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Defendants (criminal proceedings)

Paesi Bassi

These factsheets explain what happens when a person is suspected or accused of a crime which is dealt with by a trial in court. For information on road traffic offences, which are usually dealt with by a fixed penalty like a fine, go to Factsheet 5. If you are the victim of a crime, you can find full information about your rights here.

Summary of the criminal process

The following is a summary of the normal stages in the criminal process.

Criminal investigation and arrest

If it is suspected that an offence has been committed, the police may start an investigation. Among other things the police may question witnesses, seize goods, search premises and conduct a forensic investigation. You may be questioned as a suspect. You may also be arrested and detained.

Pre-trial detention

Under certain circumstances the court may decide that you must be kept in custody while awaiting trial. The court will periodically examine whether it is lawful to continue your detention.

The pre-trial investigation

If you are kept in detention, you will be told the offences you are suspected of having committed and you will be entitled to a provisional file. With this file you or your lawyer can investigate the case or have the investigating magistrate or the public prosecutor investigate the case before the trial. The public prosecutor can also have the case investigated. Your lawyer may ask the investigating magistrate to investigate the case, even if you are not in detention.

The trial

After the investigation has been completed, the case will be tried in court. At the trial, the file will be read out and discussed with you and witnesses may be questioned.

The procedure after the trial

After the trial the court will give a verdict. You can appeal against the verdict, and so can the public prosecutor. These factsheets do not discuss your rights in the appeal procedure, but they are practically the same as those discussed here.

Details about all of these stages of the criminal process and about your rights can be found in the factsheets. This information is not a substitute for legal advice and is intended to be for guidance only.

Juvenile law and terrorist crimes

Different rules apply to minors and those suspected of terrorist crimes. We advise you to see a lawyer if you need more information on this. For more information about finding a lawyer go to [Getting legal advice](#).

Role of the European Commission

Please note that the European Commission has no role in criminal proceedings in the Member States and cannot assist you if you have a complaint. Information is provided in these factsheets about how to complain and to whom.

Click on the links below to find the information that you need

[1 – Getting legal advice](#)

[2 – My rights before the case goes to court](#)

Arrest and questioning

Police custody

First hearing by the investigating magistrate

Detention/remand in custody

Pre-trial investigation

[3 – My rights during the trial](#)

[4 – My rights after the trial](#)

[5 – Road traffic offences](#)

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