4. **Maria Petronella Gerarda Koopmans**
5. **Mark Rutte**
6. **Sigrid Agnes Maria Kaag**
7. **Hugo Mattheüs de Jonge**
8. **Ernst Johan Kuipers**
9. **Diederik Antonius Maria Paulus Johannes Gommers**
10. **Wopke Bastiaan Hoekstra**
11. **Cornelia van Nieuwenhuizen**
12. **Feike Sijbesma**

all choosing residence in The Hague
defendants
lawyers:
mr. R.W. Veldhuis and mr. M.E.A. Möhring

against

1. [redacted]
living in Leeuwarden
2. [redacted]
living in Brunssum
3. [redacted]
living in Leeuwarden
applicants
lawyers:
mr. A.G.W. van Kessel and mr. P.W.H. Stassen

1 Introduction

1.1 The applicants request your court to order a provisional examination of evidence. The precise provisional examination of evidence that the applicants are requesting is somewhat vague: in the application, the applicants alternately refer to a provisional expert hearing, a provisional expert report, a combination of these, or a witness hearing. Since the petition only requests an examination of experts, the State assumes that this is the request at issue here.[1]

> The applicants have involved various natural persons in these proceedings who, as ministers, OMT members or otherwise, have been committed to combating the corona pandemic. However, there is no legally respectable interest in involving these persons in these proceedings in private. It is settled case law that the conduct of persons that relates to their work for the State must be attributed to the State.[2] The defence in this defence is also always conducted by the State on behalf of the other defendants on whose behalf this defence is filed.

1.2 The request for this provisional evidence production is related to the summons procedure currently pending before your court, which IIIIli et al. have initiated against various defendants, including the State (hereinafter: the main proceedings).[3]

> In that procedure, et al. submitted their reply on 11 June 2025. The case is now on the roll of 23 July 2025 for the submission of a rejoinder by the defendants. An oral hearing will then be scheduled.

1.3 In the main proceedings, the core argument of et al. is that there would be intentional and unlawful deception, because the Dutch population would have been called upon by the defendants to be vaccinated against Covid-19, while the defendants would have known that the vaccine was not safe and effective. et al. also claim a declaration of law with that content in those proceedings. That core argument and claim are based by et al. on the theory that there would be a global conspiracy, of which the defendants would be part.

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[1] This is also the evidence that is most prominent in the body of the petition. Should your court view the petition differently, the following applies accordingly with regard to the requests before you according to your court. Specifically with regard to hearing persons as witnesses, the State notes that the applicants have not explained at all which relevant events the persons named by the applicants would have witnessed, and that none of the questions relate to these persons' own observations, so that the request must (also) be rejected on that ground. See Supreme Court 7 September 2018, ECLI:NL:HR:2018:1433, rov.3.5.3.

[2] HR 11 oktober 1991, ECLI:NL:HR:1991:ZC0360, NJ 1993/165, rov. 3.3. See also Court of The Hague 18 July 2017, ECLI:NL:GHDHA:2017:2033, rov. 10.

[3] The case is being handled under case/file number: C/17/190788 / HA ZA 23-172.

That plot would be aimed at carrying out the 'Great Reset', of which the 'project Covid-19' would also be a part. Covid-19 would not really exist, and the "Covid-19 injections" would lead to (serious) injury and death, and even to genocide - according to et al.

1.4 According to the application, the applicants support the arguments of et al. in the main proceedings. According to the applicants, the main proceedings of et al. would increasingly focus on the question of whether the vaccines against Covid-19 are "a bioweapon with which genocide is committed". The applicants believe that an evidentiary determination on this point is "crucial" in order to determine whether they wish to join or intervene in the main proceedings.[4] For that reason, the applicants wish to submit various questions to the persons named in the application as experts - including whether there is a 'Great Reset', whether the disease Covid-19 exists, whether there has been a pandemic, and whether the vaccines against Covid-19 are a bioweapon with which genocide is committed.

1.5 The persons named by the applicants cannot be regarded as experts, and certainly not as independent and impartial experts. The State also believes without further ado that the persons named by the applicants, if they are heard, will answer the questions proposed by the applicants in the manner advocated by the applicants - namely that there is a 'Great Reset', that the disease Covid-19 does not exist, that there has been no pandemic and that the vaccines against Covid-19 are a bioweapon with which genocide is committed. After all, the persons nominated by the applicants have previously publicly expressed such positions.[5] The applicants therefore do not really need these persons to be heard as experts by way of preliminary evidence in order to be able to determine their legal position. For this reason alone, the request must be rejected for lack of interest.

