



WHAT ARE YOUR RIGHTS IF YOU ARE DETAINED?

Read this document carefully

If you do not understand something in it, feel free to ask the guards.

You can keep this document.

You will definitely have a lawyer

If you do not have your own lawyer, then the police will call you one.

Besides contacting your lawyer, you can ask the police to notify someone else about your arrest

The police must contact the person you have chosen within 8 hours. The police can only deny your request if they think it would obstruct their investigation (for example, you are asking them to notify your accomplice).

You can be held in police custody for a maximum of 72 hours (3 days)

Within 72 hours after being arrested, you have to be brought before the court. The court may decide to release you or to keep you in detention.

If you are in pain or need medicine, you have the right to medical care

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▶ If you are held in police custody



You will definitely have a lawyer

If you do not have your own lawyer, then the police will call you one (known as “public defender”). The lawyer must protect your interests. You can tell the lawyer anything and they cannot tell that information to anyone else.

Besides contacting your lawyer, you can ask the police to notify someone else about your arrest

If you are arrested, you can ask the police to notify an adult of your choice (for example, a family member or a friend). **The police must contact the person you want notified within 8 hours.** They must also tell this person where you are being held.

If the police believe notifying this person would obstruct the investigation, they can deny your request. In that case, you can tell them to notify someone else.

You can make a complaint if the police do not notify the person you have chosen.

You can file a complaint about having been arrested

If you think that you have been unnecessarily arrested because you did not commit a crime, you can file a complaint. However, you will not be released just because you filed a complaint.

You can be held in police custody for a maximum of 72 hours (3 days)

You can only be detained longer if the court decides so.

You can talk to your lawyer in private

The lawyer must visit you in detention. You have a right to talk to your lawyer in private. You can tell the police if you want to talk with your lawyer.

You can prepare for the court hearing about detaining you

The prosecutor can ask the court to order your pre-trial detention.

The prosecutor submits documents to the court to prove that you should be detained. **You must receive these documents in good time** before the court hearing. **You can meet with your lawyer in private to prepare for the hearing.**

You can receive visitors and packages

You can receive a visitor at times agreed with the police.

You can receive packages, but the contents are restricted to certain kinds of items. Packages can contain for example certain foods, medicine prescribed by a doctor, clothes, toiletries and cigarettes. If the sender of the package is not sure what is allowed, they should ask the police.

You have the right to adequate care

In police custody you must be provided with:

- **healthy conditions** in an uncrowded, properly heated and ventilated cell with bed linen and mattress;
- **meals** according to your health needs, as well as a spoon and a glass;
- the opportunity to **communicate** with people that the authorities allow;
- **medical examinations**;
- the possibility to **shower**;
- **time outdoors in fresh air**; and
- **clothes** if you do not have suitable clothes of your own and nobody else can send some to you. **You can wear your own clothes.**



▶ At the court hearing about detaining you

You can ask the judge to release you

At the court hearing, you can request your release. You can also request:

1. to be held under **house arrest**. This means that the court determines where you must stay. For example, they may require that you must stay home and you can only leave your home for 1 hour twice a week.
2. a **restraining order**. This means that you cannot go to certain places or near specific people.
3. to be **released on bail**. You will get the bail money back if you participate in the procedure (for example, you always appear in court), and behave as ordered by the court.

The judge will only release you if they are sure that you:

- will not disappear from the eyes of the authorities;
- will participate in the procedure;
- will not hide or destroy evidence;
- will not interfere with witnesses; and
- will not commit a crime.

You can appeal the decision ordering your pre-trial detention

If the judge decides to order your pre-trial detention, you can appeal right there at the court hearing.

You will stay detained until your appeal is decided.

▶ If your pre-trial detention is ordered

You can ask the court to review your pre-trial detention

From time to time, the court must consider whether you should continue to be detained. You can find the review date on the judgment about the detention or in the decision to extend your detention.

If you want the court to release you, you should write to the court at least 2 weeks before the date of the review hearing. You must convince the court that you:

- will not disappear, and you will appear if you receive a court order;
- will not obstruct the criminal investigation; and
- will not commit another crime.

You must also demonstrate these in detail, for example by describing:

- what you will live on (your source of income);
- where you will live;
- what your family circumstances are; or
- that the criminal investigation has been going on for so long that all the evidence has already been gathered.

In addition, **if new evidence or circumstances have arisen in your case**, then you can ask the court to release you at any time. You can request this as well if 3 months have passed since you submitted your last request for review.

You cannot be held indefinitely without a judgment

The maximum length of your pre-trial detention without a judgment by a court of first instance depends on how serious the crime is.

How many years in prison can you be sentenced to at most?	How many years can you be held in pre-trial detention without a judgment by a court of first instance?
3 years	1 year
5 years	2 years
10 years	3 years
20 years	4 years
life	indefinitely



You can talk to your lawyer in private



You have the right to talk to your lawyer privately either in person, by phone, or in letters. The authorities cannot listen to your conversation and cannot read your letters. If you cannot make a phone call, tell your reintegration officer that you want to speak with your lawyer.

If allowed, you can talk to someone else besides your lawyer

If the authorities allow it, you can be in contact with someone else besides your lawyer. Either you can talk to them in person, or through the phone, or you can write letters to them, as well as receive their letters. Be aware that in this case the authorities can listen to your conversations and read your letters.

You can receive visitors and packages

Within the first 3 days (72 hours) of your pre-trial detention, you can receive a visitor who can also bring you a package. This package can only contain toiletries, clothes, medicine and medical aids. This first visit can only last 15 minutes and is not counted as part of the allowed number of monthly visits.

After the first visit, the authorities determine who can visit you and when, and what packages you can receive.

You have the right to adequate care

You must be provided with:

- **healthy conditions** in an uncrowded, properly heated and ventilated cell with bed linen and a mattress;
- **meals** according to your health needs, including a spoon and a glass;
- **medical examinations;**
- the possibility to **shower;**
- **time outdoors in fresh air;** and
- **clothes** if you do not have suitable clothes of your own. You **can wear your own clothes.**

You can make a complaint if these conditions are not met.



You can work if possible

If you ask, and the prison can provide the opportunity, then you can work.

You can study if possible

If you ask, and the prison can provide this opportunity, then you can take part in education, vocational training or society reintegration programmes.



You can vote in parliamentary elections and referendums

You can vote in parliamentary and European elections, as well as in referendums.



▶ If you are a foreigner

You can talk to the consul

If you are a foreign national, you can speak with a diplomatic representative of your country (such as the consul) in person or in writing. The authorities cannot listen to these conversations or read your letters to the consul.



You can notify your embassy or consulate that you have been detained

If the court decides to detain you, you can ask the police to notify a diplomatic representative of your country (such as the consul).