

CRIMINAL PROCEEDINGS AND DEFENCE RIGHTS IN THE NETHERLANDS

This leaflet covers:

- Information about FTI
- Definitions of key legal terms
- Criminal proceedings and defence rights in the Netherlands
- Useful links

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About Fair Trials International

Since 1992 Fair Trial International has worked for the better protection of fair trial rights and defended the rights of people facing criminal charges in a country other than their own. Our vision is a world where every person's right to a fair trial is respected, whatever their nationality, wherever they are accused.

Fair Trials International was established to help people arrested outside their own country to defend their right to a fair trial. Every year we help hundreds of people and their families to navigate a foreign legal system by offering practical advice, including contacts of local lawyers, guidance on key issues encountered by people arrested abroad, and basic information on different legal systems and local sources of support. As a charity, we do not charge for any of the assistance that we provide.

We believe that respect for fundamental rights and the rule of law are the hallmarks of a just society, and that the right to a fair trial is at the heart of this. Sadly too many shocking cases of injustice demonstrate how, time and again, this most basic human right is being abused. We fight against injustice by lobbying for the legal reforms needed to ensure that the right to a fair trial is respected in practice. Working with our clients and international networks, we also campaign for changes to criminal justice laws which are being abused and overused.

To find out more about how FTI can assist you, please contact our legal team (contact details on the back cover).

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DEFINITIONS OF KEY LEGAL TERMS

Appeal (*beroep*): An opportunity to dispute a decision made at trial by asking a higher court to review it. This can result in the decision being overturned or changed.

Arrest Warrant (*arrestatiebevel*): A document authorising the police to make an arrest, search premises, or carry out some other action relating to the administration of justice. In the Netherlands, an arrest warrant is issued by the Public Prosecutor.

Bail (*borgtocht*): The temporary release from police custody or prison of a person accused of a crime and awaiting trial.

Bar Association (*orde van advocaten*): An organisation whose role is to represent lawyers and help people in their dealings with lawyers.

Charge/Indictment (*tenlastelegging*): An official statement accusing a person of committing an offence.

Consulate (*consulaat*): The section of the embassy whose task is to assist its citizens.

Court of Appeal (*gerechtshof*): The court that is competent to hear appeals (i.e. challenges) made to decisions of the lower courts

Court of First Instance (*rechtbank van eerste aanleg*): A lower court where a trial is initially heard.

Embassy (*ambassade*): The office of a government official who resides in a foreign country and represents his/her government's interests.

European Court of Human Rights (*Europees Hof voor de Rechten van de Mens*): The Court is based in Strasbourg, France, and hears human rights cases against the 47 countries which make up the Council of Europe (which is different from the European Union).

Inquisitorial System (*Inquisitoir proces*): A system in which the judge plays an active role in conducting the investigations and seeking the truth. This system is followed in France and many other European countries (but not in the UK). Unlike in adversarial systems such as the UK and the USA, the role of the defence lawyer is to ensure that his/her client's rights are respected, but it is not to investigate the case. An important part of the trial can be based on written submissions.

Investigative Judge (*onderzoeksrechter*): A judge who performs an examining role and is actively involved in the conduct of investigations. Investigative judges initially hear challenges to the way your case is handled by the police or the prosecution, since they review at an early stage whether the arrest and subsequent police detention for a maximum of 3 days have been lawful. They also decide on your status pending trial (whether or not you should be released. NB: They only decide the first 14 days of detention, following the 3 days of police custody) and investigative measures such as house searching, tapping or taking DNA samples. An important role of the investigative judge is also to interrogate witnesses and appoint experts, at the request of the defence.

Judge (*rechter*): A person with authority to hear and decide on cases in a court of law.

Judgment (*uitspraak*): A decision on a case provided by a judge in a court of law.

Lawyer (*advocaat*): A person whose profession is to give legal advice and assistance to clients and represent them in court or in other legal matters.

Legal Aid (*gefinancierde rechtsbijstand*): Financial assistance provided to a person who needs a lawyer and who cannot afford to pay for one.