1.6 The fact that these persons, if heard, would make such a statement does not mean that it is established that the position of the applicants and these persons on, in short, Covid-19 is correct - as the applicants seem to believe. There are many (truly) independent and impartial experts who would state the opposite. After all, the position of the applicants, and of the persons named by the applicants, runs counter to the broad scientific consensus: that the disease Covid-19 exists, that there has been a pandemic and that the vaccines against Covid-19 are safe and effective. The State could therefore also find many experts willing to state this, but pitting different (party) experts against each other is not a helpful way to settle a dispute.

1.7 Hearing the persons named by the applicants as experts would therefore not advance the dispute between the parties.

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4 Petition, under 1 and 19. Petitioners speak alternately of intervention and joinder. It is therefore not clear in what way they wish to intervene.

5 See below under 4.

The question is whether that is what the applicants intend with the request. The aim of the applicants with this request seems to be mainly to have a certain legitimacy attributed to the (content of the) statements of these persons - also outside the procedure - by hearing these persons as experts by a judge. That is not a legally respectable interest that would justify hearing these persons in court.

1.8 The State considers that the applicants should be declared inadmissible, or at least that the application should be rejected. The State will explain this further below.

2 Legal framework

2.1 This procedure - which was initiated by the petition filed on March 7, 2025 - is subject to the new law of evidence, as it applies from January 1, 2025.[6] The applicants also assume this.[7]

2.2 Under this new law of evidence, the court may, upon request, order provisional evidence taking (i) before the case is pending or (ii) if the case is already pending but has not yet been entered on the roll (Article 196 paragraph 1 of the Code of Civil Procedure). No request for provisional evidence taking may be made during ongoing proceedings.[8] When a case is pending, any evidentiary proceedings must be ordered by the judge to whom the case has been assigned.[9] The court is best placed to assess whether an evidentiary procedure is necessary, thus preventing preliminary evidentiary procedures from disrupting ongoing proceedings.[10]

2.3 A request for provisional evidence may also be rejected (i) if the information requested is not sufficiently specific, (ii) if there is insufficient interest in the provisional evidence, (iii) if the request is contrary to the proper conduct of the proceedings, (iv) if there is abuse of authority or (v) if there are other important reasons that oppose the provisional evidence (Article 196 paragraph 2 of the Code of Civil Procedure).

3 Inadmissible; contrary to due process; abuse of power

3.1 The request by the applicants was made while a case was already ongoing: the procedure of et al., in which the applicants state that they wish to intervene.[11]

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6 *Stb.* 2024/62. For the transitional law, see: Parliamentary Papers II 2021/22, 35 498, no. 7, p. 3 and art. XXIIA of the Act on the Simplification and Modernisation of the Law of Evidence (Stb. 2024, 62).

7 The applicants refer to a 'Petition for provisional evidence proceedings (pursuant to art. 196 et seq. Rv)'.

8 Parliamentary Papers II 2019/20, 35 498, no. 3, p. 10. See also: Loek, in: T&C Rv, commentary on art. 196 Rv, note la; G. de Groot, Civil expert evidence (Civil Procedure & Practice no. 27), Deventer: Wolters Kluwer 2025, no. 253, 255.

9 *See parliamentary documents II* 2019/20, 35 498, nr. 3, p. 44.

10 *See parliamentary documents II* 2019/20, 35 498, nr. 3, p. 44.

11 A 'case' within the meaning of Article 196 paragraph 1 of the Code of Civil Procedure is a case in which a claim, request or defence may be based on facts about which information can be obtained by means of the provisional evidence. See G. de Groot, Civil Expert Evidence (Civil Procedure & Practice No. 27), Deventer: Wolters Kluwer 2025, No. 255.

As explained above, a request for provisional evidence can only be made before the case is pending and it is not possible to order provisional evidence while the case is pending. This means that applicants must be declared inadmissible in their request.[12]

3.2 If a third party is allowed to request provisional evidence during ongoing proceedings that is related to ongoing proceedings, this would mean that the restriction that the legislator deliberately laid down in Article 196 paragraph 1 of the Code of Civil Procedure (only provisional evidence before the proceedings) could easily be circumvented. Such a detour also runs counter to the intention of the legislator with the new law of evidence, which after all has two flavours: evidence gathering before the proceedings, or during the proceedings.

