



Fact sheet for Dutch prisoners in the European Union

Procedure for international transfer of sentenced persons to the Netherlands via WETS

Dutch prisoners detained abroad can sometimes serve their sentence in their own country. It is called sentence transfer. There are two acts concerning sentence transfer: WETS, the Mutual Acknowledgement and Execution of the Transfer of Sentences Act (for most countries in the EU) and WOTS, the Execution of the Transfer of Sentences Act (for other countries).

This information deals with the WETS procedure, for Dutch prisoners in the European Union. What has to be done before you can be transferred to the Netherlands?

More information on WETS is available in the WETS factsheet – for Dutch prisoners in the European Union.

IOS

Information comes under the responsibility of the Minister of Security and Justice. The department for international transfers of sentences Internationale Overdracht Strafvonnissen (IOS) executes the sentence transfers acts on behalf of the minister. IOS is part of the Dienst Justitiële Inrichtingen (National Agency of Correctional Institutions) in The Hague.

Step 1: The foreign country sends certificate

The country where the prisoner was convicted takes the first official step, which is sending the sentence transfer request to the Netherlands. The request is called: certificate. The certificate contains your sentence and other important

information. The procedure is not the same in all WETS countries. Countries first check themselves whether you meet the requirements. It is also checked if there are reasons to refuse the sentence transfer, for instance, because an investigation against you is still ongoing or because you have committed a serious crime.

Taking action yourself

You can also take action yourself. You can tell IOS or your lawyer for instance that you want to go to the Netherlands via WETS. You can also request a sentence transfer at the authorities in the country where you were convicted.

Step 2: IOS checks the request

IOS checks if you and the country where you were convicted meet all requirements, for instance, whether your relationship with the Netherlands is strong enough. IOS can see in the municipal records if you live in the Netherlands and if your partner, parents or children live in the Netherlands. If it is not clear if your relationship with the Netherlands is strong enough, IOS sends you a letter with a questionnaire to be filled in. Or the IOS asks the probation and after care service to investigate if you have a relationship with the Netherlands. This investigation takes about six weeks. It is only carried out when the Foreign Affairs department of the Probation Service knows you and if you do not object to the investigation. It only happens when you are in touch with the Foreign Affairs department of the Probation Service and if you have no objection against the investigation.



Remaining sentence

Enough of the sentence to be served needs to remain at the moment of your arrival in the Netherlands. It is referred to as: remaining sentence. IOS looks at your sentence and at how long you have been in prison. If the remaining sentence is too small, the sentence transfer will not take place. In that case there is not time

enough for you to properly return in society.

Residence permit

Do you have a residence permit for the Netherlands? Then you may also be eligible for sentence transfer. You have to meet all conditions. The Immigration and Naturalisation Service (IND) checks this. The IND can also pull your residence permit because you have been convicted abroad. The sentence transfer will not take place in that case.

Step 3: Decision within 90 days

If all information is complete and has been checked, IOS will accept the case on behalf of the minister of Security and Justice. The minister has to decide within 90 days if the Netherlands will accept the sentence transfer. IOS forwards the request to the Arnhem court of Justice within 90 days. The Court has to check the request, i.e. the Court has to check if the procedure went well. The court considers if all conditions have been met. The Court also checks if the foreign sentence is not higher than the Dutch maximum penalty. After that, the court passes judgement on the case. In case of a negative judgement, the sentence transfer is not followed through. In the case of a positive judgement, you can go to the Netherlands. Information on the decision is obtained via the country where you are staying. IOS will ask this country to give you this information. That involves explanation on paper on the consequences of sentence transfer. It is not always sure if the country passes on the information to you, really. Post sometimes does not reach its destination.

Step 4: Transfer within 30 days

WETS says that you have to be transferred to the Netherlands after the decision within 30 days. This may take longer under special circumstances. The country of conviction is responsible for transportation and surveillance during the transfer. You will be in prison (PI, penitentiary institution) in the Netherlands.

Would you like to know more?

Would you like to know more about WETS or another related subject? You can:

1 contact IOS:

-> call the WETS/WOTS information number: 08807 25 963

From abroad: 00 31 8807 25 963

Open Monday through Friday between 9.00 and 12.00 a.m.

Also attorneys and relatives with questions on sentence transfer may call this number.

-> or write to: IOS, Postbus 30132, 2500 GC Den Haag.

2 see www.dji.nl.

3 continue reading in the fact sheet *WETS – for Dutch prisoners in the European Union*

Colophon

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P.O. Box 30132 | 2500 GC The Hague

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