



You have been apprehended in connection with a European Arrest Warrant and taken to the (police)station or another place for interrogation. What are your rights?

Another EU Member State has requested the Netherlands for your surrender. That is why the police, the Royal military police (mp) or another investigative service, has arrested you. It is important that you know what your rights and obligations are. So please read this brochure carefully.

Know your rights

- After your apprehension the (assistant)public prosecutor decides whether you must stay at the (police)station. You are not obliged to provide answers to his questions.
- You have the right to speak confidentially to a lawyer. If you want this, then you must make this known to the investigating officer. In certain cases legal assistance could be free. The investigating officer will ensure that a lawyer is summoned.
- This is detailed further on in this brochure.
- If you do not speak or understand Dutch, or only a little bit, then you are entitled to have assistance from an interpreter. The investigating officer will contact an interpreter. Tell the investigating officer if you don't understand him properly. The interpreter can also help if you want to speak to a lawyer. This is free of charge.
- You can be detained for a maximum of three days at the (police)station. If it is of importance that you are detained for a longer period, the public prosecutor must decide this. Ask your lawyer what you can do if you don't agree with being detained for a longer period.

- You receive a copy of the European Arrest Warrant as soon as the department of justice receives this. If the European Arrest Warrant has been drawn up in a language that you don't understand, you have the right to receive a translation of the most important parts in that warrant.
- The court decides whether you will be surrendered to the Member State that has filed the request. The court will hear you during a session.
- You can agree to being surrendered to the Member State that has filed the request. Agreeing to the surrender usually accelerates the procedure. Once you've agreed to being surrendered, you cannot change this decision later. This is detailed further on in this brochure. Ask your lawyer for more information.
- If the (assistant)public prosecutor has decided that you must stay at the (police)station, then you may ask the investigating officer to inform a family member or fellow resident that you have been detained.
- If the (assistant)public prosecutor has decided that you must stay at the (police)station and you do not have the Dutch nationality, then you may ask the investigating officer to inform the consulate or the embassy of your country of origin that you are being detained.
- Inform the investigating officer if you feel sick, if you want to speak to a doctor or urgently require medical care, for example needing medicines.

Any questions?

Do you have any more questions? Then ask your lawyer or the investigating officer.

What does the lawyer do?

A lawyer only acts in your interests. A lawyer can:

- tell you what the procedure is;
- give you legal advice;
- tell you what your rights and obligations are;
- tell you what the advantages and disadvantages are of agreeing with the surrender and what the consequences of this will be for you (see below);
- contact your family or employer to inform them about your situation, if that is what you want.

If you choose to speak to a lawyer, that does not mean that you are guilty. The investigating officer does not listen in on your conversation when you speak to the lawyer. Everything that you tell the lawyer is confidential. He may not speak to others about it without having your permission. That includes the investigating officer. The same applies for the interpreter, if he/she has helped you to talk to the lawyer.

What happens next?

If the investigating officer has summoned a lawyer for you, then the lawyer will contact you. As soon as the lawyer arrives you have a maximum of 30 minutes to talk to the lawyer. If you wish to talk to a lawyer whom you know, then that is also possible. Then say this to the investigating officer.

If you've been apprehended elsewhere in the Netherlands, then after being remanded in police custody you will be transferred to Amsterdam. The public prosecutor or the examining magistrate there will decide whether you will be detained for a longer period.

Do you agree with the surrender?

If you have no objections to being surrendered to the Member State who has requested this, then you can agree with your surrender. This could mean that the procedure happens faster. But it is wise to remember that if you agree with your surrender:

- you cannot change this decision later;
- you will not be heard by the judge;
- it is not the judge but the public prosecutor who decides about your surrender;
- you relinquish the right to 'speciality' protection, that means that after you've been surrendered to the other Member State you can also be prosecuted for offences other than those noted on the European Arrest Warrant.

Your lawyer can provide you with more information about this.

If you want to agree with your surrender, then you must make a statement to this effect to the public prosecutor or to the examining magistrate. You may ask your lawyer to be present for this purpose.



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