Plea Bargain (*het bepleiten van strafvermindering in ruil voor schuldbekentis*): A procedure which allows the defendant to plead guilty in exchange for a less severe sentence. This does not exist in the Netherlands as a separate procedure but settlement negotiations with the prosecution may take place, to prevent a trial.

Police Custody (*inverzekeringstelling*): Detention of a suspect by the police after arrest

(Police custody in the Netherlands consists of 2 stages. The first stage is police-detention for a maximum duration of 6 hours, for investigation of – among other things, the identity of the suspect and the charge. The second stage, which follows directly after the 6 hrs, is police custody (*inverzekeringstelling*) which lasts for 3 days, to facilitate further investigation.

Pre-trial Detention (*voorarrest* or *voorlopige hechtenis*): Detention in prison during the investigations (and often during the trial itself as well), which happens

before the decision on guilt or innocence is made by the court.

Public Prosecutor (*openbare aanklager*): A person who conducts a case against a person who is accused of a crime.

Remand (*voorarrest*): The act of sending a person, accused of a crime, into prison until the trial.

Sentence (*vonnis* or “*arrest*” – an “*arrest*” is the Dutch word for the sentence of either a Court of Appeal, or the Supreme Court): The punishment assigned to a person convicted of a crime as fixed by a court of law. A *vonnis* or *arrest* is the general term for the legal decision following a trial, and may also be an acquittal or another legal decision.

Victim is known as “*slachtoffer*” in Dutch.

Warrant (*bevel* or *machtiging*): A document issued by a legal or government official authorising the police to make an arrest, search premises, or carry out some other action relating to the administration of justice.

Witness: Referred to in the Netherlands as “*getuige*”. A victim can be a witness in the proceedings.

INFORMTION ON CRIMINAL PROCEEDINGS AND DEFENCE RIGHTS IN THE NETHERLANDS

We have prepared these notes with the assistance of local criminal lawyers, who tried to describe how things happen in practice, i.e. in the real world. Even within one country, however, practice can vary greatly from one place to another and it is therefore possible that your experience will sometimes differ from the descriptions below. This document does not constitute legal advice and only provides general information. If you need advice in relation to your specific case, or if you are concerned about a possible violation of your rights, you should discuss this with your local lawyer.

1. LEGAL SYSTEM

Q1. Where do the laws of the Netherlands apply?

The Dutch criminal code only applies in the European territories of the Kingdom of the Netherlands. There is a different criminal code that applies to the Caribbean Netherlands (the 'BES' Islands, which include Bonaire, Saba and St Eustatius). Other islands in the Caribbean under Dutch rule (Aruba, Curacao and Sint Maarten) also have their own criminal codes.

Q2. What kind of legal system is it?

The Dutch legal system is a civil law system which is very different from common law countries like England

and Wales, the US and Australia. The criminal process is “inquisitorial” in which judges take an active role in conducting the investigations.

2. ARREST AND INVESTIGATION

I. What are my rights upon arrest?

(a) Right to information:

Q3. Will the police inform me of my rights? Will this be done orally or in writing?

You will be informed of your rights upon arrest, but no written list of rights is shown or presented.

Q4. Do I have a right to be informed of the allegations/charges against me?

When you are charged with a crime, you will be given a notice of summons and accusation. This is usually only done orally. This document will be in Dutch, but if you do not speak that language, an interpreter will translate its content orally for you.

(b) Right to inform people:

Q5. Do I have a right to have the consulate informed of my arrest?

Yes. You can demand that the consular representation of your native country is notified of your arrest.

Q6. Do I have a right to inform my family of the arrest?

You can normally notify a relative or another person you trust of your arrest usually through a lawyer. You may not be able to contact your family directly.

Q7. Do I have a right to a lawyer?

Yes, you may consult with a lawyer at any time after your arrest, even before your interrogation by the police. If you are in police custody, you will be automatically assigned a lawyer free of charge who will assist you while you remain in custody. If you are not being held in custody, you may have to seek out your own lawyer (see below on how to find a lawyer). If you are not satisfied with your representation, you may change lawyer at any time.

Q8. Do I have a right to a translator/interpreter?

Yes, you have a right to an interpreter free of charge during the proceedings and during (police) interrogations. You are also entitled to an interpreter when speaking to your lawyer in custody. You should tell the police and your lawyer that you need an interpreter.