3.3 The above applies in particular to a case like this. Applicants do not appear to be 'ordinary' third parties who are considering intervening in ongoing proceedings. There are clear connections between applicants and et al: applicants and et al are assisted by the same lawyers, applicants and et al introduce each other's procedural documents in the various proceedings, and both the applicants' proceedings and those of et al are apparently facilitated by the same foundation: Stichting Recht Oprecht, which also sees these proceedings as a single entity.[13]

3.4 It therefore appears that the request by the applicants for provisional evidence is in fact intended to gather evidence for the ongoing proceedings of et al., and that this is an attempt to circumvent the statutory restriction of Article 196 paragraph 1 of the Code of Civil Procedure (no provisional evidence is possible during ongoing proceedings).[14]

3.5 Granting the request would furthermore result in an unacceptable interference with the procedural policy of the judge in the ongoing proceedings.[15] In their reply, et al. referred to this application procedure, and subsequently offered "the same expert evidence" in the main proceedings as well.[16] It is up to the judge in that procedure, following the (currently ongoing) debate between the parties in the main proceedings, to ultimately assess whether evidence is necessary in that procedure - and if so, what evidence is required.[17] In this way, evidence can be taken in a targeted and procedurally efficient manner - if necessary.

12 See also Gelderland District Court, 27 March 2025, ECLI:NL:RBGEL:2025:2264.

13 This follows from the fact that the website of this foundation (wwww.rechtoprecht.online) contains information under the heading 'The lawsuit' about both the procedure of – et al and about this application procedure. The same website also announced that the lawyers of the applicants (who are also the lawyers of – et al) will inform visitors at events about (among other things) developments in both the current procedure and in this application procedure.

14 At least serves another purpose (outside any procedure), see 1.7.

15 *See Parliamentary Papers II 2019/20, 35 498, no. 3, p. 58. See also T&C Rv, commentary on art. 196 Rv, note 1.*

16 See the conclusion of the reply of - et al., under 26 and 44 (and also the offer of evidence on p. 52).

17 See Asser Procedural Law/Asser 3 2□19; Asser Procedural Law/Van Schaick 2 2022/95.

The State believes, however, that the party debate in that case to date had not given riso to this.

3.6 If the request in these petition proceedings is granted, there is a real possibility that provisional evidence will be provided with regard to statements for which, in the opinion of the judge, no evidence is required in the current proceedings.

3.7 The above means that the applicants must be declared inadmissible (Article 196 paragraph 1 of the Code of Civil Procedure), or at least that the applicants' request must be rejected on the grounds of conflict with due procedural order and/or abuse of power (Article 196 paragraph 2 of the Code of Civil Procedure). This applies all the more in light of the following.

4 The proposed 'experts'

4.1 The applicants have named five persons whom they would like to hear as experts. These are:

- **Catherine Austin Fitts.** According to appendix 1 submitted by the applicants, she has a bachelor's degree in history and a master's degree in business administration and claims to be an 'investment advisor, entrepreneur, government official, investment banker' [18] In her own words: *"Jam not a scientist. I am nota doctor. I am not a biotech engineer. I am not an attorney. However, I read, listen, appreciate, and try to understand those who are."*.[19] Fitts has previously made the following statements about the mRNA vaccines: *"The certaintv that mRNA technology ki/Is and maims-and that this was known by those who made and released the COVJD-19 vaccinations-is priceless intelligence. Having this knowledge gives you the power to protect yourself and the people you love. Your doing so is of the utmost importance to the network of doctors, scientists, and researchers who have worked to understand and communicate these dangers. (...) What you have learned may be priceless intelligence, but it is not convenient. The tact that mRNA technology maims and ki/Is has profound implications. Given who is applying this technology, it radicallv alters our understanding of whom we can trust-not just about mRNA technology but about a far wider range of issues that touch numerous aspects of our daily life and finances. Off the list of trusted institutions are our governments, including the military and the agencies that regulate health. Off the list is the pharmaceutical industrv. Off the list are the manv doctors and hospitals that were paid richly to push mRNA vaccines, and even before that to administer harmful and aften lethal COVJD-19 treatments. Off the list are the media that made war on the hearts and minds of people everywhere, filling them with fear to herd them and*

