

[Home](#) > 3 - My rights during the trial

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Where will the trial be held?

The case will be tried by a district court. Straightforward cases are heard by a single judge, also known as the police court judge. Complicated cases are tried by three judges. We do not have juries in the Netherlands. The trial is in public. In special cases the court may decide that no public is allowed.

Can the charges be changed during the trial?

The public prosecutor may always change the charges, even after the trial has commenced. If they are changed, you have the right to say what you think about this. In most cases the court will allow the charges to be changed.

What are my rights during the trial?

You have the right to be present throughout the trial. You may have a lawyer to assist you. You do not have to appear in court. If the court thinks it important that you are present, it can order you to appear in person.

If you do not go to the trial, you can have a lawyer represent you. You must authorize the lawyer to speak for you. In that case the lawyer has the same rights as you do. The effect is the same as if you were present at the trial. The court will assume that you have approved everything the lawyer says.

It is not possible to take part in the trial by video link from another Member State.

[Factsheet 1](#)

At the trial, the court and the public prosecutor can ask you questions. You are never obliged to answer. The court will tell you this at the start of the trial. If you admit one or more of the offences during the trial, this will not change the trial. It may be used in evidence against you. It is not an offence to lie, but if you lie it can be used in evidence against you.

At the end of the trial you have the right to the last word. You do not have to exercise this right.

What are my rights in relation to the evidence against me?

You have the right to challenge all the evidence produced against you. You can do this by bringing witnesses with you or asking the public prosecutor to call them. If the public prosecutor has called witnesses, you have the right to ask them questions. You may present evidence in your defence, for example by presenting documents that support your case. You may present evidence you have collected yourself or had someone else collect, for example a private detective.

Will information about my criminal record be taken into account?

If you have a criminal record in the Netherlands, the court can take this into account when determining the sentence. If you have already been given a suspended sentence in the Netherlands, the court can enforce it. No account is taken of convictions in other Member States.

What happens at the end of the trial?

The court will pronounce sentence within two weeks after the end of the trial. If your case was tried by a single judge, sentence will be pronounced immediately at the end of the trial. You can be convicted or acquitted. In exceptional cases the court may find that you have committed an offence, but will not sentence you to punishment (and you will not face further prosecution).

If the court acquits you, you can apply for compensation for your detention, lawyer's fees and other costs, but only if you are acquitted of all charges. To obtain compensation, you or your lawyer must file an application with the court within 90 days.

What are the possible outcomes of the trial?

The court may impose various penalties or measures, or a combination of the two. The Netherlands does not have minimum penalties but it does have maximum penalties. In exceptional circumstances the court can determine that you do not deserve punishment and pronounce a conviction without sentence.

The main penalties that can be imposed are:

- Imprisonment (you will be deprived of your liberty);
- Community service (community service can take the form of a community service order (to do unpaid work), a training order (to follow a training project) or a combination of the two. If you do not do the community service, you will have to go to prison after all. Community service will normally only be imposed if you are staying in the Netherlands for a longer period of time);
- Fine (payment of a sum of money to the Dutch State);
- Confiscation (if goods have been seized, the court can order that the goods must be sold or destroyed).

The court may determine that all or part of the sentence shall be suspended. If you do not comply with the conditions, the sentence can be enforced after all at a later date.

The main measures that can be imposed are:

- Confiscation of the proceeds of a crime (if you have earned money by committing a crime, the court can order that you must repay the money to the Dutch State);
- Removal of objects from circulation (if dangerous or harmful objects have been seized, the court can order that they shall be destroyed);
- A hospital order ("TBS")/placement in a mental hospital (the court may hold that when you committed the offence you were suffering from a mental disability or mental disorder. In that case the court can determine that you must be treated for this and can place you in a mental hospital. It can also impose a hospital order, under which you may be detained in a mental hospital against your will).

What is the role of the victim during the trial?

The victim has the right to inspect all or part of the file. The victim can claim damages from you and can attend the entire trial. The victim may speak at the trial.

The victim may at all times be represented by a lawyer. If you are convicted, the court can determine that you must pay the victim damages.

Related links

[Code of Criminal Procedure](#)

[Criminal Code](#)

[Information for suspects provided by the judiciary](#)

[Information for suspects provided by the Public Prosecution Service](#)

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