



# You have been arrested pursuant to a European Arrest Warrant and have been taken to the police station or a different interview location. What are your rights?

## Engels

One of the Member States of the European Union has issued a European Arrest Warrant against you because you are suspected of having committed a crime or because you were previously convicted by a court in this Member State. This country has requested the Netherlands to surrender you and you have therefore been arrested by the police, the Royal Netherlands Military Constabulary or a different Dutch investigative service. It is important that you have a clear understanding of your rights. You should therefore read this information sheet carefully.

### What is awaiting you?

You have been arrested and have been brought to a police station. The Public Prosecutor, or the assistant Public Prosecutor, decides whether you now have to remain at the police station. You will remain at the police station for at most three days. The Public Prosecutor may decide in certain cases that you will remain at the police station three days longer. We refer to this as 'Custody pending surrender'.

- Within three - and at most six days - you will be brought before the court or the examining magistrate of the court in Amsterdam. The court or the examining magistrate decides whether you will remain detained. You will be transferred to a remand centre if this is the case.
- A public hearing before the Amsterdam District Court will be scheduled within sixty and at most ninety days. The request for surrender from the issuing EU Member State will be assessed at that hearing. You have the right to attend the public hearing

(with your lawyer) and to be heard by the Amsterdam District Court, but you may also choose not to attend this hearing.

- Your lawyer may represent you and speak on your behalf if you are not present in person. You **are obliged** to come to court if your 'Custody pending surrender' has been suspended.
- The Amsterdam District Court decides whether it will allow the request for surrender within at most two weeks after the hearing. If it allows the surrender, you will be surrendered to the issuing EU Member State within ten days in principle.

### Accelerated procedure

You may also opt to agree to the request for surrender to the issuing EU Member State. If you do, you will not be heard at the public hearing before the Amsterdam District Court. The procedure will progress more quickly if you consent to your surrender.

You will have to declare before a court in the short term that you consent to your surrender. Your lawyer may be present for this. This is referred to as the 'accelerated procedure'. If the court allows the surrender, you will be transferred to the issuing EU Member State within ten days.

Consenting to your surrender does have a consequence:

- If you declare before the court that you consent to your surrender, you cannot go back on this decision at a later moment.

It is important to consult properly with your lawyer before you decide to consent to your surrender.

## What are your rights?

- You are not obliged to answer questions (right to remain silent);
- You are entitled to legal assistance provided by a lawyer;
- You are entitled to assistance by an interpreter;
- You are entitled to medical care.

### Right to remain silent

You are not obliged at any moment during this procedure to make a statement. You are not obliged to answer questions from investigative officers, the Public Prosecutor, or the assistant Public Prosecutor or the court / examining magistrate.

### Right to a lawyer

You are entitled to legal assistance provided by a lawyer. The police will ensure that you are brought into contact with a lawyer as soon as possible after your arrest. You may also use a lawyer you already know and with whom you wish to consult. Inform the police as soon as possible if you have a preference for a certain lawyer.

You can always talk to your lawyer in confidence. Your lawyer is not permitted to discuss your case with third parties without your consent. You may consult with your lawyer for at most thirty minutes before the interview conducted by the Public Prosecutor or the assistant Public Prosecutor commences.

The interview may be attended by the lawyer. It may take a while before your lawyer is able to come to the police station. He is required to come to the police station within two hours, but is not always able to do so. The interview can only commence if your lawyer is there, unless you indicate expressly that you do not wish to exercise your right to legal assistance provided by your lawyer during this interview. Following the interview, the Public Prosecutor, or the assistant Public Prosecutor, will decide whether you have to remain at the police station longer.

If the police engages a lawyer for you, you will not have to pay that lawyer. But if you select a lawyer yourself, you will have to pay this lawyer in certain circumstances. Your personal data will be forwarded to the Legal Aid Board and further processed in their administration.

You may also request the Public Prosecutor for assistance by a lawyer in the EU Member State that issued the European Arrest Warrant against you. That lawyer may inform your Dutch lawyer about the procedure in the EU Member State that issued the European Arrest Warrant against you.

The authorities of the EU Member State that issued the European Arrest Warrant against you will be able to inform you of the possibility of engaging a lawyer there. You will have to arrange for this yourself, but your Dutch lawyer can assist you in doing so.

### What does the lawyer do?

Your lawyer looks after your interests and assists you during the entire surrender procedure: during the police interview, when you are brought before the court or the examining magistrate, and during the public hearing before the Amsterdam District Court.

The lawyer:

- explains the procedure to you;
- explains your rights and obligations;
- provides legal advice;
- informs your family, friends or employer of your situation (if you so wish);
- contacts your lawyer in the country that requests surrender;
- may speak in court on your behalf.

### Right to an interpreter

You are entitled to assistance by an interpreter if you do not speak or understand the Dutch language (well). You are also entitled to assistance by an interpreter if you speak and/or understand the Dutch language to a limited extent. Inform the police that you do not understand them properly so that an interpreter may be called in for you. The interpreter will also assist during meetings with your lawyer. The interpreter is not permitted to discuss your case without your consent. You do not have to pay for the interpreter.

### Right to medical care

You are entitled to medical care. Inform the police if you are feeling ill, if you would like to speak with a doctor or if you require medical care. Also inform the police if you take (and need) medication.

### Other rights

You are entitled to a copy of the European Arrest Warrant. You are entitled to a translation of the main components of the warrant if it is formulated in a language you do not understand.

If you do not have Dutch nationality, you may request the investigative officer to inform the consulate or embassy of your country of origin that you have been detained.

## Questions?

If you still have questions, please ask them first of your Dutch lawyer or the investigative officer.

### **Colophon**

This information sheet is published by the  
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*You cannot derive any rights from the contents of this information sheet.*

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