[18] See Appendix 1 to the petition.
[19] https://solari.com/deep-state-tactics-101-the-covid-injection-fraud-its-not-a-vaccine/

their children into the mRNA "kil/ box".[20] In an interview, Fitts describes what she believes is the goal of the 'Great Reset', namely *"to make s/aves of all of us"* - in whatever context she states *"What COVID19 is, is the institution of contrals necessary to convert the p/anet fram democratie pracess to technocracy.* So *what we're watching is a change in contra/, and an engineering of new contra/ systems.* So *think of this as a coup d'etat rather than a virus."* – see also *"Catherine begins the interview by explaining what is The Great Reset, and how it wil/ eventual/y bring an end to the U.S. dollar as the world's main currency, and be the end of all currencies as we know them as the Centra/ banks intraduce a cashless society with a social credit system like China.* ".[21]

- **Mike Yeadon.** According to his CV submitted by the applicants, Yeadon did indeed work at Pfizer, but not in a department involved in (the development of) vaccines.[22] Yeadon claims that the Covid-19 vaccines are bioweapons, and has filed a lawsuit with the International Court of Justice on that basis: *"The crimina/ complaint is braught against various alleged perpetrators including the Prime Minister of the United Kingdom, Director-Genera/ of the World Health Organisation, co-chairs of the Bill and Melinda Gates Foundation, and senior executives of multinational pharmaceutical companies involved in the praduction of vaccines, for al/egedlv perpetratinq crimes against humanitv, war crimes, crimes of aggression and violations of the Nuremberq Code."*.[23] Yeadon states, among other things, "So *let me just say again, the variants are not different enough to represent a threat to use. You do not need to top up vaccines. They are being made, and the regulators that more or less waved them through. I'm terrified of that. There's no possible benign interpretation of this. I believe that thev're going to be used to damage vour health and possiblv kil/ vou seriouslv. I can see them. Sensible interpretation, other than a serious attempt at mass depopulation, wil/ pravide the tools to do it and plausible deniability because thev'/1 create another story about some biologica/ threats. You'/1 /ine up and get your top-up vaccines, and a few months or a vear or so later, vou wil/ die of some peculiar explicable svndrome, and thev won't be able to associate it with the top-up vaccine".*[24]

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[20] https: //solari.com/now-av ailable-mrna-vaccine-toxicitv-bv-doctors-for-covid-ethics-with-a□erword-bv-catherine-a ustin-fitts/. Underlining added.

[21] https:// medicalkidnap.com/2021/01/01/catherine-austin-fitts-expla ins-how-the-g lobalist-bi11ionaires-and-technocrats-a re-planning-on-taking-over-the-planet-and-how-we-ca n-stop-it/

[22] See (subsequently submitted) Annex 2 to the petition.

[23] https: //www. cliffedekkerhof mevr.co *ml* news/pubiications/2022/Practice/ Emplovment/ emplovment-law-alert- 24-ianuary- 2022-COVID-19-vaccines-A-crime-against-humanitv-The-Internationa1-Crim ina1-Court-to-determine.html (underlining added).

[24] https: /la nointedtube.com/video/87 226/a-fina1-warn ing-to-humanitv-from-former-pfizer-chief-scientist- michael-veadon-watch-share-with-a11- make-this-video-go-v ira1-m p4/ (underlining added)