Q9. Do I have to talk to the police or can I remain silent during police interrogation? Will it work against me if I am silent?

You need a local lawyer to help you decide whether to remain silent or to answer questions. It will not be used against you if you refuse to answer any questions until you have spoken to a lawyer.

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You have the right to remain silent and you will be informed of this right when you are arrested. If you remain silent, as a matter of law this cannot be used against you during the trial.

Q10. When will I know about the case against me?

If you have been in police detention for 3 days, and the prosecutor requests the court to remand you into custody for another 14 days, you will be taken to court. A provisional file will be provided to your lawyer at that stage. It is also at this point that you will receive a notice of summons and accusation, during the hearing before the investigative judge.

Before your trial, you should also be given access to a provisional file of the case against you to allow you and your lawyer to investigate and prepare your case.

Q11. How long can I be kept in prison before my trial starts?

If you have been arrested and taken into custody by the police you must be brought before a judge within 3 days and 15 hours.

Then, the investigating judge may remand you into custody for 14 days. These 14 days will be served in a prison.

Within these 14 days there will be a new hearing, with 3 judges. At this hearing, the public prosecutor can ask the court to hold you for a maximum of 90 days. Your trial should begin within these 90 days. This does not mean that your full trial needs to start within this period,

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but that the trial process that includes preliminary hearing needs to have begun. If your trial has not started within that period, the prosecutor must make another application to keep you in detention.

After the trial has started, the prosecutor must make a new application every three months, and will have to prove to the court every time that your continued detention is necessary.

If the judge then decides that you should be kept in prison while awaiting trial, there is no maximum duration of pre-trial detention. You may be held in detention for a year or more in complex or serious cases.

If you are convicted and given a prison sentence, the time served in pre-trial detention should be deducted from your overall sentence.

3. LEGAL REPRESENTATION

For general information on why and how to appoint a local lawyer, please refer to FTI's "Arrested in Another Country?" leaflet.

Q12. How can I find a lawyer?

Your consulate or the Dutch Bar Association (*Orde van Advocaten*) should be able to assist you to find the names and contact details of criminal lawyers. See our "Useful links" section for the contact details of the bar association.

Upon arrest by the police, you will be allowed to be represented by a lawyer. If you are in police custody, you will be assigned a lawyer free of charge who will assist you while you remain in custody. You are allowed to ask for a particular lawyer, however if s/he cannot be contacted, you will be assigned another. You are entitled to ask for a different lawyer at any time.

Q13. What is the role of my lawyer? Will s/he investigate the case?

Your lawyer will provide you with legal advice and represent you in court, based on the evidence gathered by the prosecution and given by any witnesses that are called. S/he can also request that the prosecution conducts further investigations and/or that the court calls witnesses or gathers specific evidence, but this will be at the discretion of the court.

Q14. I cannot afford to pay for a private lawyer, what should I do? (Is there legal aid? How should I apply? What are the criteria to be eligible? What is covered by legal aid?)

In the Netherlands, you are entitled to free representation from the moment you enter police custody to the end of your trial, regardless of your income. Such a lawyer will be assigned to you when you are remanded into custody.

You can tell the police to notify your arrest to a lawyer of your own choice. The legal representation by this chosen lawyer will then also be free of charge as long as this lawyer participates in the legal aid system. Most Dutch criminal defence lawyers do.

If you have not been detained, you may need to pay a proportion of your lawyer's fees (between 141 Euros and 761 Euros). The amount of the contribution depends on your income.

A private lawyer may request that you pay some money upfront (an amount that can be considerable) before s/he takes on a case. You need to discuss with your lawyer how you could pay him/her, and s/he may sometimes agree to take instalments.

It should also be noted that there are no court fees for criminal proceedings in the Netherlands.

Q15. I am unhappy with my lawyer: How can I change lawyer? How can I complain about my lawyer?

A good first step is to speak to your lawyer about your concerns. If that does not resolve the issue, you can complain about your lawyer and seek to have another one appointed (see below). For general information about changing lawyer, please ask for our "Arrested in Another Country?" leaflet, and look at question 13.

