

**CASE NOTE:  
THE NETHERLANDS**

CASE CITATION:  
**LJN BV8708**

NAME AND LEVEL OF THE COURT:  
**Zutphen District Court**

DATE OF DECISION:  
**13 March 2012**

Decision available at <http://zoeken.rechtspraak.nl/detailpage.aspx?ljn=BV8708>

*Article 248a Netherlands Criminal Code;  
evidence of MSN chat*

Defence counsel argued for acquittal of the charges of seduction of a fifteen year old girl. To that end defence counsel argued, amongst other things, that the MSN conversations included in the case file do not constitute an original printout of the MSN history. The conversations could have been edited and should therefore be excluded as evidence.

Assessment by the court. As indicated above, counsel for the defence argued that a number of MSN conversations should be excluded as evidence. At trial the accused was confronted with a number of remarks reproduced in these conversations. Although he denied having made some of these statements, he admitted that he made or could have made certain others. As the accused admitted to part of the statements referred to, the court believes that the rendering of that part of the MSN conversations is admissible. The court will disregard the remainder, as it cannot be established how the printouts in the case file have come into being, nor whether their rendition is correct, or in what context and at which dates and times the statements in the MSN conversations were made.

The accused is convicted and sentenced for seduction to 8 months' imprisonment less the period spent in pre-trial detention, of which 4 months suspended with an operational period of two years plus a number of special conditions.

This case report is by courtesy of the **Expertise Centre on Cybercrime**, and was first published in *Vertaalde Nieuwsbrief*, 2012, nr 3 (translated version)