- **Alexandra Latypova.** From the CV enclosed by the applicants it appears that she has a bachelor's degree in foreign languages and a master's degree in business administration.[25] Latypova has also previously spoken out about Covid-19 and the vaccines. See: *"Farmer pharmaceutical executive and researcher Alexandra "Sasha" Latypova has /aid out compelling arguments for why the "carte/" that orchestrated the dissemination and uptake of "biowarfare agents" - marketed as "COVID-19 vaccines" - operated with "verv clear intent to harm" and to execute a "mass genocide of Americans."*.[26] See further: *"As Latypova has exp/ained, the DoD [U.S. Department of Defense] managed to classify these "vaccines," not as medicines or pharmaceuticals but as "COVID countermeasures" under the authority of the military, which means they are not required to comply with U.S. law governing the manufacturing quality, testing, effectiveness, safety, and labeling of medica/ products.* (...) *The evidence is overwhelming that there is an intent to harm people bv the COVID 19 iniections, so-called 'vaccines,' and other nonsensical COVID response measures implemented in lockstep by govemments all over the world," she explained"* (...) *"There is obvious/y malignant policy from the government. We know that they're /ying. We know that they're covering up. They're gaslighting the families of those ki/led and injured by these shots," Latypova summarized. And thus, this demonstrates a "verv c/ear intent to harm through all these actions. And at this point, evervthing should be deemed intentional. All of the iniurv and death tol/, should be deemed completelv intentional.* ". *"We found that these products are dirty, contaminated, do not conform at all to what the label says. And they're hugely taxie by design," she said. "They shou/d all be stopped immediately, and this should be investigated properly. And we shou/d bring those responsible to justice, to accountability. Until that happens, we cannot move on from this," Latypova said. "We have to focus on this more and focus especial/y on prosecution and bringing those responsible to justice".*[27]

- **Katherine Watt.** According to the CV enclosed by the applicants, Watt has a bachelor's degree in philosophy and natural sciences, she has a 'Paralegal Studies Certificate' and she has worked as a paralegal and as a writer and publisher.[28] She previously stated the following: *"On January 24, 2023 Katherine Watt was an attendee at a press conference that discussed the ongoing emergency use rol/out of bioweapons being marketed as Covid vaccines. She discussed the legal framework for which this is happening and provides ways to circumvent the WHO/BIS/DOD initiatives that undermine sovereignty.* ". *"During a Zoom press conference in January,*

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25 See Appendix 3 to the petition.

26 https: //www .1ifesitenews. com/news/tox ic-by-design- researcher-explains-why-us-defense-depts-cov id-va x-operation-shows-i ntent-to-ha rm/ (underlining added).

27 https: //www .1ifesitenews. com/news/tox ic-by-desig n-researcher-ex plarns-why-us-defense-depts-covid-v ax-operation-shows-i ntent-to-ha rm/ (underlining added).

28 See Appendix 4 to the petition.

Watt discussed the /egal framework used for the emergencv use rol/out of the bioweapons being marketed as "covid vaccines." "I would not call them [Department of Defence] DoD vaccines. I would call them DoD weapons," she said. Adding that using legislation they are constructing the walls of what they call the "kil/ box." The "kil/ box" is a military term used to describe a three-dimensional area reference that enables timely, effective coordination and contra/ and facilitates rapid attacks. Describing the covid-19 kil/ box, Watt said: "What the DoD and the World Health Organisation intend to do - and have gatten quite far in doing but have not completely reached their goals - is to set up the entire world as their geographic terrain; their target population as all the people in the world [and] the duration of their campaign as permanent.".[29] Watt also wrote a 'Notice of War Crimes', which included the text: *""If vou have been promoting or using products known as 'Covid-19 vaccines' on patients since December 2020, vou have been participating in fraud, mass murder and war crimes, because medica/ countermeasures (MCMs), covered countermeasures, and prototype products are DoD-contracted bioweapons intended and effective for iniuring, sickening and killing recipients.": "The "global chemica/ and biologica/ warfare program to sicken, injure and kil/ targets" using lethal bioweapons being fraudulently /abelled as marketed and promoted as "covid-19 vaccines.".*[30]

- **Joseph Sansone.** According to the CV enclosed by the applicants, Sansone has a PhD in psychology, specialises in clinical hypnosis and has worked as a therapist, among other things.[31] Sansone has filed a lawsuit in the US to have Covid-19 vaccines banned *"because they are biologica/ and technologica/ weapons of mass destruction"; "the complaint also seeks declaratory judgements that the COVID 19 injections and all mRNA injections violate Weapons of Mass Destruction".* In that (lost) lawsuit, Sansone also submitted a statement (from Francis Boyle, also mentioned by the applicants in their petition), stating: *"It is my expert opinion that, 'COVJD-19 nanoparticle injections' or mRNA nanoparticle injections' or 'COVJD-19 injections' meet the criteria of biologica/ weapons and weapons of mass destruction.* ".[32]

4.2 The persons mentioned by the applicants cannot be regarded as (objective and impartial) experts.[33]

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29 https://expose-news.com/2023/0 2/26/covid-iniections-are-weapons-of-the-covid-19-ki11-box/ (underlining added); https://www.youtube.com/live/q9mEc4_SS0A?feature=share.