State-funded lawyer: In the Netherlands, you are entitled to change lawyers at any time, even if they are publically funded.

Private lawyer: You can terminate your lawyer's contract at any time. You need to ensure that you have paid his/her fees and that s/he will send your file to the new lawyer you want to appoint.

If you want to make a complaint about your lawyer, you need to send a letter outlining your complaint to the

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Dutch Bar Association (the contact details are in the useful links section). The Association can provide you with more details.

4. PRE-TRIAL MATTERS

4.1 Pre-trial matters: detention

The information given below is specific to the Netherlands. For general information and tips about how to obtain your release prior to your trial, please refer to the note of advice on “Release Pending Trial”.

Q16. Will I have to stay in prison until my trial starts?

You may have to stay in prison until your trial starts. Although there is a presumption that people should be given bail (i.e. should be released pending your trial), in many cases defendants, particularly when they are foreign nationals, are kept in custody.

Reasons for keeping people in custody are to prevent them from:

- (1) Failing to attend their trial (i.e. absconding);
- (2) Tampering with evidence or interfering with witnesses; or
- (3) Committing another offence.

In the Netherlands, it is also possible to have bail denied if the crime you are accused of is so serious that it would be unacceptable to allow release.

Q17. Are there alternatives to detention pending trial?

Yes, you can be released, with or without conditions.

Conditions imposed if you are released may include requirements:

- to inform the competent authority of any change of residence;
- that you do not enter certain localities, places or defined areas;
- that you remain at a specified place during specified times;
- that you do not leave the Netherlands;
- to report at specified times to a police station;
- not to engage in specified activities relating to the alleged offence, including work in a specified profession or employment;
- to deposit money as a guarantee;
- to undergo therapeutic treatment or treatment for addiction;
- to avoid contact with specific objects relating to the alleged offence;

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- to surrender passport and identity cards;
- to freeze your bank account; or
- house arrest and electronic tagging (but these are rarely used).

Q18. How and when can I apply for release while waiting for trial?

If the prosecution have decided they would like to keep you in custody before your trial, a hearing will be organised before a panel of 3 judges. At the hearing, the public prosecutor can ask the court to hold you for a maximum of 90 days, and after this, must make a new application every three months if they want to continue your detention. Every time such an application is made, you and your lawyer will be able to present reasons for why you believe you should be released.

In addition to these mandatory reviews, you and your lawyer can apply at any time to ask the court to suspend your detention. The court will consider your personal circumstances in deciding whether to do so.

You may appeal once against any decision to keep you in custody.

Q19. Can I go back to my home country while on bail?

Yes, you can leave the country, unless the judge has explicitly prevented you from doing so (by taking your passport, for instance).

You need to appoint a representative who will be able to receive summons or other official documents for you in the Netherlands. A possible solution is to give a power of attorney to your lawyer so that s/he can receive summons on your behalf.

Q20. What will happen if I breach my bail conditions?

You will be detained. If you paid money as a security, it will be confiscated, but breaching the conditions of your release does not, in itself amount to a separate criminal offence.

Q21. Do I need a lawyer to apply for bail?

No, you do not need a lawyer to apply for bail, but if you do not have a lawyer at your first court appearance, you can apply for bail directly to the court.

If you are remanded in custody after your first court appearance, you will automatically be granted a lawyer free of charge (if you did not have one previously). So from the second court appearance, you will have a lawyer who can assist with your bail application.

4.2. Pre-trial matters: timing

Q22. How long before my case goes to trial?

The first formal hearing should take place within 90 days of custody, but the full trial may take place much later. The court can, upon request by the prosecutor, prolong your pre-trial detention for a maximum of 3 months every time there is a new hearing in your case.

If you have been in detention your case will have to be brought before the court faster than in cases where the suspect has been released. The Supreme Court has ruled that a trial must be completed within 16 months when the suspect is in pre trial detention.

Q23. There are always delays with my case; does that mean my lawyer is doing a bad job?

No. Delays happen at each stage of the proceedings and courts are known to be overwhelmed, which causes cases to be fairly slow to reach a conclusion. Sometimes witnesses are not available, or expert opinions take a long time to be produced. This is not necessarily the result of poor quality work from your lawyer.

