Information sheet for inmates within the Kingdom

Detention Capacity Agreement II (ORD II)

The agreement between the Netherlands, Aruba, Curaçao and Sint Maarten pursuant to Section 38, subsection 1, of the Charter for the Kingdom of the Netherlands regarding making detention capacity available on medical grounds or in connection with urgent security reasons, enables the Netherlands (referring to the Dutch Caribbean and the Netherlands), Aruba, Curaçao and Sint Maarten to offer one another temporary cell space.

What does the agreement mean for you, as an inmate?
This has been outlined in writing and graphics.

Temporary transfer

In this event you are being held in pre-trial detention in Curaçao, Aruba, Sint Maarten or the Netherlands (referring to the Dutch Caribbean and the Netherlands) or you just had a term of imprisonment imposed on you there.

It is therefore possible that you could be temporarily be transferred to an institution in a different country within the Kingdom.

This will only be done if it is deemed necessary. For example if medical or psychiatric assistance is needed and you are unable to obtain it in the country where you are currently being detained. It may also be in the interest of the other prisoners that you are urgently relocated.

You will be relocated to the country with available cell space at that given moment. In the event that there is no cell space in more than one country you will be transferred to the country nearest to your homeland. Transfer to the Netherlands will only take place if there is absolutely no other alternative within the Dutch Caribbean (Curaçao, Sint Maarten, Aruba or Bonaire, Saba and Sint Eustatius).

Duration?
The transfer period is six months at most. An extension of another six months is possible, but the Public Prosecution Service (OM) is obligated to reapply for this extension. When the need for your temporary transfer no longer exist, you will be transferred back to the country where the sentence was imposed.

Prior to end of your sentence, you will always be transferred back to the country where the sentence was imposed. On release, this will, after all, increase your chances for a good return to society.

Application and decision

The transfer application is processed by the Public Prosecution Service of the country where the sentence was imposed. This Public Prosecution Service forwards the application via the office of the Procurator General to the Minister of Justice (and Security) of the country that can provide cell space. This Minister of Justice (and Security) takes the ultimate decision. For the sake of all clarity, you therefore cannot submit an application yourself under the ORD II.

What can I take along?
You can only take basic necessities along. Your money will - if possible - be transferred via online banking to the institution where you are being transferred.

More information
Do you still have questions? You can contact the director of the institution where you are staying.

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