30 https://expose-news.com/2023/02/26/covid-injections-are-weapons-of-the-covid-19-ki11-box/

31 See Appendix 5 to the petition.

32 https: //www.truth11.com/florida-lawsuit-seeks-iniunction-to-prohibit-mrna-nanoparticle-iniections-because-thev-a re-biowea pons/; https://josephsansone.substack.com/

33 See GS Civil Procedure, art. 194 Code of Civil Procedure, note 1.4; GS Civil Procedure, art. 190 Code of Civil Procedure, note 3.3; G. de Groot, Civil expert evidence (BPP no. 27) 2025/2.

4.3 The persons named by the applicants do not have the necessary qualifications for this. Moreover, as is apparent from the foregoing, these persons have previously made statements about, in short, (the vaccines against) Covid-19. They have done so in a manner that is consistent with the view of the applicants (and others), but which is diametrically opposed to the broad scientific consensus (that a Covid-19 pandemic has occurred, that the Covid-19 vaccines have been developed with the aim of combating that pandemic and that the vaccines are safe and effective).

4.4 In view of the foregoing, it is not only clear in what manner these persons will testify, but also that these statements - contrary to what the applicants believe - will not provide "irrefutable evidence" of the applicants' (and others') claims. This means that there is insufficient interest in hearing these persons as experts, or at least that there is abuse of authority.

If there were any grounds for the provisional evidence requested by the applicants (which, according to the State, is not the case), and therefore, in the opinion of your court, experts should be heard on the question of whether the vaccines against Covid-19 are "a bioweapon with which genocide is committed", then actual - objective and independent - experts will have to be heard in that context.

5 Further grounds for rejection

5.1 The request must also be rejected because there is insufficient interest in the provisional taking of evidence for the following reasons and/or there is abuse of authority and/or conflict with the proper order of the proceedings.

Evidence can also be obtained in writing

5.2 There is no interest in a preliminary expert hearing, because the applicants can also obtain the desired preliminary evidence in another way. This also means that the request is contrary to the proper order of the proceedings and/or that there is an abuse of power.

5.3 The applicants themselves state that the persons they would like to hear as experts have declared themselves willing to cooperate in an expert hearing and/or an expert report.[34] These persons are therefore prepared to provide a written expert report to the applicants. The type of evidence that these persons would have to provide is also a form of evidence that lends itself to a written document (and not to an interrogation).

[34] Petition, § 16.

Furthermore, as explained above (under 4), these persons have already expressed themselves extensively in public sources on the issues on which the applicants want an expert hearing. It is therefore already clear what these persons would state in an expert hearing. The applicants therefore do not need an interview of these persons in order to be able to determine their legal position. If they wish to use the opinion of these persons for this purpose, they can base themselves on the statements already available in public sources, or ask these persons for a written document.

> The request to hear the persons named by the applicants as experts also fails because a provisional expert report is a less onerous provisional evidence procedure than a provisional expert hearing. For this reason too, the request for a provisional expert hearing must be rejected.[35]

No need to secure evidence

5.4 The applicants argue that their interest in an expert hearing would lie in securing evidence.

5.5 In the context of the new law of evidence, the legislator has explained that the fear that evidence will be lost - the original idea behind the (now deleted) article 186 paragraph 2 Rv (old) - is no longer well-founded. The judge can namely, on the basis of article 87 paragraphs 1 and 3 Rv, both ex officio and at the request of the parties, at any stage of an ongoing procedure, order an oral hearing at which witnesses or party experts are heard, if necessary urgently. Furthermore, the parties have the possibility to submit written statements in the proceedings.[36]

5.6 Nor is it necessary to hear the persons named by the applicants in order to secure evidence. In that connection too, it is sufficient to put the statements of these persons in writing.[37] In this (less onerous) way, the evidence desired by the applicants can also be secured. A provisional evidence procedure is not necessary for this.

5.7 Furthermore, the applicants have not substantiated in any way that there is a real risk that evidence will be lost. There is no evidence that it is to be expected that the persons named by the applicants will no longer be able to testify in the short term. If the applicants were really afraid of this, it is also not clear why they did not have the statements of these persons put in writing earlier.