4.3. Pre-trials matters: pleading guilty

Q24. Can I plead guilty? What are the consequences of pleading guilty?

As the consequences of admitting your guilt are very serious, you should always discuss this with your lawyer before making any decision. There may be implications

that extend beyond the Netherlands itself, to your home and other countries.

If you admit your guilt, this can result in a more lenient sentence (as a mitigating factor). You should still be entitled to a full trial, even if you plead guilty.

5. THE TRIAL

Q25. What happens at the trial?

You will be questioned by the judge (only about your identity and your general personal situation) and then the prosecutor will read out the charges against you and the legal basis for the prosecution. The judge will explain your right to remain silent but will give you an option to respond to these charges.

The judge will then question the witnesses and/or experts, if there are any. The public prosecutor and your defence lawyer will have the option to ask additional questions.

After all the evidence has been presented, the public prosecutor followed by your defence lawyer will give the closing speeches. You will always have the opportunity for the last word; even if defence counsel has spoken on your behalf you will be asked if you have anything to add to your defence.

Q26. Do I have to be present?

It is always advisable to be present at your own trial so that you may ensure your defence is presented in the way that you wish.

You have the right to be present at your trial, but you may choose not to attend your trial. In that case, you must give your lawyer permission to speak on your behalf.

In some cases, the court may feel that it is important for you to be present, and can order you to appear at the trial. In such a case, even though you have to attend, you are not obliged to answer any of the court's questions.

Q27. Can I ask for the trial to take place in my home country?

No.

Q28. Is there a jury?

There are no jury trials in the Netherlands.

Q29. Can my lawyer call and cross-examine witnesses?

Yes, your lawyer can call witnesses. If you request witnesses or experts to be called, or any other evidence for the main hearing, you or your lawyer must apply to the judge, indicating the facts on which evidence is to be taken.

The judge has the main role of initiating the examination of witnesses, but your lawyer will have the opportunity to ask additional questions. However, if a witness has been called at the request of the defence, and has not yet been questioned, the defence lawyer has the right to start the questioning at court,

Q30. I don't speak the language of the court; do I have a right to an interpreter? Is it free?

In court there should always be a free interpreter who translates everything.

Q31. Will the written evidence be translated for me?

Only the main documents on the case file are translated (e.g. arrest warrant, indictment and judgment). Written evidence does not have to be translated. This is why you should ideally have a lawyer fluent both in your mother tongue (or another language you understand) and in Dutch. The lawyer can also visit you in prison with an interpreter who is being paid by the state.

Q32. Will the interpreter also help me if I need to talk to my lawyer?

The costs of an interpreter for all confidential conversation in prison or elsewhere between you and your lawyer should be covered by the state.

Q33. Why is the victim taking part in the trial?

Victims are often called as witnesses.

If the alleged offence has caused damages to the victim, the criminal court can order damages to be paid to the victim without the need for a separate legal case in the civil courts. For this reason, victims often decide to take an active (although limited) part in the trial, but they have no obligation to do so.

Q34. Will I be informed of the decision of the court on the day of the trial?

If your case is being heard by only one judge, you will be informed of the outcome and sentenced on the day your trial finishes. If there is more than one judge on the panel, sentencing can take up to two weeks.

Q35. Can I receive a copy of the judgment in my mother tongue?

No, the judgment does not currently need to be translated by the court but this will change in 2014 when a new European Union law, providing for better standards of interpretation, will enter into force.

Your lawyer should be able to arrange for a translation (at your own cost).

Q36. I was tried in my absence and was not informed of this, what can I do?

Trials *in absentia* are possible under Dutch law. If you think that you may have been tried in your absence, you should consult a lawyer at the earliest opportunity to see whether you can challenge the decision or obtain a retrial.

6. APPEALS

Q37. I am not happy with the decision, can I appeal against it?

You should always consult your lawyer if you wish to appeal as there are strict deadlines to respect (usually two weeks after the judgment).

Yes, you can appeal against the decision that found you guilty, or against the sentence you were given. Appeals can be either on matters of fact and law or on points of law only.

Q38. How can I appeal?

