“The Prosecutor in Europe – tackling cross border issues”

- Dutch International Centers for Mutual Legal assistance (IRCs)
- The European Arrest Warrant (EAW) in the Netherlands
Introduction

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International Centers for legal assistance (IRCs) *introduction*

- within EU governments step back
- legal assistance directly between judicial authorities
Finding the appropriate division...
International Centers for legal assistance (IRCs)

- cooperation between Public Prosecution Service (PPS) and Police
- advising on the Dutch (legal) system
- bringing parties together
- acting on requests for legal assistance
International Centers for legal assistance (IRCs)

Regional
• IRC Amsterdam
• IRC Rotterdam-Dordrecht
• IRC Zuid (incl. IRC Limburg)
• IRC Noordwest en Midden Nederland
• IRC Noordoost Nederland

National
National IRC (LIRC)
• particular serious organised /specialised crime
• region not known (yet)
The European Arrest Warrant (EAW)

- Amsterdam PP central Authority
- IRC Amsterdam
What is an EAW?

- issued by (EU) judicial authority
- to arrest and extradite
- in order to prosecute or execute sentences
How does the EAW work? (I)

- requesting authority issues
  - Schengen Information System (SIS) Alert or
  - EAW
- which is basis for arrest by executing authority
How does the EAW work? (II)

- after Sis Alert based arrest EAW within 21 days
- Immediate surrender (only with consent of wanted person)
- normal procedure before Amsterdam Court
- Only grounds for detention: risk of flight
Differences EAW and traditional extradition

• Directly between judicial authorities
• relatively Quick
• less grounds for refusal (e.g. list of offences)
Practical points

- maximum penalty in EAW for execution of a penalty
- postponement of actual surrender on extreme humanitarian grounds
- irrevocable verdict on Dutch national
- call us!
Figures on EAW

- Since 2004 increasing constantly
- 2009: total EU nearly 15,000
- 2009: Amsterdam received 683,408 effective surrenders
- Main client: Poland, followed by Germany, France, Italy and the UK
Thank you for your attention!

Questions?
Have a nice meeting!

“'There you have it. Three or four drinks, the expansive mood, an off-the-cuff remark, and bingo, we have a new foreign policy.'”
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