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35 Cf. Parliamentary Papers // 2019/20, 35 498, nr. 3, p. 62.
36 See parliamentary documents // 2019/20, 35 498, nr. 3, p. 43-44.
37 Cf. Parliamentary Papers II 2019-2020, 35 498, no. 3, p. 44: "In addition, parties also have the option of submitting written statements from witnesses to the proceedings where appropriate."

This is a legal dispute

5.8 The applicants state in the introduction to the application: "The applicants have closely followed this procedure [the main procedure], are themselves victims of the Covid-19 (mRNA) injections [meaning: vaccines] and see that the procedure is increasingly focusing on the question of whether the Covid-19 (mRNA) injections are a bioweapon with which genocide is committed, or not. An evidentiary determination on this point is crucial for the applicants in order to decide to intervene in the substantive proceedings with their own claim." (emphasis added). According to the applicants, obtaining an answer to that question (are the vaccines against Covid-19 a bioweapon with which genocide is committed) is the reason for requesting a preliminary evidentiary hearing in these proceedings.

5.9 However, that question is not a factual but a legal one – and the same applies to many of the underlying questions formulated by the applicants.[38] Legal questions must be answered by the judge and cannot be answered by an expert.[39] A preliminary expert report on legal questions is therefore not admissible. There is therefore no interest in hearing experts on legal questions.

> Furthermore, the State also does not recognise the image that the main proceedings would increasingly focus on the question formulated by the applicants.[40]

Real chance of rejection of intervention in current procedure

5.10 The current proceedings are at an advanced stage. On 11 June 2025, et al. submitted their reply, and on 23 July 2025 the case is set for a rejoinder.

5.11 The oral hearing of this petition will take place on 9 July 2025 and a decision will be made thereafter. Subsequently, if the petition is granted, an expert hearing will have to be ordered on a date on which the five persons and parties mentioned can be present. The current proceedings will very likely have been concluded by then (see art. 218 Rv).

5.12 In any event, there is a real chance that the incidental claim for joinder or intervention will be dismissed, given the advanced stage of the proceedings in question. Any other outcome would be contrary to the proper conduct of the proceedings. Further complication of those proceedings (by joining or intervening) would lead to unreasonable delay of those proceedings.

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[38] HR 22 February 2019, ECLI:NL:HR:2019:272, paragraph 3.3.5; G. de Groot, Civil expert evidence (Civil Procedure & Practice no. 27), Deventer: Wolters Kluwer 2025, no. 17, 271.

[39] HR 22 februari 2019, ECLI:NL:HR:2019:272, rov. 3.3.5.

[40] In the reply in the main proceedings, - et al. also state only that they are of the opinion that the debate "should focus on this". Conclusion of reply, under 65 (emphasis added).

his is all the more galling now that the procedure - due to various procedural complications outside the State's control and a very generous period for the conclusion of the reply requested and obtained by et al. - has now been ongoing in the court of first instance for almost two years. This is also a reason to dismiss the incidental claim for joinder or intervention (which would necessitate further procedural steps).[41] There is therefore no interest in the request for a preliminary expert hearing.

The applicants also mention in passing the possibility of independently initiating new proceedings.[42] It is not plausible that the applicants are actually considering this: according to the application, the main proceedings are the reason for the application, since the main proceedings would "focus" on the question mentioned (on bioweapons and genocide in connection with covid vaccinations), and the application is otherwise entirely focused on their intervention in the ongoing main proceedings,[43] and it is certainly not obvious that the applicants (with the same lawyers and the same positions, and facilitated by the same foundation) will initiate new, in fact identical, proceedings while the proceedings of et al. are still ongoing.

6 The questions to be asked to the proposed persons

6.1 Finally, the State notes that - if experts were to be heard - the experts to be appointed can only be heard on factual questions that are relevant to determining the legal position of the applicants. Many of the questions proposed by the applicants do not meet this requirement.

6.2 Many of the questions proposed by the applicants are not related to what the applicants claim to be the core question on which the preliminary evidence should be based (whether the vaccines against Covid-19 are "a bioweapon used to commit genocide"), but are much broader in nature. According to the applicants themselves, these questions are therefore not relevant to the main proceedings.[44]

6.3 This reinforces the idea that the request was made in order to gather evidence (for et al) for the main proceedings, or at least serves another purpose (outside those proceedings): to have the statements of these persons attributed a certain legitimacy - which also does not constitute a legally respectable interest, and moreover means that there is an abuse of power.