You should always seek legal advice from your lawyer about the possibility to appeal as this is very technical and deadlines must not be missed.

Appeals must be made in writing within two weeks after the judgment is given.

Q39. Do I need to pay my lawyer more money if there is an appeal?

Unless you have agreed on fees that will also cover an appeal, you will have to pay the additional fees that are incurred, if your lawyer is privately paid.

If your lawyer represents you on legal aid, you may be entitled to a separate legal aid grant for the appeal.

There are no additional court fees for appeals in the Netherlands.

Q40. What is the time frame for the appeal to take place?

This will depend strongly on the court that is hearing the appeal and its workload. In practice, you are very unlikely to hear anything for several months.

Q41. Could things get worst during the appeal?

If the appeal court upholds your conviction, it can also choose to raise or lower the sentence given to you by the lower court. It is therefore possible to end up with a longer sentence after the appeal.

Q42. If I am acquitted, can the prosecution appeal?

Yes the prosecution can appeal within two weeks after the oral judgment. The prosecution are allowed to appeal even against an acquittal.

7. PRISON CONDITIONS

Q43. Do I have rights as a prisoner? Where can I find out about my rights?

As a prisoner you have some rights that cannot be taken away from you (e.g. the right to food and water; to see your lawyer; to be protected from bullying, violence, and racial harassment; to vote, etc.).

Your lawyer can provide you with more information on your rights.

Q44. What can I do if my rights are violated?

If your prisoner rights are violated (e.g. you are denied food) you should inform the prison governor. If this does not resolve the problem, you must complain to the Complaints Committee ('*Commissie van Toezicht*'). If you do not speak Dutch you can complain in your own language. The complaint can be translated by the Chair of the complaints committee into Dutch. You can also appeal decisions made by the Complaints Committee to the Council for the Administration of Criminal Justice and the Protection of Juveniles ('*Raad voor Strarechtstoepassing en Jeugdbescherming*'). Ask your lawyer for further advice.

Q45. Where can I get assistance regarding my welfare issues? Regarding abuse and mistreatment?

A lawyer will be able to help you with welfare issues and complaints about other abuses or mistreatment. You can also get assistance from NGOs listed on the attached useful links pages.

8. POST-TRIAL MATTERS

Q46. Can I get my sentence reduced?

You can appeal against your sentence. It is possible in such circumstances for your sentence to be reduced; however the court also has the power to raise your sentence. Your lawyer will be able to give you advice on the likelihood of this happening.

The public prosecutor is responsible for ensuring that sentences are carried out and s/he must consider whether or not a prisoner should be released after they have served two-thirds of the sentence. This decision can be challenged.

Q47. What would help me get an early release?

Good conduct in prison could help to get an early release.

Q48. I have been sentenced to pay a fine, what will happen if I don't pay it?

Failure to pay a fine can result in imprisonment.

Q49. Can I ask for a transfer to my home country?

You can be transferred to any country which has a transfer agreement with the Netherlands.

This process can take up to 18 months and you must renounce your right to any further appeals.

Q50. I have exhausted all legal remedies, is it still possible to get my case reviewed?

The case can be reviewed if, for example, new facts and evidence are produced, which, independently or in connection with the evidence previously taken, supports your acquittal. It is usually very difficult to get your case reviewed.

The case can also be reviewed if the European Court of Human Rights has decided that there has been a

violation of your rights and the judgment was based on that violation.

Q51. I have exhausted all legal remedies; can I apply for a pardon?

A request for a pardon may be made to the Ministry of Justice of the Netherlands. The decision is ultimately made by the King, at the advice of the court. The grounds for obtaining a pardon are few and usually depend on a significant change in circumstances. Your lawyer will be able to give advice on whether you may be eligible for a pardon.

Pardons may be available when:

- 1) there are circumstances that the court, at the moment the case was decided, did not and could not have taken into account, and which might have led to an acquittal or a lower sentence; or
- 2) when no reasonable purpose is served with the continuation of executing the sentence.

In practice, pardons are rarely granted.

Q52. Can I be expelled instead of serving my sentence?

