

The Dutch Justice system



More complexe cases

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on July 29th 2010

- **Phase 1**
 - Crime – no suspect

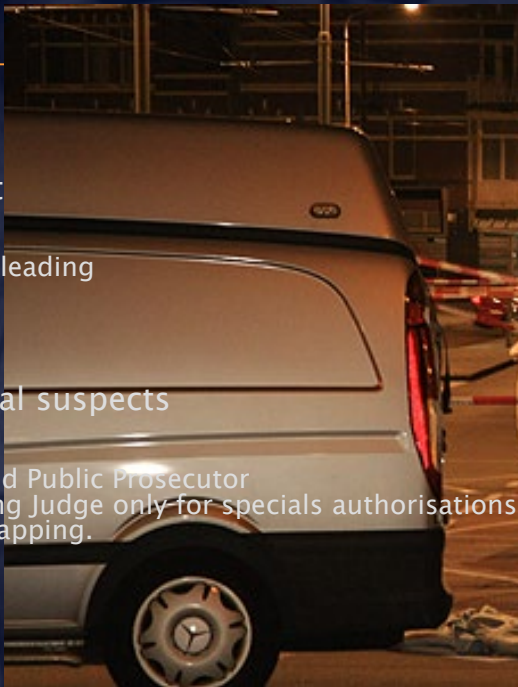
– Police is leading

- **Phase 2**
 - Monitoring potential suspects

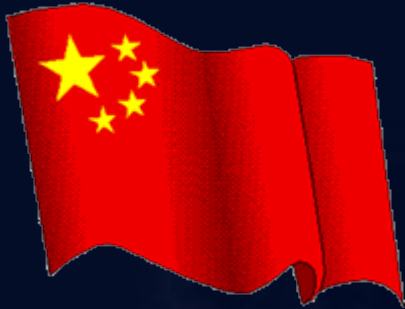
– Police and Public Prosecutor
Examining Judge only for specials authorisations
as wire tapping.

- **Phase 3**
 - Suspects arrested

– Examining judge leading
pre trial decisions as pre trial detention,
witnesses, experts etc



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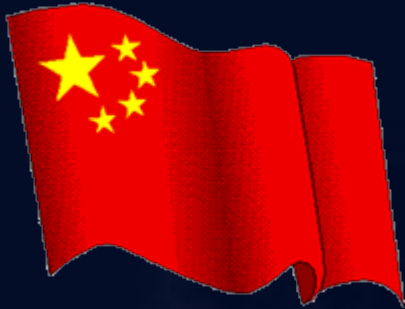
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Examining Judge

- The Examining Judge
 - needs to “organise”
 - witnesses, experts.
 - requests reports,
 - prepare the evidence.
- in harmony with the defence





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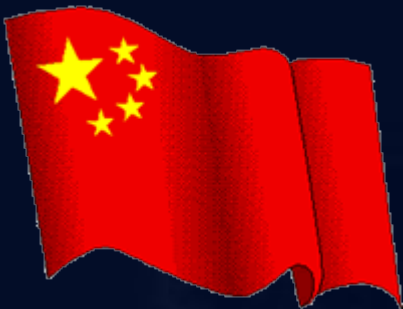
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Experts & witnesses



- Expert = witness
- Witness ≠ expert
 - Forensic expert = Expert witness
 - Professional expertise
 - Independent
 - impartial





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Registered Expert witnesses

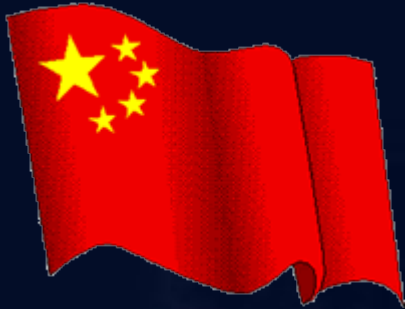
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- **National Register of Expert Witnesses**

- Professional expertise
- Independent
- Impartial
- Knowledge of the judicial system



O P E N B A A R
M I N I S T E R I E



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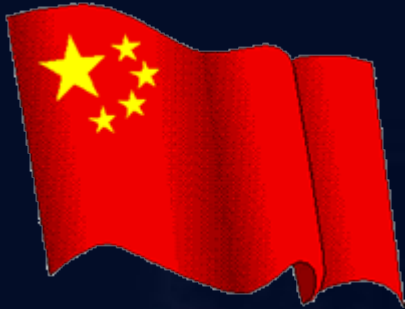


- National Forensic Institute

- Ministry of Justice but independent for expertise

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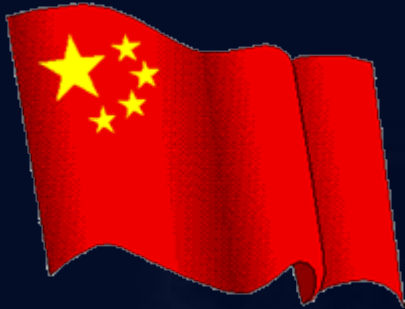
Expertise for the defence



Equality of arms

- Examining Judge has to deal with the defence attorney
- Public prosecutor needs to make contra expertise reproducible
 - No destruction of evidence





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Police as expert witness



- Most of the forensic work will start at police level.
- Police experts recognised, but not in National Register for Expert witnesses.
- Public Prosecutor has to guaranty reproducibility.