6.4 Furthermore, the State points out the following

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41 HR 28 March 2014, ECLI:NL:HR:2014:768, paragraph 4.4.2.
42 Petition, § 5.
43 Petition § 1-3, 9, 13-14, 19.
44 Vgl. gerechtshof Arnhem-Leeuwarden 16 mei 2023, ECLI:NL:GHARL:2023:4224, rov. 3.4.

Questions about the Covid-19 pandemic and Covid-19 vaccines. Petitioners propose to submit questions to Yeadon, Latypova and Sansone about the Covid-19 pandemic and the regulation, safety and effectiveness of the mRNA vaccines against Covid-19.[45] None of these people have the necessary qualifications to answer these questions. The Covid-19 pandemic and the regulation, safety and effectiveness of vaccines are not within their area of expertise.[46] The same applies to the question of whether the Covid-19 vaccines qualify as bioweapons.[47] Moreover, this is a question of legal qualification.[48] Such questions should, if necessary, be answered by the judge in the main proceedings, and not by an expert.[49]

- Questions about American law. The applicants propose to ask Latypova and Watt several questions about American law.[50] The relevance of these questions is not explained by the applicants and cannot be seen. American law does not apply to the main proceedings. There is therefore no interest in questions about that law. The State also leaves aside the fact that the nominated persons do not have demonstrably sufficient specialist knowledge of American law, and that if there were reason to hear experts on American law, it would be obvious that the International Legal Institute would be called in.[51]

- Questions about Dutch (or international) law. The applicants propose to ask Yeadon and Sansone whether genocide is being committed with Covid-19 vaccines.[52] They want to ask Watt whether the people who prescribed, purchased and administered the vaccines participated in war crimes and/or genocide.[53] These are legal questions, and it is up to the judge in the main proceedings to rule on them if necessary.[54] In any case, the persons mentioned do not have the necessary knowledge of Dutch (or international) law to answer these questions.
- Other questions. It is not clear what the relevance is of a large number of the questions proposed by the applicants for the assessment of whether or not the applicants wish to join or intervene in the main proceedings. This applies, for example, to the questions:

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45 For those questions see: Yeadon, questions 1-7; Latypova, questions 1-2, 4-5; Sansone, questions 1-4.
46 G. de Groot, Civil expert evidence (Civil Procedure & Practice no. 27), Deventer: Wolters Kluwer 2025, no. 59.
47 For those questions, see: Yeadon, question 8; Latypova, questions 1, 6; Sansone, question 5.
48 The concept of a bioweapon is defined in Article 1, paragraph 1, of the Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on their Destruction.
49 **HR 22 februari 2019, ECLI:NL:HR:2019:272, rov. 3.3.5.**
50 For those questions, see: Latypova, question 3; Watt, questions 1-4.
51 G. de Groot, Civil expert evidence (Civil Procedure & Practice no. 27), Deventer: Wolters Kluwer 2025, no. 16.
52 For those questions, see: Yeadon, question 9; Sansone, question 7.
53 For that question see: Watt, question 6.
54 HR 22 February 2019, ECLI:NL:HR:2019:272, paragraph 3.3.5; G. de Groot, Civil expert evidence (Civil Procedure & Practice no. 27), Deventer: Wolters Kluwer 2025, no. 17, 271.;

"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?, and "Was the development and/or administration of the Covid-19 (mRNA) injections [vaccines] a military project?".

6.5 The questions proposed by the applicants are therefore irrelevant, unsuitable for an expert to answer, and/or do not fall within the area of expertise of the persons nominated. For these reasons too, the application must be rejected.

7 Conclusion

The State concludes:

i. to declare the applicants' request inadmissible, or at least to reject the request;

ii. ordering the applicants to pay the costs of the proceedings, with the proviso that statutory interest will be due on the award of costs from the fifteenth day after the date of the decision to be made in this case;

iii. with an order that the applicants pay the subsequent costs, estimated at €178 in accordance with the liquidation tariff or, in the event of service, at €270;

iv. with a declaration that these awards of costs are provisionally enforceable.

[redacted]
Advocaat
[redacted]

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