If you don't have the legal right to stay in the Netherlands, you can make a request to be expelled to your country before the end of the prison sentence. It is an interruption of the sentence for an indefinite period. This means that if you re-enter the Netherlands you will have to serve the rest of the sentence. For a prison

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sentence of less than three years, the interruption can be granted after you have served half the sentence. For a sentence of more than three years the interruption can be granted after serving 2/3 of the sentence.

These rules apply for both non-EU and EU-residents who have been declared as an unwanted person.

The request for expulsion must be made to the Repatriation and Departure Service (known as the 'Dienst Terugkeer & Vertrek' or 'DT&V'). In certain cases, you can be expelled after serving half of your sentence even if you have a sentence of more than three years, so it is advisable to make your request on time.

If you are serving a prison sentence for being declared an 'undesirable alien' ('ongewenste vreemdeling') you can be sent back to your country of origin at any time you want, so long as you have a valid passport.

Q53. Is there a risk that I will be deported after serving my sentence?

If you do not have a right to stay in the Netherlands, there is a risk that you will be deported after you serve your prison sentence. In many cases the law enforcement authorities of your country will contact you when you have nearly finished serving your sentence.

If you do not have a valid passport, you could be detained as an illegal immigrant and the DT&V will try to obtain a travel document from your embassy.

USEFUL LINKS

ORGANISATION	MANDATE	CONTACT DETAILS
LAW GOVERNING BODIES		
<p>Nederlandse Orde van Advocaten</p> <p>(Dutch Bar Association)</p>	<p><u>Mandate:</u></p> <p>The Dutch Bar Association represents the Dutch legal profession as a whole. It is responsible for regulating the legal profession and membership is obligatory for all lawyers practicing in the Netherlands.</p> <p><u>Additional information:</u></p> <p>The website provides links to local/regional bar associations and general advice on seeking a lawyer in the Netherlands. It also offers a search engine to locate local lawyers.</p> <p>To complain about a lawyer, you must contact your regional bar association.</p> <p><u>Languages:</u></p> <p>Dutch</p>	<p><u>Website:</u></p> <p>www.advocatenorde.nl</p> <p>E: info@advocatenorde.nl</p> <p>T: 070 335 35 35</p> <p>F: 070 335 35 31</p> <p>Neuhuyskade 94 2596 XM Den Haag</p>
<p>Local Bar Associations</p>	<p><u>Mandate:</u></p> <p>There are several local bar associations which have a 24 hour, or out-of-office hours emergency hotlines with specialists in criminal law who are able to provide initial legal assistance after arrest.</p>	<p>Amsterdam: T: 020 589 60 00</p> <p>The Hague: T: 070 416 61 22</p> <p>Limburg: T: 043 352 03 32</p>

		<p>Central Netherlands: T: 030 234 38 19</p> <p>Noord-Holland: T: 023 553 01 80</p> <p>Northern Netherlands: T: 050 314 69 34</p> <p>'s-Hertogenbosch: T: 073 691 17 86</p> <p>Gelderland: T: 026 389 07 66</p> <p>Overijssel: T: 038 422 59 95</p> <p>Rotterdam: T: 010 224 07 09</p> <p>Breda Middelburg: T: 076 520 54 15</p>
LEGAL AID		
<p>Raad voor Rechtsbijstand (<i>Legal Aid Board</i>)</p>	<p><u>Mandate:</u> The Legal Aid Board runs the legal aid system in the Netherlands. They help ensure that anyone who cannot afford their own legal representation can still access a lawyer.</p> <p><u>Languages:</u> Website available in Dutch, with sections in English.</p>	<p><u>Website:</u> www.rvr.org/</p> <p>Contact info will depend on region. Please refer to the website for details.</p>

OMBUDSMEN and COMPLAINTS COMMITTEES		
<p>De Nationale Ombudsman (<i>The National Ombudsman</i>)</p>	<p><u>Mandate:</u> The National Ombudsman helps individuals who are experiencing problems with public administration and advises public administration on how to improve their conduct. Where appropriate, the Ombudsman can respond to complaints by launching an investigation. The National Ombudsman cannot handle complaints unless you have already attempted to settle it with the administrative authority in question. <u>Languages:</u> Website available in Dutch and English</p>	<p><u>Website:</u> www.nationaleombudsman.nl T: 0800 33 55 555 (From 9:00am till 5:00pm on weekdays) Antwoordnummer 10870 2501 WB Den Haag</p>
<p>Commissie van Toezicht (<i>The Complaints Committee</i>)</p>	<p><u>Mandate:</u> The Complaints Committee monitors prisons and detention centres, and reviews complaints from prisoners and individuals in detention centres. <u>Languages:</u> Website in Dutch only, but complaints in other languages can be translated by the Committee</p>	<p><u>Website:</u> www.commissievantoezicht.nl E: kenniscentrumcvt@rechtspraak.nl Kenniscentrum Commissie van Toezicht, Postbus 16005 3500 DA Utrecht</p>

INTERPRETERS		
<p>Bureau Beëdigde Tolken en Vertalers</p> <p><i>(Bureau for Sworn Interpreters and Translators)</i></p>	<p><u>Mandate:</u></p> <p>The Bureau Wbtv maintains the official list of registered court translators and interpreters and assures quality control throughout the Netherlands.</p> <p><u>Languages:</u></p> <p>Website available in Dutch and English.</p>	<p><u>Website:</u></p> <p>www.bureaubtv.nl/</p> <p>E : info@bureaubtv.nl</p> <p>T: 088 787 19 20</p> <p>F: 088 787 17 49</p> <p>Bureau Wbtv Postbus 2349 5202 CH 's-Hertogenbosch</p>
NGOs		
HUMAN RIGHTS		
<p>Amnesty International: Netherlands</p>	<p><u>Mandate:</u></p> <p>Amnesty International is a campaigning organisation. Its aim is to protect people wherever justice, fairness, freedom and truth are denied. AI's campaigns differ from country to country.</p> <p><u>Languages:</u></p> <p>Dutch</p>	<p><u>Website:</u></p> <p>www.amnesty.nl/</p> <p>E: amnesty@amnesty.nl</p> <p>T: 020 6264436</p> <p>PO Box 1968</p> <p>1000BZ Amsterdam ING 454 000</p>
ASSISTANCE FOR PRISONERS		
<p>BONJO</p>	<p><u>Mandate:</u></p> <p>BONJO assist people detained in The Netherlands. Volunteers provide</p>	<p>Website: www.bonjo.nl</p> <p>E: info@bonjo.nl</p>

	<p>assistance to those affected by imprisonment.</p> <p><u>Criteria for assistance:</u> none</p> <p><u>Cost:</u> Free</p>	<p>T: FREE for prisoners: 0900-3334446</p> <p>T: 020 665 94 20</p>
BRITISH PRISONERS		
Prisoners Abroad	<p><u>Mandate:</u></p> <p>Prisoners Abroad is a small UK-based charity dedicated to supporting British citizens imprisoned overseas. They also provide assistance to those affected by imprisonment, and help ex-prisoners start a new life free of crime after their release.</p> <p><u>Criteria to receive assistance:</u></p> <p>The person in prison must be a British Citizen – that is they hold a full British passport – and they must not hold a passport for the country in which they are detained.</p> <p><u>Cost:</u></p> <p>Free</p> <p><u>Additional information:</u></p> <p>For prisoners, PA can make grant payments for food and other essentials, depending on where they are held and what other support they receive. PA can send magazines and newspapers, information about prison and their rights, and PA may be able to help if they need medical treatment in prison.</p> <p><u>Languages:</u></p> <p>English</p>	<p><u>Website:</u></p> <p>www.prisonersabroad.org.uk</p> <p>E: info@prisonersabroad.org.uk</p> <p>T: +44 (0)20 7561 6820 Helpline: 0808 172 0098 (this is free from all UK landlines)</p> <p>F: +44 (0)20 7561 6821</p> <p>Prisoners Abroad 89-93 Fonthill Road Finsbury Park London N4 3JH</p> <p><u>Opening hours:</u></p> <p>10am-4pm, Monday to Friday</p>

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If you think that an important question is not covered in this fact sheet, please let us know.

FAIR TRIALS INTERNATIONAL

**Working for a world where every person's right to a
fair trial is respected, whatever their nationality,
wherever they are accused**

THANK YOU

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